



## AYLESBURY VALE DISTRICT COUNCIL Democratic Services

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18 April 2019

### DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Development Management Committee** will be held at **1.00 pm on Friday 26 April 2019** in **Diamond Room - Aylesbury Vale District Council**, when your attendance is requested.

Contact Officer for meeting arrangements: devcon@aylesburyvaledc.gov.uk;

**Membership:** Councillors: P Fealey (Chairman), A Bond (Vice-Chairman), J Brandis, M Collins, P Cooper, N Glover, R Khan, T Mills, S Morgan, M Rand, D Town and P Strachan (ex-Officio)

### AGENDA

**1. APOLOGIES**

**2. TEMPORARY CHANGES TO MEMBERSHIP**

Any changes will be reported at the meeting.

**3. MINUTES** (Pages 3 - 4)

To approve as a correct record the Minutes of 4 April 2019 (Copy attached as an Appendix)

**4. DECLARATION OF INTEREST**

Members to declare any interests.

**5. REPORT OF THE CORPORATE PLANNER**

**6. 18/03244/APP - LUCCA, 20 HIGH STREET, WENDOVER - SITE VISIT REPORT** (Pages 5 - 8)

Report following the site visit on Tuesday 9 April 2019 for Retention of Flue and Cowl.

Case officer: Hannah Mitchell

**7. 18/04304/APP - 93 WALTON WAY, AYLESBURY** (Pages 9 - 18)

Proposed outbuilding at rear of garden (Retrospective)

Case officer: Alex Armour

**8. 18/00190/APP - PEAR TREE HOUSE, QUEEN CATHERINE ROAD, MIDDLE CLAYDON**  
(Pages 19 - 36)

Conversion of barn to form residential dwelling.

Case Officer: Diana Locking

**9. SITE VISIT ARRANGEMENTS**

**10. HUMAN RIGHTS ACT (Pages 37 - 38)**

## Development Management Committee

4 APRIL 2019

**PRESENT:** Councillor P Fealey (Chairman); Councillors A Bond (Vice-Chairman), J Brandis, P Cooper, N Glover, R Khan, S Morgan, M Rand, S Renshell (In place of M Collins), D Town and P Strachan (ex-Officio)

**APOLOGIES:** Councillors T Mills

### 1. MINUTES

RESOLVED –

That the Minutes of the meetings held on 22 February 209 and 14 March 2019 be approved as correct records.

### 2. QUARTERLY PERFORMANCE REPORT - QUARTER 3

Members received a report which detailed workload and performance review for the Quarter October to December 2018. The report focussed on four key areas of work: planning applications, appeals, enforcement and informal enquiries. The Committee raised concerns regarding enforcement case numbers and discussed the merits of an online system Members could use to monitor cases within their wards. Members also felt that expectations of residents needed to be managed regarding enforcement action.

RESOLVED –

That the report and update be noted.

### 3. REPORT OF THE CORPORATE PLANNER

#### APPLICATIONS DETERMINED

RESOLVED –

That the applications submitted under the Town and Country Planning Act, 1990 (as amended) and the Town and Country Planning (Development Management Procedure) (England) Order, 2015 be determined as set out below.

NOTE: The standard planning conditions and reasons referred to are as set out in the publication "Aylesbury Vale District Council – Planning Conditions and Reasons" – dated 1 October 2007.

### 4. 18/01731/APP - LAND OFF BRILL ROAD, OAKLEY

RESOLVED –

That the application be **Approved**.

*Note: Councillor M. Rand declared a prejudicial interest on this item and left the chamber during the debate and vote.*

*Councillors P. Fealey and S. Renshell were not present when the item first came to Committee on 14 March 2019. They took part in the debate but did not vote.*

**5. 18/03244/APP - LUCCA, 20 HIGH STREET, WENDOVER**

RESOLVED –

That the application be **Deferred** for a site visit.

*Note: Councillor P. Strachan declared a personal interest at the local Member.*

## **Overview Report:**

### *Introduction*

This report has been provided to assist members in the consideration of reports relating to major planning applications for development at settlements in the district. The report summarises the policy framework for the assessment of each development proposal for members consideration in addition to the detailed report relating to each individual application.

### *The planning policy position and the approach to be taken in the determination of the application*

- 1.1 The starting point for decision making is the development plan, i.e. the adopted Aylesbury Vale District Local Plan (and any 'made' Neighbourhood Plans as applicable). S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF.

### The Development Plan

- 1.2 The overall strategy of the Aylesbury Vale District Local Plan (AVDLP) is to seek to concentrate the majority of growth (65% housing and employment) at Aylesbury with the remaining 35% in the rural areas. The latter was to be concentrated at a limited number of settlements. Insofar as this overall strategy is one which is based on the principle of achieving sustainable development, it is considered that this is still in general conformity with the NPPF.
- 1.3 Policies RA13 and RA14 relating to the supply of housing district wide form part of that overall housing strategy, and BU1 in respect of Buckingham, are now out of date, given that these identified housing targets for the plan period up to 2011 and the evidence relating to the districts need has changed significantly since these policies were adopted, and are not consistent with the NPPF policies to significantly boost the supply of housing based on up to date evidence. RA 13 and RA14 sought to take a protective approach to development and can only be given very limited weight when considering proposals within or at the edge of settlements identified in Appendix 4. Development proposals on sites are to be considered in the context of policies within the NPPF which sets out the presumption in favour of sustainable development at paragraph 11.
- 1.4 A number of general policies of the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP2, GP8, GP35, GP38 - GP40, GP59, GP84, GP86, GP87, GP88 and GP94. There are a number of other saved policies which might be relevant in a rural context including RA2, RA4, RA6, RA8, RA29, RA36 and RA37. Specific general policies relating to development at Aylesbury include AY1, AY17, AY20, and AY21. Other relevant policies will be referred to in the application specific report.

### Emerging policy position in Vale of Aylesbury District Local Plan (draft VALP)

- 1.5 The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. The draft Vale of Aylesbury Local Plan was published and subject to public consultation in summer 2016. Following consideration of the consultation responses, and further work undertaken changes have been made to the draft plan. A report has been considered by the VALP Scrutiny Committee on 26 September and Cabinet on 10 October 2017 on the proposed submission plan. The Cabinet's recommendations were considered by Council on 18 October 2017. The proposed submission was the subject of consultation from, 2 November to 14 December 2017. Following this, the responses have been submitted along with the Plan and supporting documents for examination by an independent planning inspector at the end of February 2018. The examination hearing ran from Tuesday 10 July 2018 to Friday 20 July 2018. The Interim Findings have been set out by the Inspector, and consultation on modifications will be required before adoption can take place. The adoption of the Vale of Aylesbury Local Plan is planned to be in 2019.

- 1.7 Whilst the VALP hearing has taken place there are a number of unresolved objections to the housing strategy and other policies. Paragraph 48 of the NPPF advises on the weight to emerging plans depending on the stage of preparation, unresolved objections and consistency with the NPPF. In view of this the policies in this document can only be given limited weight in planning decisions, however the evidence that sits behind it can be given weight. Of particular relevance are the Settlement Hierarchy Assessment (September 2017). The Housing and Economic Land Availability Assessment (HELAA) (January 2017) is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. These form part of the evidence base to the draft VALP presenting a strategic picture .

### National Planning Policy Framework

- 1.8 The most up to date national policy is set out in the revised NPPF published in February 2019 superseding the earlier July 2018 version. At the heart of the NPPF is the presumption in favour of sustainable development (paragraph 11) in both plan-making and decision-taking.
- 1.9 The NPPF states at paragraph 8 that there are three objectives to sustainable development: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 1.10 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.(paragraph 9).
- 1.11 The Government's view of what "sustainable development" means in practice is to be found in paragraphs 7 to 211 of the NPPF. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 1.12 The presumption in favour of sustainable development in decision-taking is explained at paragraph 11 of the NPPF. Plans and decisions should apply a presumption in favour of sustainable development.  
For **decision-taking** this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### Foot notes:

6: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

7: This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

- 1.13 In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
  - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
  - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
  - d) the local planning authority's housing delivery was at least 45% of that required<sup>9</sup> over the previous three years.

And subject to transitional arrangement set out in Annex 1

- 1.14 Local planning authorities are charged with identifying a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (paragraphs 67-70) .
- 1.15 The NPPF sets out the means to delivering sustainable development. The following sections and their policies are also relevant to the consideration of all proposals:
- Building a strong competitive economy
  - Promoting sustainable transport
  - Delivering a sufficient supply homes
  - Achieving well designed places
  - Making efficient use of land
  - Promoting healthy and safe communities
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
  - Meeting the challenge of climate change and flooding
  - Supporting high quality communications
- 1.16 The NPPF sets out that transport issues should be considered from the earliest stages including the impact of development on the network, opportunities from transport infrastructure, promoting walking, cycling and public transport, environmental impacts of traffic and transport infrastructure, patterns of movement. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. (Paragraphs 102-103)
- 1.17 Paragraph 177 of the NPPF states “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”
- 1.18 The Planning Practice Guidance (PPG) has not yet been fully updated to reflect the new NPPF.

- 1.19 Local guidance relevant to the consideration of this application is contained in the following documents :
- Affordable Housing Supplementary Planning Document (November 2007)
  - Supplementary Planning Guidance on Sport and Leisure Facilities (August 2004)
  - Sport and Leisure Facilities SPG Companion Document Ready Reckoner (August 2005)
  - Five year housing land supply position statement (June 2018)
  - Affordable Housing Policy Interim Position Statement (June 2014)
- 1.20 Those documents which have been the subject of public consultation and the formal adoption of the Council can be afforded significant weight insofar as they remain consistent with the policies of the NPPF.

