



AYLESBURY VALE DISTRICT COUNCIL

Democratic Services

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5 June 2019

DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Development Management Committee** will be held at **1.00 pm** on **Thursday 13 June 2019** in **The Oculus, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

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

Membership: Councillors: T Mills (Chairman), A Bond (Vice-Chairman), J Brandis, M Collins, P Cooper, N Glover, R Khan, S Morgan, M Rand, Sir Beville Stanier Bt, 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 5 - 8)

To approve as correct records the Minutes of the meetings held on 15 May 2019 (Ordinary meeting and Annual meeting) (Copies attached as Appendices).

4. DECLARATION OF INTEREST

Members to declare any interests.

5. QUARTERLY PERFORMANCE REPORT - QUARTER 4 (Pages 9 - 22)

To note the Workload and Performance Review for quarter January – March 2019.

Contact officer: Henry Allmand

Not Before 1.15 pm

6. REPORT OF THE CORPORATE PLANNER

7. OVERVIEW REPORT - MAY 2019 (Pages 23 - 32)

8. 19/00498/APP - 6 MARKET HILL, WHITCHURCH - REPORT FOLLOWING SITE VISIT
(Pages 33 - 36)

Replacement of an existing single storey side extension with a two storey extension and the alteration to the eastern boundary wall – Report following site visit at 10 am on Tuesday 21 May 2019.

Case officer: Alice Culver

9. 19/00499/ALB - 6 MARKET HILL, WHITCHURCH (Pages 37 - 48)

Removal of modern extension from garden boundary wall in the curtilage of neighbouring listed building and reinstatement and restoration of this section of the wall.

Case officer: Alice Culver

10. 18/02510/APP - LAND REAR OF 11 MANOR CRESCENT, WENDOVER (Pages 49 - 68)

Erection of one detached dwelling with access from existing private drive.

Case officer: Laura Ashton

11. 18/03475/APP - NATIONAL WESTMINSTER BANK, 2 MARKET HILL, BUCKINGHAM
(Pages 69 - 78)

Change of use of land from public highway to an outdoor seating area

Case officer: Laura Ashton

12. 19/00735/APP - 61 MORETON ROAD, BUCKINGHAM (Pages 79 - 96)

Demolition of existing bungalow and erection of a 4-bed dwelling

Case officer: Daniel Terry

NOT BEFORE 3 PM

13. 19/01033/APP - 14 ARCHER DRIVE, AYLESBURY (Pages 97 - 104)

Loft Conversion with rear dormer, front dormer and front gable.

Case officer: Daniel Terry

14. 19/00694/APP - 78 THE AVENUE, WORMINGHALL (Pages 105 - 114)

Demolition of existing attached garage, lean-to and orangery structures. Erection of single storey side extension and first floor side extension to replace dormer. Refurbishment of the existing building, including new windows, fenestration changes and the removal of chimney.

Case officer: Adam Thomas

15. 19/00266/APP - 12 LAXTON ROAD, BERRYFIELDS (Pages 115 - 120)

Change of use to mixed use residential and cattery business including erection of 4 bay cattery and isolation unit.

Case officer: Janet Mullen

16. SITE VISIT ARRANGEMENTS

17. HUMAN RIGHTS ACT (Pages 121 - 122)

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Public Document Pack Agenda Item 3

DEVELOPMENT MANAGEMENT COMMITTEE

15 MAY 2019

PRESENT: Councillor P Fealey (Chairman); Councillors A Bond (Vice-Chairman), M Collins, P Cooper, R Khan, T Mills, S Morgan, R Newcombe (In place of M Rand) and D Town. Councillor Everitt attended also.

APOLOGIES: Councillors J Brandis, N Glover, M Rand and P Strachan

1. 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.

2. 19/00498/APP - 6 MARKET HILL, WHITCHURCH

RESOLVED –

That the application be **Deferred** for a site visit to take place.

3. 19/00499/ALB - 6 MARKET HILL, WHITCHURCH

RESOLVED –

That the application be **Deferred** and considered at the Committee meeting to be held on 13 June, 2019.

4. 18/02618/APP - 11 THE GREEN, MENTMORE

RESOLVED –

That the application be **Approved**, as per the Officers' report.

5. 18/04264/APP - TITTERSHALL LODGE, KINGSWOOD LANE, WOTTON UNDERWOOD

RESOLVED –

That the application be **Deferred** for additional information to be reported to Committee.