### *Housing supply*

- 1.21 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 1.22 Paragraph 60 requires that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 1.23 Where the Council cannot demonstrate a 5 year housing land supply (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, there is a presumption in favour of sustainable development in line with paragraph 11 of the NPPF. The absence of an NPPF compliant supply or delivery of housing would add to the weight attached to the benefit arising from the contribution made to the supply of housing and boosting the delivery of housing generally. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.
- 1.24 In the absence of a figure for the Full Objective Assessment of Need which will emerge through the plan making process which will also need to consider potential unmet needs from adjoining authorities not within the Housing Market Area, the council has set out its approach in the published Five year housing land supply position statement. This is regularly updated and the latest version is dated June 2018 to take account of the new planning permissions and completions up to the new base date of the 31 March 2018. It also updates the estimated delivery of sites based on the latest information.
- 1.25 This continues to use the proposed Full Objectively Assessed Need (FOAN) identified in the Buckinghamshire Housing and Economic Development Needs Assessment (HEDNA) Update December 2016 and addendum (September 2017) (970 dwellings per annum). This represents the most appropriate need requirement figure as it considers the district's own objectively assessed needs as well as that within the housing market area. Based on the findings of the HEDNA, the housing land supply document shows we have a 11.7 year supply this year (compared with 9 years previously). Work is ongoing towards revising this calculation in accordance with the new NPPF and early indications are that the council still maintains over 5 years supply.
- 1.26 It is acknowledged that this 5 year housing land supply calculation does not include any element of unmet need, however at this stage it would not be appropriate to do so. Whilst the unmet need figure has progressed, it has not been tested through examination and it would not be appropriate to use a 'policy on' figure for the purposes of calculating a 5 year housing land supply for Aylesbury until the "policy on" figures and general policy approach has been examined and found sound. There are no up-to-date housing supply policies in AVDLP and therefore we still



have to take into account the presumption in favour of sustainable development and apply the planning balance exercise in paragraph 11 of the NPPF. For neighbourhood plans which are considered up to date the starting point for determining such applications is to consider in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraph 14 of the NPPF as set out above is also relevant.

### *Neighbourhood Planning*

- 1.27 Paragraph 29 and 30 states: Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies<sup>16</sup>.
- 1.28 Paragraph 30 states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.
- 1.29 The Neighbourhood Planning Act 2017 (the “Act”) came into force on 19 July 2017 and makes two provisions which are relevant:

Firstly, Section 1 of the Act amends section 70 of the Town and Country Planning Act 1990 to require a local planning authority or other planning decision-taker to have regard to a post-examination neighbourhood plan when determining a planning application, so far as that plan is material to the application.

Secondly, Section 3 amends section 38 of the Planning and Compulsory Purchase Act 2004 to provide for a neighbourhood plan for an area to become part of the development plan for that area after it is approved in each applicable referendum (a residential referendum and, where the area is a business area, a business referendum). In the very limited circumstances that the local planning authority might decide not to make the neighbourhood development plan, it will cease to be part of the development plan for the area.

Further advice is also set out in the NPPG which has not been fully updated since the revised NPPF.

### *Prematurity*

- 1.30 Government policy emphasises the importance of the plan led process, as this is the key way in which local communities can shape their surroundings and set out a shared vision for their area. It also emphasises its importance to the achievement of sustainable development.
- 1.31 Paragraph 49 states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
  - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 1.32 Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process(paragraph 50)

### Conclusion on policy framework

- 1.33 In considering each individual report, Members are asked to bear in mind that AVDLP (and any 'made' Neighbourhood Plans as applicable) constitutes the development plan. The emerging VALP will gather increasing weight as it moves forward but has not yet reached a stage at which it could be afforded any weight in decision-taking nor at which a refusal on grounds of prematurity could be justified. The Council can currently demonstrate a 5 year supply of housing land based on the latest housing land supply calculation.
- 1.34 Therefore, the Council's position is that full weight should be given to housing supply and other policies set out in any made Neighbourhood Plan Decisions should be taken in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and the NPPF as a whole, including paragraph 11 and 14.
- 1.35 Where a Neighbourhood Plan is not in place, decisions for housing developments should be taken in accordance with paragraph 11 of the NPPF, granting permission unless the application of policies in this Framework 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 this Framework taken as a whole and where necessary each report advises Members on the planning balance.

### **Whether the proposals would constitute a sustainable form of development**

- Each report examines the relevant individual requirements of delivering sustainable development as derived from the NPPF which are:
  - Building a strong competitive economy
  - Promoting sustainable transport
  - Delivering a sufficient supply homes
  - Achieving well designed places
  - Making efficient use of land
  - Promoting healthy and safe communities
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
  - Meeting the challenge of climate change and flooding
  - Supporting high quality communications
- 1.36 These are considered in each report and an assessment made of the benefits associated with each development together with any harm that would arise from a failure in meeting these objectives and how these considerations should be weighed in the overall planning balance.

### **Building a strong, competitive economy / Ensure the vitality of town centres / Delivering a wide choice of high quality homes**

- 1.37 Members will need to assess whether the development would will support the aims of securing economic growth and productivity , but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 83 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses.
- 1.38 Members will also need to consider whether each development proposal provides for a mix of housing based on current and future demographic trends, markets and community needs, of an appropriate size, type and tenure including the provision of affordable housing. Key to the

consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land. Further advice is given on affordable housing provision, including the requirement for 10% of the homes to be available for affordable home ownership on major housing development proposals. The definition of affordable is set out in Appendix 2. The new Housing Delivery Test (HDT) applies from the day following publication of the HDT results in November 2018. A transitional arrangement is set out in paragraph 215 and 216 phasing the % threshold where delivery is below of housing required over 3 years increasing from 25% November 2018, to 45% November 2019 and 75% November 2020.

### **Promote sustainable transport**

- 1.39 It is necessary to consider whether these developments are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, taking account of the policies in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 1.40 The promotion of sustainable transport is a core principle of the NPPF and patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.

### **Conserving and enhancing the natural environment**

- 1.41 Members will need to consider how the development proposals contribute to and enhance the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains and preventing any adverse effects of pollution.
- 1.42 By their very nature, the majority of extensions of a settlement will result in development in the open countryside given that they are generally outside the built limits of the existing settlement. However, the actual and perceived extent to which they 'intrude' into the open countryside will vary and this will need to be assessed having regard to visibility and other physical factors.
- 1.43 In general, it will be important to ensure that the individual setting and character of each settlement is not adversely affected by the outward expansion of the town or village. This will necessarily involve individual assessments of the effects on the specific character and identity of each settlement, but will not necessarily be adverse simply as a result of a decrease in physical separation as any impacts may be successfully mitigated.
- 1.44 Members will need to consider the overall impact of each development assess the ability of the proposed development to be successfully integrated through mitigation.

### **Conserving and enhancing the historic environment**

- 1.45 A positive strategy under paragraph 185 of the NPPF is required for conservation and enjoyment of the historic environment and an assessment will need to be made of how the development proposals sustain and enhance the significance of heritage assets and the positive contribution that conservation of assets can make to sustainable communities as well as the need to make a positive contribution to local character and distinctiveness.
- 1.46 The effects of specific developments will need to be assessed having regard to the site characteristics, specific impacts and ability to successfully mitigate. The Committee will need to consider the significance of any heritage assets affected including any contribution made by their setting. When considering the impact on the significance, great weight should be given to the asset's conservation and the more important the asset the greater the weight should be.

### **Promoting healthy and safe communities.**

- 1.47 Decisions should aim to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.
- 1.48 It will therefore be necessary to consider how each scheme addresses these issues.

### **Making effective use of land**

- 1.49 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. Planning decisions should take into account the identified need for different types of housing and other development, local market conditions and viability, infrastructure requirements, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.

### **Achieving well designed places**

- 1.50 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 1.51 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 1.52 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Members will need to consider whether these issues have been dealt with satisfactorily.

### **Meeting the challenge of climate change**

- 1.53 Developments will need to demonstrate resilience to climate change and support the delivery of renewable and low carbon energy.
- 1.54 This will not only involve considerations in terms of design and construction but also the locational factors which influence such factors. Development should be steered away from vulnerable areas such as those subject to flood risk whilst ensuring that it adequately and appropriately deals with any impacts arising.

### **S106 / Developer Contributions**

- 1.55 Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development
- 1.56 Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage

### **Overall planning balance**

- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

### **Conclusions**

- 1.58 The concluding paragraphs of each report, where Members are asked to either reach a view on how they would have decided or can determine an application, will identify whether the proposed development is or is not in accordance with the development plan, and the weight to be attached to any material considerations. The planning balance will then be set out, leading to a recommendation as to whether permission would have been, or should be, granted (as the case may be), and the need to impose conditions or secure planning obligations or if permission would have been, or should be refused, the reasons for doing so.

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## COMMITTEE SITE VISIT

App No. 18/03244/APP

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**Proposal:** Retention of flue and cowl  
Lucca 20 High Street Wendover  
Buckinghamshire HP22 6EA

**At the previous Committee Meeting:** 4th April 2019  
**Officers Recommendation:**

### Late Items:

Members attention was drawn to the speakers item circulated.

### Public Speakers:

The Committee was addressed by 3 objectors, who raised the following material objections:

- The visits from the environmental health officer(s) are all historic visits and that it needs to be reassessed.
- The EHO officer has not been in the house of the neighbouring property(ies) - since the noise of the flue has been turned down due to a noise abatement notice.
- The EHO accepts there are smells associated with the operations but that these are not constant.
- The new system should be compliant with the required filters, height and noise; the location of the flue is on the outrigger and not on the main building therefore sits below the eaves of the main building.
- Smells can last up to half an hour or more
- Did not experience any issues with the old flue (no noise or smells were produced to impact on quality of life).
- New system is very noise intrusive and smells can linger for more than half an hour
- The proposal has significant impact on residential amenity and enjoyment of gardens associated with adjacent properties
- The EHO has not been to assess the noise of an evening (as the operational use continues till 23:00hours) which gets louder as time goes on.

The Committee was addressed by the applicant, who raised the following points:

- Background was provided on the history of the site and change of ownership which is now in use as a Restaurant & Bar (Lucas) – BLA (landlord) has owned the property since 1999
- Explained that they have sought to work with EH to resolve issues.
- EH had issues with the noise and odours being produced from the Restaurant and as a result one of the tenants upgraded the extractor fan without an application which resulted in enforcement investigations and potential indication of action in 2018
- When the landlord was made aware of this upgrade he changed it to its present system
- There was not a fan associated with the old flue and there is a requirement to comply with legislation and regulations.

- Landlord tried to rectify the issues with the system so it complied with national policy
- Emphasised that this flue is necessary for this type of use and local businesses
- States that complaints about the smells from the flues go back 10 years from the records at AVDC but all complaints have always gone to the EHO and not to the landlord directly
- The high setting on the current system has been disabled to address the previous noise complaints so that the fan can now only be turned up to 62 decibels and at the lower level of 58 decibels.
- Considers that the background noise (particularly road noise) can be heard over the fan

**Site Visit:** Tuesday 9 April 2019 At: 13:00

**Those Attending:** Members: Cllrs Fealey, Mrs Brandis and Town

Local Member: Cllr Strachan

Apologies: Cllr Bond, Newcombe, Mrs Glover and Renshell

Officers: Claire Bayley, Daniel Ray and Neil Green  
(Environmental Health Officer)

**Features inspected:**

Members initially viewed the rear of the site from the opposite side of the highway (on the corner of Back Street and Holland Close), noting the position of the flue and cowl, the relationship of the site to the conservation area, the listed properties, adjacent uses, neighbouring properties and wider street scene in general. Members proceeded to enter the application site rear courtyard. Members viewed the relationship of the flue to the adjacent residential property and observed the operational flue in its context. The environmental health officer identified the relevant features and discussed the history of site investigations and locations of monitoring.

Members entered the rear garden of Old Pear Tree Cottage 24 High Street, the adjacent residential property. Members entered the kitchen of the property to observe any noise and odours associated with the flue and assessed the application from the rear garden of the property noting the relationship of the property, to the application site and the boundary treatment.

Members proceeded to walk along Back Street (to the east of the application site), noting the mixture of uses present and similar features on adjacent properties and considered the proposal from outside Pear Tree Cottage, Back Street. Members noted any noise and odours associated with the operational flue. Members then returned along Back Street and viewed the application from Holland Close, again noting the visual impact and any associated noise or odours from the flue.

**Discussion:**

Members noted that the site inspection was useful as it assisted Members with a greater understanding of the proposal.



Three Members noted that had the application not been retrospective, it would have been likely that the flue would have been required to be installed to different standards (namely higher in form – which should exceed the ridge line and potentially with a different cowl). It was noted that the limited height of the flue and its design was resulting in smells and noise being pushed downwards compounding the issues associated with its operation.

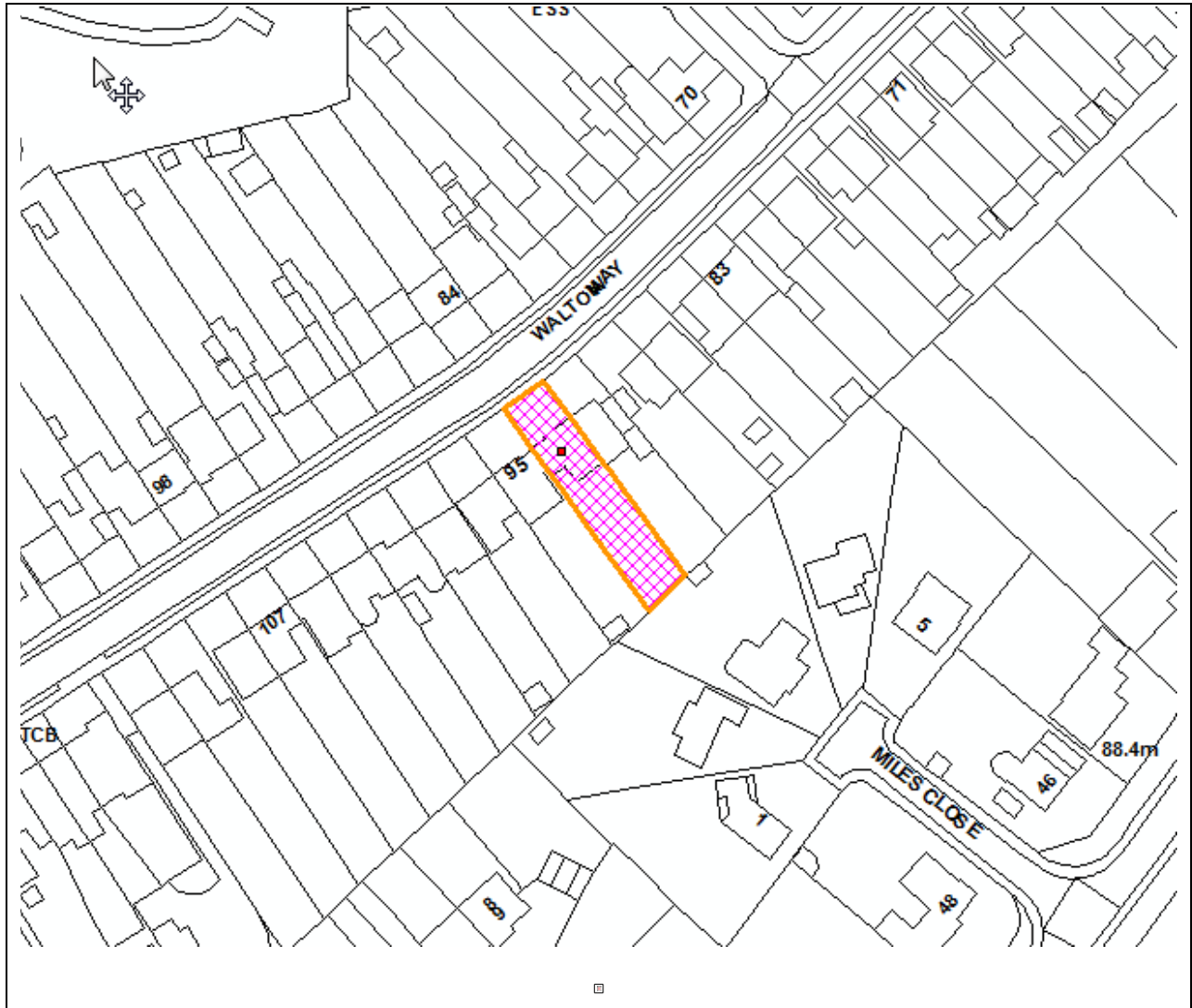
Three Members considered that the noise associated with the operational flue was too high (particularly when there was no background traffic noise) and likely to be louder in the evening. Two Members, however, noted that the noise levels from within the kitchen were at adequate levels.

Three Members noted the odours associated with the operations were evident in the locality, and considered that these smells were intrusive and unacceptable, harmful to amenity and enjoyment of the locality

One Member considered that the flue was acceptable and noise levels within neighbouring garden and the locality were compliant with standards, noting that the EHO advise indicates that the proposal is adequate. Furthermore, the Member noted the other venues to both sides and opposite and that the property is positioned within a busy high street. This Member indicated that they support the officer recommendation.

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18/04304/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/04304/APP	AYLESBURY The Local Member(s) for this area is/are: -	08/01/19
PROPOSED OUTBUILDING AT REAR OF GARDEN (RETROSPECTIVE) 93 WALTON WAY HP21 7JP MR MOHAMMED PARWEZ	Councillor Barbara Russel  Councillor Edward Sims	
STREET ATLAS PAGE NO.116		

**1.0 The Key Issues in determining this application are:-**

- a) Impact on appearance and character of the dwellinghouse, street scene and wider area**
- b) Impact on residential amenity**
- c) Impact on highways & parking**
- d) Other Matters**

The recommendation is that permission be **DEFERRED & DELEGATED** for approval, subject to the expiry of the site publicity. Any planning permission to be subject to such conditions as are considered necessary.

- 1.1 The development is considered to be of a scale, size, design and materials which respects the appearance of the existing dwelling and the surrounding area. It is acknowledged that the application site could benefit from a similar scheme through the Permitted Development Regulations and in comparison the development does not cause any significant impact in terms of residential amenity or impact in terms of character and appearance of the dwellinghouse, Walton Way and the surrounding area.

It is considered that, the scheme complies with policies GP8, GP9 and GP35 of the AVDLP and the Councils Supplementary Planning Guidance.

- 1.2 It is therefore recommended that the application be DEFERRED & DELEGATED for approval, subject to the expiry of the site publicity. Any planning permission to be subject to such conditions as are considered necessary.