**6. 15/02242/AOP - LAND BETWEEN COBB HALL ROAD AND DRAYTON ROAD,
NEWTON LONGVILLE**

RESOLVED –

That the application be **Deferred and Delegated** for approval by officers subject to a Section 106 agreement being agreed.

7. SITE VISIT ARRANGEMENTS

Consideration was given to the timing of a site visit in relation to application 19/00498/APP at Whitchurch.

DEVELOPMENT MANAGEMENT COMMITTEE

15 MAY 2019

PRESENT: A Bond, J Brandis, M Collins, P Fealey, R Khan, T Mills, S Morgan, D Town and P Strachan (ex-Officio).

APOLOGIES: Councillors P Cooper, N Glover and M Rand.

1. ELECTION OF CHAIRMAN

RESOLVED –

That Councillor Mills be elected Chairman of the Committee for the ensuing year.

2. APPOINTMENT OF VICE CHAIRMAN

RESOLVED –

That Councillor Bond be appointed Vice-Chairman of the Committee for the ensuing year.

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Report to Development Management Committee

Workload and Performance Review for Quarter January to March 2019

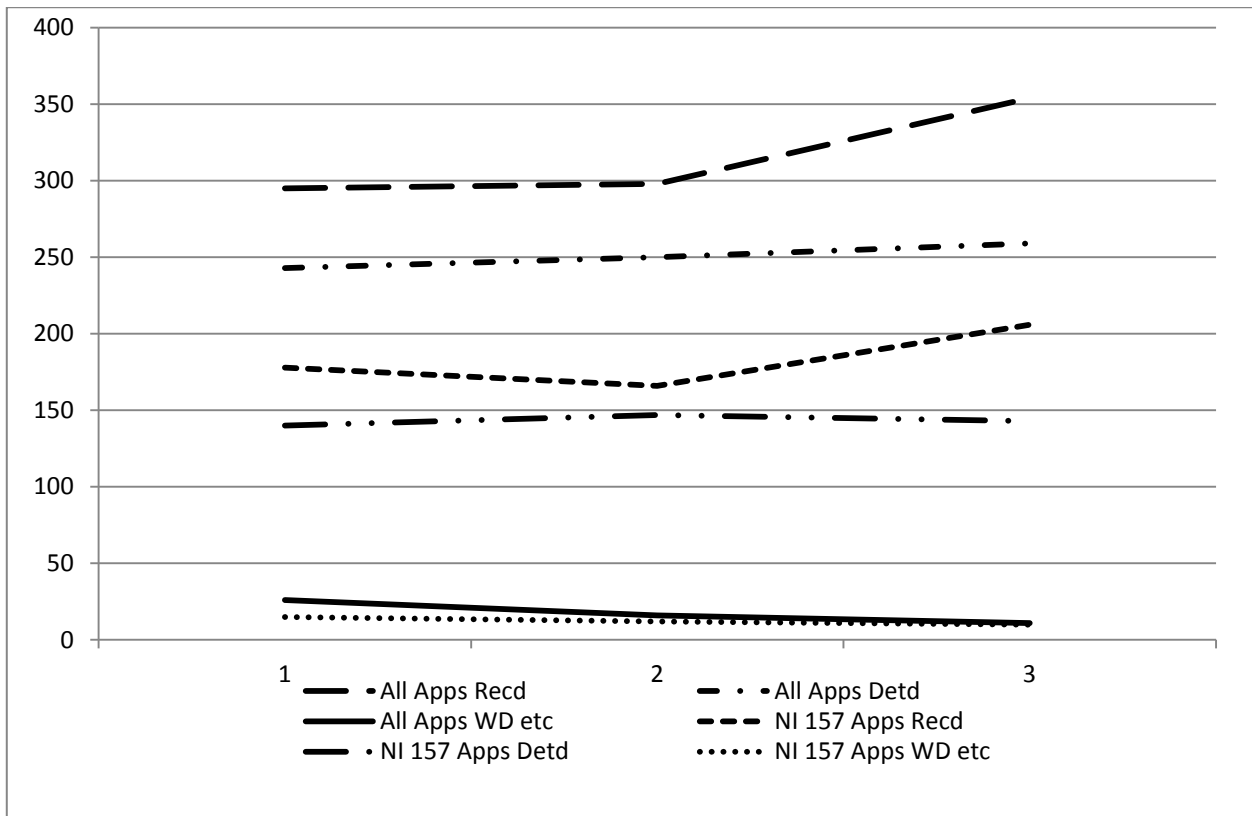
Introduction

This is a report to the Development Management Committee which provides a summary of performance in four key areas of work, planning applications, appeals, enforcement and informal enquiries, together with a brief commentary on each section.