### **WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC 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 case, minor amendments and additional information was required to make the development acceptable; the applicant provided this information through amended plans which were found to be acceptable, and the application was determined within the timeframe agreed.

## **2.0 INTRODUCTION**

- 2.1 The application needs to be determined by the Development Management Committee as the Parish Council has raised material planning objections and indicated that they wish to speak at Committee.
- 2.2 During the application process amended plans have been received, Aylesbury Town Council raised objections to both the original and amended scheme. Comments from the Town Council relate to the size, scale, design and materials used in the outbuilding, concern about the structure's impact on neighbouring properties and the potential use of the structure.
- 2.3 Regarding the Town Council's objections on the size, scale, design and materials used in the outbuilding. It is considered that the outbuilding reflects the design and appearance of the host dwelling, and will not give rise to any significant impact on residential amenity for residents of the neighbouring dwellinghouses at Walton Way and Miles Close. Furthermore, it is considered that a similar scheme could be built under Permitted Development, and that the resulting development is more in keeping with the wider area than what could otherwise be constructed.

- 2.4 In relation to the Town Council's objections on the structure's impact on neighbouring properties, it is considered that there will be no material impact on amenity to the neighbouring dwellings due to the scale and positioning of the development.
- 2.5 In relation to the Town Council's objection to the structure's potential use, the application seeks permission for an outbuilding to be ancillary to the main dwelling , it is considered that the structure's use for ancillary purposes can be secured by way of a condition. As such a use that would not be ancillary to the main dwelling would require a change of use. Furthermore, it is considered that the access to the structure means it is unlikely to be able to function as a separate dwelling.

### **3.0 SITE LOCATION AND DESCRIPTION**

- 3.1 The application site relates to a two storey semi-detached dwellinghouse located to the south east side of Walton Way. The property is constructed of brick with white uPVC windows and a concrete tiled roof. The property is accessed via a driveway which culminates in a lean-to garage. To the rear of the dwelling is a relatively long garden with an outbuilding to the rear, which is the subject of this application.
- 3.2 There is provision for two parking spaces within the curtilage of the dwellinghouse, both on the driveway.
- 3.3 The surrounding area is comprised of other dwellinghouses similar in scale and design to 93 Walton Way. To the rear 95 and 97 Walton Way both feature summerhouses to the rear.
- 3.4 The rear of the garden is bordered by fencing of approximately 2m in height, the north western boundary and south eastern boundary in the rear garden of the property is marked by a 1.8m close boarded fence.

### **4.0 PROPOSAL**

- 4.1 The application seeks householder planning permission for the retention of an outbuilding.
- 4.2 The outbuilding measures 4.7m deep, 8.1m wide, 2.4m to the eaves and 3.5m to the highest point. The proposal is constructed of brickwork and features two windows and a door on the front elevation, an obscure glazed window on the rear elevation and a hipped, concrete tiled roof. Internally the building functions as a playroom with a shower unit on the south-east corner. The outbuilding is located to the rear of the garden, 21m

from the dwellinghouse. The development will be located 0.6m from the southern (rear) and western boundaries at the closest point, and 0.7m away from the eastern boundary.

- 4.3 This application has received amended plans. The amended plans received indicate that the outbuilding is 0.7m wider than shown on the previously submitted plans, this resulted in the outbuilding being 0.3m closer to the western boundary, 0.4m closer to the eastern boundary and 0.3m further apart from the southern boundary. The application has been determined on the basis of the amended plans received.

## **5.0 RELEVANT PLANNING HISTORY**

98/01022/APP - Single storey rear extension – Approved

17/00521/APP - Single storey front and part two storey side and rear extension. – Approved

18/02086/APP - Single storey front and part two storey side and rear extension – Approved

## **6.0 TOWN COUNCIL COMMENTS**

- 6.1 Aylesbury Town Council have objected to this application stating:

“By reason of its scale, size, design and materials the outbuilding would appear as an inappropriate form of development. The committee have concerns of the detrimental impact this structure will have on neighbouring properties and the potential use of the structure. “

- 6.2 No comment has been received regarding the amended scheme.

## **7.0 CONSULTATION RESPONSES**

- 7.1 Buckingham and River Ouzel Drainage Board – No Comment

## **8.0 REPRESENTATIONS**

- 8.1 A total of 12 representations have been received from residents of Aylesbury and Walton Way. Many of the representations touched upon similar reasons for objection, objecting upon:

- Concern over the scale and appearance of the building and that it is not reflective of the 1930's style of housing found at Walton Way.

- That the inclusion of a shower room indicates that the development will function as granny annexe and not a playroom.
- The lack of access for emergency services.
- Drainage issues caused by the shower.
- The risk of precedent.
- The loss of residential amenity, especially in relation to the enjoyment of the garden.
- The development's lack of planning permission.
- An incorrect statement on the application form stating that no trees are within falling distance of the development.
- The windows look onto the neighbouring gardens and the back of their houses reducing privacy.

8.2 A further representation was also received from the Local Member objecting upon:

- The appearance of the building.
- Concern over the use of the building and doubt that it is to be used as a playroom.
- Discrepancies between the plans submitted and what has been constructed.
- Overlooking into neighbour's rear gardens and rear windows.
- The development's lack of planning permission.

## 9.0 EVALUATION

### ***a) Impact on appearance and character of the dwellinghouse, street scene and wider area***

9.1 This proposal falls to be assessed against GP.9 and GP.35 of the AVDLP. Policy GP.9 seeks to protect the character of an area and its surroundings, in regards to the potential appearance of the dwelling and other buildings in the locality and any development's potential residential impact.



- 9.2 GP.35 states that the design of new development proposals should respect and complement; the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historical scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines.
- 9.3 It is acknowledged that informal advice had been given previously on enquiry 17/04277/INF4. The advice previously given suggested that the outbuilding would be acceptable under the permitted development criteria however, the previously submitted plans indicated an outbuilding 2.5m in height with a flat roof unlike the 3.5m high, hipped roof outbuilding which has been built.
- 9.4 The outbuilding in its current form would fail the permitted development criteria, under both Class E.1(e), (ii) and (iii), Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (amended). This is because the building is within 2 metres of 91 and 95 Walton Way and also of 3 Miles Close to the rear. Due to this proximity to neighbouring dwellinghouses and the buildings height of 3.5m, the development fails Class E.1(e).
- 9.5 The outbuilding is set 21m from the rear elevation of the host dwelling, towards the south east of the plot. The outbuilding will not be visible from the highway to the north of the site, Walton Way, and due to the distance from the host dwelling would have no impact on the appearance and character of the host dwellinghouse. The host dwelling forms one of the semi-detached properties located along Walton Way, many of which benefit from outbuildings within the rear gardens of the dwellings. It is acknowledged that the development is larger than the surrounding outbuildings, however, it is considered that the proposal does not significantly harm the character and appearance of the host dwelling to warrant refusal of the scheme. The outbuilding is constructed of brick, with a tiled hipped roof. The materials used within the outbuilding are considered to reflect the materials used within the host dwelling, in particular the later extensions, and although the roof tiles are differing to what is found on the host dwelling it is considered that the materials used satisfactorily complement the host dwelling and the surrounding area.
- 9.6 Furthermore, whilst it is considered that the scale of the outbuilding is conspicuous in context of the rear gardens at Walton Way it is however, acknowledged that if the

building had been constructed with a flat roof and therefore had a maximum height of 2.5m then the outbuilding would constitute permitted development. It is furthermore considered that the introduction of a hipped roof is a more visually attractive and sympathetic addition to the wider area than the flat roof which would otherwise be in place.

9.7 In summary the proposal is considered to be of a scale and design that respects the character and appearance of the existing dwelling and does not overwhelm it. In addition is considered that the proposal would not appear overly prominent within the streetscene or the locality in general. The proposals are therefore considered to comply with GP9 & GP35 of the AVDLP, the Council's Design Guide Residential Extensions and NPPF.

**b) *Impact on residential amenity***

9.8 Policy GP.8 of the AVDLP sets out that that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal.

9.9 Representations were received which objected to the development's impact on neighbouring enjoyment of their back gardens, arguing that privacy and comfort would be lost due to the presence of the outbuilding.

9.10 The development features no openings which will introduce views into neighbouring dwellinghouse which were not previously accessible from the rear garden. There is a rear opening however, any potential view will be obscured by the presence of the rear boundary treatment and mature planting at 3 Miles Close furthermore the opening is obscure glazed. The development will not give rise to any loss of light at neighbouring dwellinghouses due to its location approximately 20m away from neighbour dwellinghouse. Furthermore, it is noted that the arrangements as proposed would also be possible if an outbuilding was constructed in this location that complied with the Permitted Development criteria.

9.11 In regards to the outbuilding appearing overbearing. The outbuilding will be well screened from views to the rear due to the presence of mature planting at the rear of 3 Miles Close. Whilst it is noted that this hedging may not be a permanent feature, the

dwelling-houses at Miles Close are located at least 16m away and as such the proposed development would not have any significant impact on the rear dwellings. Furthermore, the boundary treatment present at the application site would reduce the outbuilding's impact upon neighbouring gardens to the rear and sides. In addition the outbuilding is located towards the rear and away from the primary amenity space of rear gardens at Walton Way. Dwellinghouses at Walton Way are similarly considered to be located at a sufficient distance from the development to not be impacted.

9.12 In summary, given the positioning of the proposal and its relationship relative to the neighbouring properties in terms of scale, position of windows and orientation it is considered that the proposal would not have an unacceptable adverse impact upon the neighbouring amenity. Therefore the proposal accords with GP.8 of AVDLP and NPPF.

**c) *Impact on highways and parking***

9.13 The proposal does not seek to increase the number of bedrooms associated with the host dwelling and as such there would be no requirement for any increased parking provision. Furthermore, it is noted that no parking provision will be lost as a result of this application. Therefore the proposal is considered to accord with GP.24 of AVDLP and NPPF and the Council's SPG Parking Guidelines.

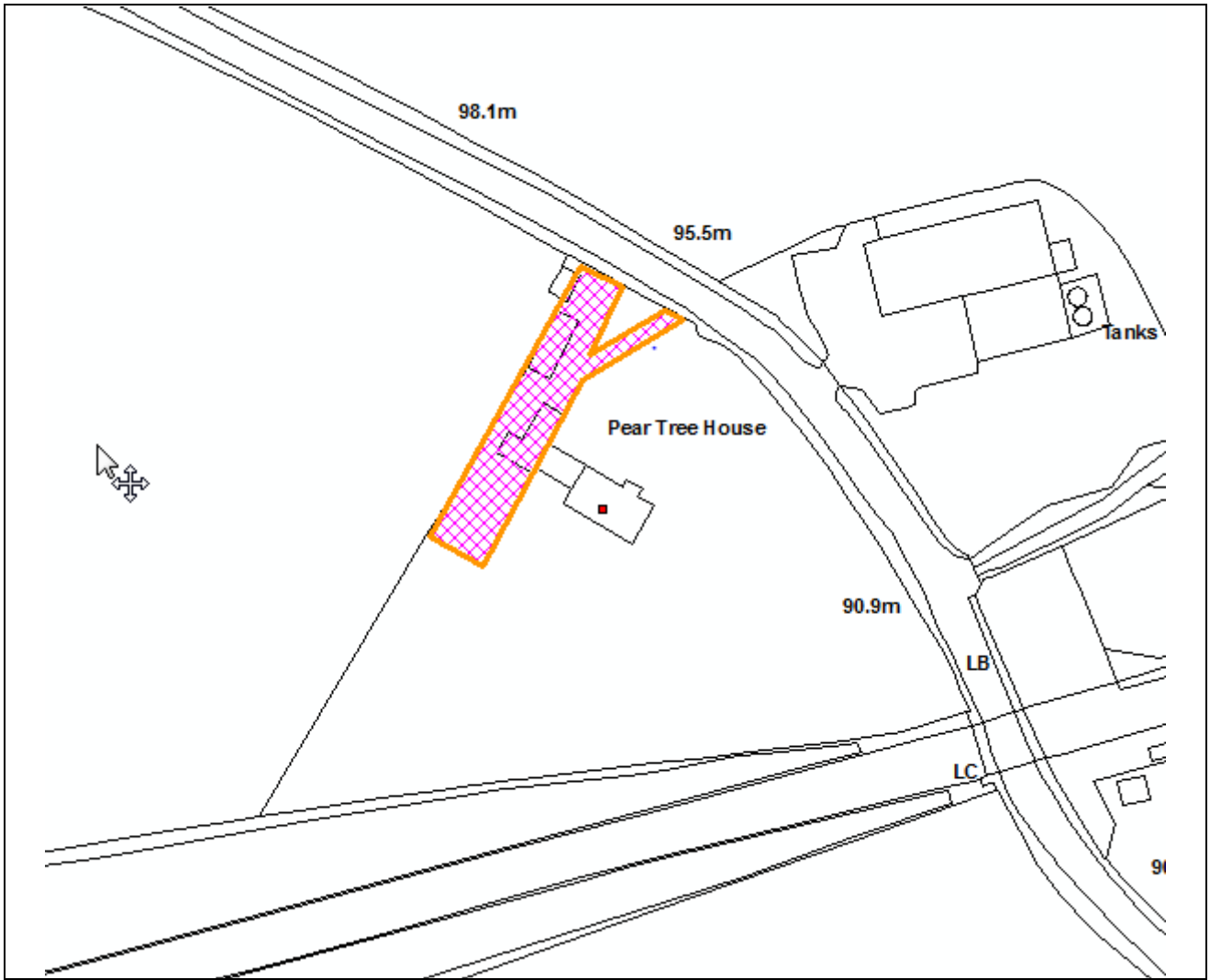
**d) *Other matters***

9.14 A number of the representations received argued that the outbuilding is of a design larger than a typical playroom and may be intended to function as a granny annexe. The application as proposed is for ancillary accommodation and the application should be assessed on its planning merits. It is considered that the use and function of the development may be controlled by means of a condition requiring that the outbuilding shall not be used or occupied for any purpose other than as ancillary to the residential use of the property on the site. It is however, considered that as the outbuilding can not be accessed by any means than through the dwellinghouse that the outbuilding will be unlikely to have a future function that is not ancillary to the dwellinghouse.

- 9.15 Representations were also received addressing concern that the outbuilding would be inaccessible for emergency service vehicles in the event of an emergency. This is acknowledged however, it is considered that emergency service vehicles can still access the dwellinghouse and all development in line with the current arrangements for both the existing and other similar properties.
- 9.16 A number of representations were also received objecting to the applications lack of planning permission. It should be noted that it is not an offence to carry out works or a change of use without the benefit of planning permission, and in this instance measures have been taken to seek to remedy and regularize the position. Whilst it is accepted that the development was undertaken without the benefit of permission in this case, a planning application has been made retrospectively and the development is being considered without prejudice and on its planning merits.
- 9.17 It is acknowledged that there is a mistake in the application form regarding the presence of trees within falling distance. However, the site visit showed that the trees were present and are not considered to impact the development.
- 9.18 Representations were also received objecting on the basis of potential drainage issues which is not considered to be a material planning consideration.
- 9.19 Similarly, the decision making process is not based upon precedent and therefore, precedent is not considered to be a material consideration.

Case Officer: Alex Armour

18/00190/APP	
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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/00190/APP	STEEPLE CLAYDON The Local Member(s) for this area is	16/01/18
CONVERSION OF BARN TO FORM RESIDENTIAL DWELLING PEAR TREE HOUSE, QUEEN CATHERINE ROAD, MIDDLE CLAYDON MK18 2ER MRS D RICHARDSON  STREET ATLAS PAGE NO. 63		

**1.0 The Key Issues in determining this application are:-**

**a) The planning policy position and the approach to be taken in the determination of the application.**

**b) Whether the proposal would constitute a sustainable form of development.**

- Delivering a sufficient supply of homes
- Building a strong competitive economy
- Promoting healthy communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well designed places
- Meeting the challenge of climate change and flooding
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment
- Supporting high quality communications

**c) Impact on Residential Amenities**

The recommendation is that permission be **GRANTED**, subject to conditions

## 2.0 CONCLUSION AND RECOMMENDATION

- 2.1 The application has been evaluated against the extant Development Plan which is the starting point for all decision making. The Development Plan comprises of the Steeple Claydon Neighbourhood Plan and the saved policies of the Aylesbury Vale District Local Plan (AVDLP). The report has assessed the application against the planning principles of the NPPF and whether the proposals deliver sustainable development.
- 2.2 In this case the Steeple Claydon Neighbourhood Plan (SCNP) was made on 15 December 2017 and is attributed full weight in the determination of this application as the proposed development falls within the defined neighbourhood plan area. As such, the most important policies within SCNP and AVDLP for determining this application are not out-of-date and therefore in accordance with paragraph 11 of the NPPF, development proposals that accord with an up-to-date development should be approved without delay. In this case there is a made neighbourhood plan, the Steeple Claydon Neighbourhood Plan and therefore it must be considered whether the proposal accords with the development plan.
- 2.3 Whilst this is noted, in accordance with paragraph 12 of the NPPF, where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 2.4 The proposal falls outside the designated Steeple Claydon settlement boundary as defined by SC1 and the policies map. Policy SC1 in the SCNP identifies the types of the development which would be supported outside of the defined settlement boundary. The proposed development for the re-use of redundant or disused buildings is only supported in Policy SC1 in connection with the growth and expansion of a business, not residential which is being proposed and therefore the proposal conflicts with the development plan. In addition policy RA11 of AVDLP requires the re-use of the buildings for commercial buildings to be explored before residential. Both policies in respect to this matter are not entirely consistent with the NPPF which does not require an economic use to be considered first before a residential use. which is a material consideration in the determination of this application. In this instance, NPPF would material consideration in the determination of the application and the proposed development would comply with NPPF guidance.
- 2.5 The proposed development would contribute to the housing delivery and there would be economic benefits in terms of the construction of the development and the associated contribution to the local economy. The application is considered to be acceptable in highway terms and compliance with the other objectives of the NPPF have been demonstrated or could be achieved in terms of impact on trees, ecology, healthy and safe communities, design, historic and natural environment. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to the extent that the development would not be contrary to the development plan or the aims of the NPPF.
- 2.6 The proposal accords with the other relevant policies in the SCNP and AVDLP, namely policy SC8 of the Steeple Claydon Neighbourhood Plan, Policies GP8, GP24, GP35, GP38, GP39, GP40 and RA11 of the AVDLP and the NPPF as a whole. Given this, it is considered that there are material considerations which indicate a decision not strictly in accordance with SCNP policy SC1 . It is therefore necessary to treat this as a departure from the development plan and this has been advertised accordingly.
- 2.7 Given the above assessment, in this instance there are material considerations that indicate a decision other than in accordance with the development should be taken and as such it is recommended that the application be **GRANTED** subject to the following conditions:

1. STC5

Reason: RE03 – To comply with Town and Country Planning Act and Section 51 of Planning and Compulsory Purchase Act.

2. AMP1\* DR/CH/02 Rev C and DR/CH/03 Rev C\*\* Received by the Local Planning Authority on the 231st December 2018\* \*Under cover of the Agent's e-mail dated 21st December 2018\*

Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with policies SC8 of the SCNP, policies GP35 and RA8 of the AVDLP and the National Planning Policy Framework.

3. The materials to be used in the development shall be as indicated on the approved plans/application forms.

Reason: To ensure a satisfactory appearance to the development and to comply with policies SC8 of the SCNP, GP35 and RA8 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework

4 LDS 4

Reason RE14 and to comply with policy GP38 of the AVDLP

5 LDS5

Reason: RE14 and to comply with policy GP38 of the AVDLP

6 No demolition or alteration of any existing building or any part of any existing building shall take place other than the demolitions or alterations shown on the approved drawings.

Reason: To secure the retention and reuse of existing buildings and to prevent the proliferation of new built development in the countryside, to safeguard the character and appearance of the area and to accord with SC8 of the SCNP, policies GP35 and RA11 of the Aylesbury Vale District Local Plan and the advice in the National Planning Policy Framework

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 the dwelling the subject of this permission and no buildings, structures or means of enclosure shall be erected on the site which is the subject of this permission other than those hereby approved.

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 extensions of the dwelling or outbuildings and other development having regard for the particular layout and design of the development in accordance with policies SC8 of the SCNP, policies RA11, GP8 and GP35, of the Aylesbury Vale District Local Plan, and the guidance set out in the NPPF.

8 No external window or door openings other than those shown on the approved drawing No DR/CH/02 Rev C shall be inserted in the building hereby permitted.

Reason: To preserve the character and amenity of the existing barn and the wider locality in compliance with policies SC8 of the SCNP, policies GP35 and RA11 of the AVDLP and to comply with the NPPF.



- 9 The development shall be implemented in accordance with the recommendations and mitigations detailed in the Bat Method Statement from the ecological consultant AA Environmental Ltd dated March 2018. Any variation to the approved Method Statement shall be agreed in writing with the local planning authority before such change is made. The condition will be considered discharged following a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.

Reason: To preserve the character and amenity of the existing barn and the wider locality in compliance with policies SC8 of the SCNP, policies GP35 and RA11 of the AVDLP and to comply with the NPPF.

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

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction, and inconvenience to users of the adjoining highway and to comply with Policy GP24 of the Aylesbury Vale District Local Plan and with the National Planning Policy Framework.

**Informatives:**

- 1 The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the appropriate Water Authority may be necessary.
- 2 It is contrary to the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.

**WORKING WITH THE APPLICANT/AGENT**

- In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC 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 case, following the receipt of amended plans the application was considered to be acceptable as submitted and no further assistance was required.

### **3.0 INTRODUCTION**

- 3.1 The application has been brought to Committee as the proposed development would constitute a departure from policy and therefore in accordance with the scheme of delegation, Officers are not authorised to exercise powers delegated to them as the decision, if approved, would not be in accordance with the Council's approved or adopted planning policies

### **4.0 SITE LOCATION AND DESCRIPTION**

- 4.1 The application site forms part of the curtilage of Pear Tree House, situated on the western side of Queen Catherine Road approximately 0.5 miles southeast of Steeple Claydon village. The site is located within open countryside. Associated with the application site is the main house (Pear Tree House, a large detached dwelling with a timber framed stable block and brick outbuilding forming the application site immediately to its north western side.
- 4.2 The building to be converted sits along the western boundary of the site, and is a simple rectangular traditional brick structure with a steeply pitched plain clay tiled roof. It measures 5.0m x 11.5m on plan, with an eaves height of 2.8m and a ridge height of 5.80m. It has numerous openings including windows in all elevations and doors in its front and north western elevations.
- 4.3 To the southwest of the application site are the aforementioned modern timber stables and associated hardstanding beyond, forming a chicken run. To the south-east is Pear Tree House. The north-western boundary of the site is demarcated by a dense row of trees with open countryside to the west, which steadily rises up towards the nearby village of Steeple Claydon
- 4.4 The main dwelling is not listed, and the site is not located within any designated landscape area or Conservation Area. There are no other constraints associated with the site.

### **5.0 PROPOSAL**

- 5.1 Planning permission is sought for the conversion of the brick built outbuilding to form a 2-bed dwellinghouse. The proposed accommodation would be occupied by the present occupant of Pear Tree House with her children's family then occupying the host property. The modern stables are to be retained for use by the occupants of the proposed barn conversion.
- 5.2 In terms of external works, this would comprise predominately of the insertion of windows into the existing openings and the creation of two new window openings, one in the side and one to the rear elevation. To accommodate the proposed development the existing openings within the rear elevation will need to be altered. In addition, the proposal seeks the insertion of a rooflight into the front and rear elevations and the installation of a flue. As a result of the proposed development the converted building will comprise of a lounge, kitchen/ dining area, utility and w/c at ground floor with two bedrooms and a bathroom at first floor.
- 5.3 Two separate amenity areas are proposed to serve the converted barn. The existing hedgerow boundary with the countryside and roadside boundary would be reinforced with hawthorn, maple and dog rose.
- 5.4 Vehicular access to the site would be by way of the existing access to Pear Tree House. Parking is also shown for 2 No. parking spaces within the curtilage.

- 5.5 The application originally also proposed a separate swimming pool building within the curtilage of the proposed barn conversion. However following advice that this would be unacceptable in policy terms within the curtilage of a barn conversion this has been removed from the application.

## **6.0 RELEVANT PLANNING HISTORY**

- 90/00556/AOP - Extension to garage/stable block for the purpose of operating a boarding cattery - Approved
- 92/00661/APP - Loose box stabling - Approved
- 93/01133/APP - Change of use of workshop/store room to office - Approved

## **7.0 PARISH/TOWN COUNCIL COMMENTS**

- 7.1 Steeple Claydon Parish Council – No objection
- 7.2 Middle Claydon Parish Council – This application address is not in Middle Claydon Parish Area. It is in Steeple Claydon Parish area. Also Steeple Claydon Road is not correct, it should be Queen Catherine Road.

## **7.0 CONSULTATION RESPONSES**

- 8.1 AVDC Ecologist- No Objection - Satisfied with the Bat Method Statement from the ecological consultant AA Environmental Ltd dated March 2018. The Method Statement confirms that a European Protected Species licence will NOT be required. If all other matters have been satisfied the application can be approved with a condition requiring the development to be implemented in accordance with the Bat Method Statement from the ecological consultant AA Environmental Ltd dated March 2018.
- 8.2 Highways-This site is in a rural location out with the built up areas of Steeple Claydon and Middle Claydon with no footways, street lighting or public transport links. To this end from a highways and transport perspective the site is viewed as unsustainable. Given the change of use from a barn/stable block to a private dwelling the engineer has no concerns about intensification of the use of the access, based on the information provided by the applicant. It should be noted that within the East West Rail, Transport Works Order Act there is a proposal for the stopping up of Queen Catherine Road at the level crossing to the south of Pear Tree House and the provision of a realigned road to the rear of the plot. This would change the nature of the access to being off a cul-de-sac. Under both the existing highway arrangement and the anticipated proposed arrangement the proposal is acceptable within Highways Terms.
- 8.3 Heritage Officer- The overall proposal is considered to retain the element of interest of the barn, which is considered a non-designated heritage asset
- 8.4 Environmental Health- No objections

## **9.0 REPRESENTATIONS**

- 9.1 No letters of representation have been received.

## **10.0 EVALUATION**

***a) The planning policy position and the approach to be taken in the determination of the application.***

- 10.1 Members are referred to the Overview Report before them in respect of providing the background information to the Policy. The starting point for decision making is the development plan, comprising of the saved policies of the adopted Aylesbury Vale District Local Plan and Steeple Claydon's 'made' Neighbourhood Plans. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of any formal application would need to consider whether the proposal constitutes sustainable development having regard to the policies within the Development Plan and the NPPF as a whole. In this respect, Steeple Claydon Parish has a 'made' Neighbourhood Plan which is a constituent part of the development plan. The SCP was made in December 2017 and covers the period 2013 to 2033 and is afforded full weight in the decision making process. There are a number of policies which are relevant and should be taken into consideration when determining the application and are as follows:
- Policy SC1: Steeple Claydon Settlement Boundary: states that for 'development proposals, other than for rural housing exception schemes, on land outside the Settlement Boundary will not be permitted in the countryside unless:
    - iii) They support the sustainable growth and expansion of a business or enterprise in the countryside area, both through the re-use of redundant or disused buildings and well-designed new buildings;
    - iv) They promote the development and diversification of agricultural and other land-based rural businesses, including meeting the essential need for a rural worker;
    - v) They support sustainable rural tourism and leisure developments that benefit businesses in the countryside area, communities and visitors, and which respect the character of the countryside;
    - vi) They comprise a single dwelling of outstanding architectural quality in a location that does not harm the character of the countryside and for which there is a special justification.'
  - Policy SC8: Design: stating 'development proposals will be supported provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape'..
- 10.2 A number of general policies of the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP8, GP24, GP35, GP38, GP39 and GP40 of the AVDLP.
- 10.3 The application site is located in the open countryside, outside a defined settlement of Steeple Claydon. Policy RA11 of the AVDLP advises that outside settlements, the Council will endorse the re-use of buildings subject to a number of criteria to form dwellings if a commercial re-use of the building is proven to be unviable or unsuccessful. However, this policy pre-dates the National Planning Policy Framework (the Framework) which does not

require an economic use to be considered first before a residential use. Consequently, this aspect of Policy RA11 is not entirely consistent with the Framework.

- 10.4 Like policy RA11 of AVDL, policy SC1 in the SCNP is also not consistent with the NPPF as this policy seeks to resist residential development outside of defined settlement boundary unless the development is for a rural housing exception scheme or meeting the essential need for a rural worker. The proposed development for the re-use of redundant or disused buildings is only supported in Policy SC1 in connection with the growth and expansion of a business, not residential which is being proposed and therefore the development conflicts with the development plan. As outlined above, paragraph 79 allows residential development in the form of the re-use redundant or disused buildings and enhance its immediate setting. In this instance, given this, it is considered necessary to consider this as a departure from the development plan and to advertise this accordingly as a departure from the development plan.

### ***The Principle of Development***

- 10.5 Notwithstanding the above, Policy RA11 also requires that buildings to be converted are of permanent and substantial construction, do not require significant reconstruction or significant extensions and should reflect the character of the building and its setting and this part is consistent with the NPPF. The Council has also published "The Conversion of Traditional Farm Buildings" design guide. These objectives closely align with the policies of the Framework to secure high quality design and recognise the intrinsic character and beauty of the countryside. Furthermore, the NPPF advises that planning decisions should contribute to the natural and local environment by amongst matters recognising the intrinsic character and beauty of the countryside and should therefore be afforded material weight in the assessment of this application. Similarly, they are broadly consistent with one of the special circumstances cited in paragraph 79 of the Framework, that where development would re-use redundant or disused buildings and enhance its immediate setting.
- 10.6 RA11 requires that buildings to be converted are of permanent and substantial construction, do not involve major reconstruction or significant extensions. The Design Guide expands further on what is acceptable. It states that conversion schemes should be true conversion schemes retaining the existing structure without significant re-building or extension. Re-building should be avoided, as much of the original structure should be retained as possible. According to the evidence submitted with the application, the building to be converted to a dwelling was constructed around 1855 and is a former stable block that has also been used in the past as a cattery. Although a small part of the building is being used to house a vehicle, this is not the adjacent dwelling's main garage, and it is clear from the photographs in the building survey submitted with the application that it still has the appearance of a former stable block. The majority of the building is unused, with evidence of previous uses. As such, it can be concluded that it is a redundant/disused building in the countryside.
- 10.7 In this respect, the stable block is considered a traditional building which makes a positive contribution to its rural setting, and its proposed re-use would enhance the overall setting of the site through its retention.
- 10.8 The existing building is of solid construction. A structural survey submitted with the application confirms that the building is generally in good condition, with minimal work required such as the incorporation of a damp proof membrane at ground floor, and the strengthening of the upper floor where it has been damaged over the years. However, the structure is essentially in good condition and any changes to the fabric will be minimal. It is

considered that any such works can be carried out at the time of the conversion, along with the additional minor alterations proposed.

- 10.9 It is concluded the proposed development largely seeks to utilise the existing building and therefore falls within the remit of a conversion as the works do not involve significant reconstruction. Allowing the building to retain its existing, traditional agrarian appearance. The proposed development would constitute a conversion, satisfying the tests within the NPPF and this criteria within policy RA11 of AVDLP.

***b) Whether the proposal would constitute a sustainable form of development***

- 10.10 The Government's view of what "sustainable development" means in practice is to be found in paragraphs 7 to 211 of the NPPF. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 10.11 The presumption in favour of sustainable development in decision-taking is explained at paragraph 11 of the NPPF. Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) 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:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.12 Steeple Claydon is identified as a large village in the Aylesbury Vale Settlement Hierarchy Assessment, with limited employment but with ten key services found within the village, including a village hall, combined school, shops, a local pub and recreational ground. Larger villages are considered to be more sustainable villages have reasonable access to facilities, services and public transport, making them sustainable locations for development Steeple Claydon in principle is therefore considered to have the ability to accommodate a proportionate level of development. In terms of its broader location, the site lies outside the village of Steeple Claydon in open countryside. The principle of development for the conversion is considered to be acceptable and considered sustainable, given the compliance with policy RA11 of the AVDLP. However, this proposal still has to be assessed against all other material considerations.

***Delivering a sufficient supply of homes***

- 10.14 Local planning authorities are charged with delivering a wide choice of high quality homes and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development.
- 10.15 The development would provide a two bedroom property. Given that there is a varied mix of property types in Steeple Claydon, the proposed unit would add to the housing stock.

Overall, the proposed development would result in a limited positive contribution to the Districts housing supply given only a single dwelling is proposed and therefore this is a matter which weighs in favour of the proposed development..

### ***Building a strong competitive economy***

- 10.16 The Government is committed to securing and supporting sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
- 10.17 In this regard, there would be limited economic benefits which would include the creation of temporary construction jobs in terms of the conversion of the development itself and as well as creating a demand for local suppliers of goods and services from the small increase in the population brought about by the development that would contribute to economic growth. It is considered that these benefits would be limited given the small scale nature of the development.

### ***Promoting healthy communities***

- 10.18 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.
- 10.19 The NPPG was amended in May 2016 such that tariff-style s106 contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. In this case, the proposed development would not exceed the threshold of 10 dwellings or 1000sqm floorspace and therefore financial contributions towards Leisure and Education cannot be sought.
- 10.20 Steeple Claydon has a variety of meeting places including a public houses, church, village hall and recreation ground, although the site is beyond easy walking distance of these facilities in the village. Nevertheless, there would be potential opportunities for the future occupiers of the new units to interact with the local community. Having regard to the above matters, overall it is considered that the development would promote healthy and safe communities in accordance with the NPPF. As such, this proposal would not conflict with the overall aims of paragraph 91 of the Framework.

### ***Promoting sustainable transport***

- 10.21 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 Framework. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.
- 10.22 The promotion of sustainable transport is a principle of the NPPF and patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 10.23 This site is in a rural location outside the built up areas of Steeple Claydon and Middle Claydon and is remote from these nearby settlements with no footways, street lighting or public transport links. In relation to its location, whilst the site is not highly accessible, in

terms of good pedestrian links or frequent bus services, there is some scope for travel by cycle and walking. Consequently, the site is considered not to be sustainable in transport and accessibility terms in the context of the requirements of the NPPF as the occupants would be reliant on the use of the private motor vehicle. Moreover, the number of trips associated with a single dwelling would be relatively minor. Whilst it is acknowledged that the site is not located in sustainable transport and accessible location it is also recognised that other policies of the Framework support the principle of for example farm diversification and that accessibility to non-car modes will not be as good in rural areas. On this basis, there is an understanding that from an accessibility and transport sustainability point of view that the location is not ideal. However would not render the application unacceptable subject to specific highway matters and adequate on-site parking provisions being provided.

#### *Impact on highways and parking*

- 10.24 The converted barn would be accessed via the existing main access serving Pear Tree House. The Highway Officer notes that given the change of use from a barn/stable block to a private dwelling there are no concerns about intensification of the use of the access, based on the information provided by the applicant.
- 10.25 It should be noted that within the East West Rail, Transport Works Order Act there is a proposal for the stopping up of Queen Catherine Road at the level crossing to the south of Pear Tree House and the provision of a realigned road to the rear of the plot. This would change the nature of the access to being off a cul-de-sac. Under both the existing highway arrangement and the anticipated proposed arrangement the proposal is acceptable within Highways Terms.
- 10.26 AVDLP policy GP.24 requires that new development accords with published parking guidelines. SPG1 'Parking Guidelines' sets out the appropriate parking requirements for various types of development. The parking requirement for 1,2 and 3 bedroom dwellings is 2 spaces per dwelling. Two parking spaces have been provided as shown on the proposed site plan. The parking provision for the main house would be unaffected by the proposal. Furthermore, the proposed development and subdivision of the land would ensure that sufficient space for parking to accommodate the main dwelling on the site can be achieved. As such, the proposal is considered to accord with GP.24 of AVDLP and NPPF and the Council's SPG Parking Guidelines.

#### ***Making effective use of land***

- 10.27 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.. Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should taking into account of the importance the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 10.28 The proposed dwelling, comprising a conversion scheme, would comprise a two storey detached dwelling contributing to the housing supply of the District which represents an effective use of land in policy terms and would accord with the NPPF subject to no significant harm being identified elsewhere within this report.

#### ***Achieving well designed places***



- 10.29 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.30 Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides.
- 10.31 Policy SC8 of the SCNP states that development proposals will be supported, provided that their scale, density, massing, height, layout and materials reflect the character and scale of the surrounding buildings and landscape. In particular, the public views of open countryside between buildings on the south side of Queen Catherine Road to the open countryside should be respected.
- 10.32 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, Policy GP.35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. The Council's adopted supplementary planning guidance in the form of The Conversion of Traditional Farm Buildings is also relevant.
- 10.33 In addition to this, RA11 of the AVDLP outlines that conversion works should not involve major reconstruction or significant extension and should respect the character of the building and its setting'. The adopted Conversion of Traditional Farm Buildings (Design Guide 2) SPG (supplementary planning guidance) provides guidance on how to sympathetically convert a traditional farm building. It states that conversion schemes should be true conversion schemes retaining the existing structure without significant rebuilding or extension with as much of the original structure retained as possible. Changes to the roof slope, amendments to the eavesline and the addition of porches and bay windows will contribute to complexity and loss of original character. Furthermore window and door openings should be kept to a minimum. These principles closely align with the principles of the Framework to secure high quality design and recognise the intrinsic character and beauty of the countryside.
- 10.34 The barn to which this application relates is a traditional building which makes a positive contribution to the character and appearance of the area and is worthy of retention. The proposed conversion scheme would retain as much as possible the traditional form and functional simplicity of the barn. In terms of the alterations to the barn, these are small scale and include the insertion of windows into existing openings and creation of two new window openings, one on the side and one on the rear elevations. Only two small rooflights are proposed. No further additions such as chimneys, bay windows and porches are proposed, helping to retain the simple agrarian character of the building and reflects the advice in the Supplementary Planning Guidance. The proposed residential curtilages are shown to be contained within the existing space immediately adjacent to barn formerly used in connection for the building when it was in use as a cattery/stable block. Therefore the conversion scheme would not encroach upon the surrounding countryside. Overall, the conversion would retain the rural appearance of the barn. Access would be taken by way of the existing access to the main dwelling Pear Tree House, with two parking spaces provided adjacent to the barn, and in front of the existing wooden stable barn to be retained. The site is however well screened from surrounding public viewpoints by existing

trees and hedgerow, and therefore not easily visible or prominent in terms of any landscape setting. Furthermore it is well screened from the farmhouse by boundary hedging on the south-eastern side.

- 10.35 It is therefore considered that from a design standpoint the proposed conversion scheme satisfies the NPPF complaint tests in Policy RA11 and would enhance its immediate setting. Overall it is considered that the design of the dwelling would be acceptable, in accordance with policy SC8 of the SCNP, policies GP35 and RA11 of the AVDLP and the NPPF.

### ***Meeting the challenge of climate change and flooding***

- 10.36 The NPPF at Section 14, 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 163 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.
- 10.37 The development is not located within a flood plain and is therefore considered to be at low risk of flooding. It is not considered that the proposed development would materially increase or exacerbate flood risk on the site nor in the wider locality. The proposed dwellings would be required to be constructed to modern standards of design and sustainability to accord with current building regulations. As such, it is considered the proposed development would be resilient to climate change and would not increase flood risk elsewhere in accordance with the Framework.

### ***Conserving and enhancing the natural environment***

- 10.38 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. The following sections of the report consider the proposal in terms of impact on landscape, trees and hedgerows and biodiversity.
- 10.39 Section 15 of the NPPF states planning policies and decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 10.40 In terms of policy GP35 of the Aylesbury Vale District Local Plan and because of the relationship described above, the development would fit into the context and complement the physical characteristics of the site and surroundings or the natural qualities and features of the area.
- 10.41 The application site is located within open countryside where there are no specific landscape designations. Agricultural buildings positively contribute to the rural character of the countryside and therefore it is essential that conversions of agricultural buildings are sympathetic and sensitive to ensure that residential conversions are not overly domesticated, causing harm to the character and appearance of the area. The form and appearance of the buildings play a key role in preserving the rural nature of the site and its

surroundings. Whilst the application site does contribute to the character and appearance of the countryside, it is also acknowledged that the proposal would involve the reuse of a building considered to comprise a non designated heritage asset which would bring the building back into beneficial use and complement its setting within the open countryside. In light of the above, it is important that agricultural buildings which positively contribute to the character and appearance of an area, are retained in their (usually) linear form with dual pitched roof. As such it is considered important in this instance to remove permitted development rights to ensure that works are not carried out to the building (post-implementation) without the requirement of express planning permission which could have the potential to drastically alter the design and appearance of the building beyond that which would typically be permissible, which could prove contrary to relevant planning policies and guidance notes which seek to retain the original built form and character.

- 10.42 The majority of the proposed works would be a conversion of the existing building. The proposal involves minimal landscaping works and no increases to the external footprint of the existing building. As such, there would not be any material harm to the natural environment and therefore the proposed development complies with policy GP35 of AVDLP and the NPPF.

#### Trees and hedgerows

- 10.43 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 10.44 All surrounding trees and hedgerows are to be retained and will continue to screen and soften the development. The existing hedging along the curtilage boundaries would be reinforced with hawthorn, maple and dog rose which would strengthen the boundaries ensuring the development is compliant with policies GP39 & GP40 of AVDLP.

#### Biodiversity

- 10.45 Circular 06/2005 states that it is essential that the presence or otherwise of protected species and the extent to which they may be affected by development is established before planning permission is granted.
- 10.46 To conserve and enhance the natural environment, NPPF paragraph 170 raises the importance of development's contribution to enhancing the local environment. In particular, part (d) highlights the minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 10.47 Paragraph 109 of the Framework requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 10.48 A Bat Method Statement was submitted by ecological consultant AA Environmental Ltd dated March 2018. The Method Statement confirms that a European Protected Species licence will NOT be required and states:

“As a proportion of the roof space can be retained to maintain roosting opportunities for bats with the works carefully controlled to ensure no bats are harmed/disturbed then the works can proceed under a method statement, without the need to apply for a European Protected Species (EPS) licence”

- 10.49 ADVC Ecology raised no objection to the proposal, subject to the use of an appropriate planning condition ensuring that the development is implemented in accordance with the recommendations and mitigations detailed in the Bat Method Statement from the ecological consultant AA Environmental Ltd dated March 2018. They proposed a condition that would secure net gains for biodiversity in line with NPPF guidance.

### ***Conserving and enhancing the historic environment***

- 10.50 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving the Listed Building, its setting and any features of special architectural or historic interest in which it possesses. In addition to paying attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 10.51 The National Planning Policy Framework (NPPF) recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 184 of the NPPF identifies heritage assets as an irreplaceable resource which should be conserved in a manner appropriate to their significance.
- 10.52 The barn is not listed and there are no listed buildings nearby and is not within a Conservation Area. However the Heritage Officer considers that due to its age and aesthetic interest the barn is an undesignated heritage asset
- 10.53 Paragraph 189 of the NPPF requires that the applicant describes the significance of the heritage assets affected. No Heritage Statement is submitted with the application and as such there has been no assessment of the significance or harm within the application. However from reviewing the application the Design and Access Statement confirms they have taken into considerations RA11 – Conversion of buildings in the Countryside, which requires conversion work to respect the character of the building. Overall it is felt that this has been achieved with the proposed scheme. The elements which make this building of interest such as its external material and openings will be retained. There are no additions included in the current scheme and therefore the overall plan form and scale will also be retained. Therefore in assessing the impact of the application it is considered that no harm would be caused to the significance of the barn in accordance with Paragraph 197 of the NPPF.
- 10.54 It is necessary to consider the significance of any heritage assets affected including any contribution made by their setting. The site is not within a conservation area and there are no listed buildings nearby that would be affected by the proposal and as such would accord with policy GP53 of AVDLP, Section 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Supporting high quality communications**

- 10.55 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
- 10.56 Given the location of the proposed development, and bearing in mind that they would be in the most reusing an existing building, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development.
- 10.57 It is therefore considered that the proposal would accord with the guidance set out in the NPPF, and this factor is afforded neutral weight in the planning balance.

***c) Impact on residential amenity***

- 10.58 Policy GP8 of the AVDLP seeks to preserve the residential amenities of neighbouring properties by protecting their character of outlook, access to natural light and privacy.
- 10.59 In terms of the conversion, the neighbouring property of Pear Tree House at its nearest point is around 15m from the stable block, and is located further back into the site than the building for conversion. This separation distance, along with the positioning of both buildings and the strong hedgeline along the boundary, would ensure that the proposal would not have any significant impact in terms of the privacy or outlook of both dwellings. As the proposed development seeks to utilise an existing structure there would be no concerns in regard to visual intrusion, loss of sunlight and daylight.
- 10.60 The applicants would move into the converted barn and would retain use of the existing stable block. Pear Tree House would remain in the applicant's ownership and would be occupied by family members. Notwithstanding the proximity of the existing stable block to Pear Tree House, the Environmental Health Officer, who has been consulted, holds no objection to the proposal.
- 10.61 In addition to the above, it is considered that there would be sufficient amenity space retained for the converted barn and existing property.
- 10.62 In summary, it is considered that the proposal would not have an unacceptable adverse impact upon the neighbouring amenity or that of the converted dwelling, and would achieve the core planning principle of securing a good standard of amenity for existing and future users of land and buildings. Therefore the proposal accords with policy GP.8 of AVDLP and NPPF.

Case Officer:  
Mrs Diana Locking

Telephone No:01296 585423

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## **THE FOLLOWING ADDITIONAL ISSUES HAVE BEEN TAKEN INTO ACCOUNT IN PREPARING THE REPORTS ON THIS AGENDA**

### **DETERMINATION OF PLANNING APPLICATIONS**

The Council is required in all cases where the Development Plan is relevant, to determine planning applications in accordance with policies in the Development Plan unless material considerations indicate otherwise.

### **HUMAN RIGHTS ACT 1998**

The determination of the applications which are the subject of these reports is considered to involve the following human rights:-

1. Article 8: Right to respect for private and family life; and
2. Article 1 of the First Protocol: Protection of Property

The evaluation section of each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the Convention rights referred to above, it is considered that the recommendations in the reports are in accordance with the law, proportionate and balances the needs of the Applicant with the protection of the rights and freedoms of others in the public interest.

### **SECTION 17 CRIME AND DISORDER ACT 1998**

In reaching the recommendations set out in each report, due regard has been given to the duty imposed upon the Council under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area.

### **EQUALITY ACT 2010**

In dealing with planning applications on this agenda and in reaching the recommendations set out in each report, proper consideration has been given to the duty imposed on the Council under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Act are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief.

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