Section 1: Applications received and determined

Our application caseload comprises applications which form the basis for our performance measured against the Government performance target NI157 and other applications which are excluded from these categories and relating to proposals amongst which are applications from the County Council, Notifications for Agricultural, Telecommunications and works to trees. This is set in the context of the rolling 12 month period.

Applications Received and Determined



	Jan	Feb	Mar
All Apps Recd	295	298	354
All Apps Detd	243	250	259
All Apps WD etc	26	16	11
NI 157 Apps Recd	178	166	206
NI 157 Apps Detd	140	147	143
NI 157 Apps WD etc	15	12	10
All O/Standing			
NI 157 O/Standing	855	859	910

Major Applications Received: 26
 Minor/Other Applications Received: 524

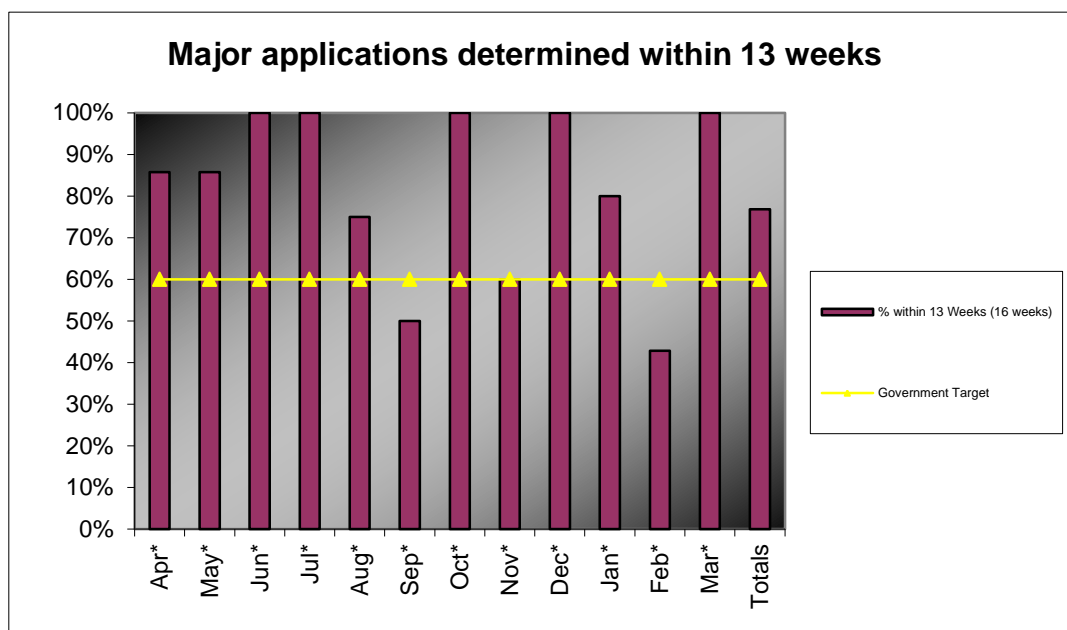
Major Applications Determined: 15
 Minor/Other Applications Determined: 415

Major Applications Outstanding: 129
 Minor/Other Applications Outstanding: 781

Section 2: NI 157 – Speed of Determination of applications

Introduction

This section sets out information regarding our performance in speed of decision for each of the 3 categories of applications, which are measured against the performance target – NI157 (a) major, (b) minor, and (c) other.



	Apr*	May*	Jun*	Jul*	Aug*	Sep*	Oct*	Nov*	Dec*	Jan*	Feb*	Mar*	Totals
Number of Major Applications Decided	7	7	4	1	4	6	2	5	5	5	7	3	56
Number within 13 Weeks (16 weeks) inc. Ext of time*	6	6	4	1	3	3	2	3	5	4	3	3	43
% within 13 Weeks (16 weeks)	86%	86%	100%	100%	75%	50%	100%	60%	100%	80%	43%	100%	77%
Government Target	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%

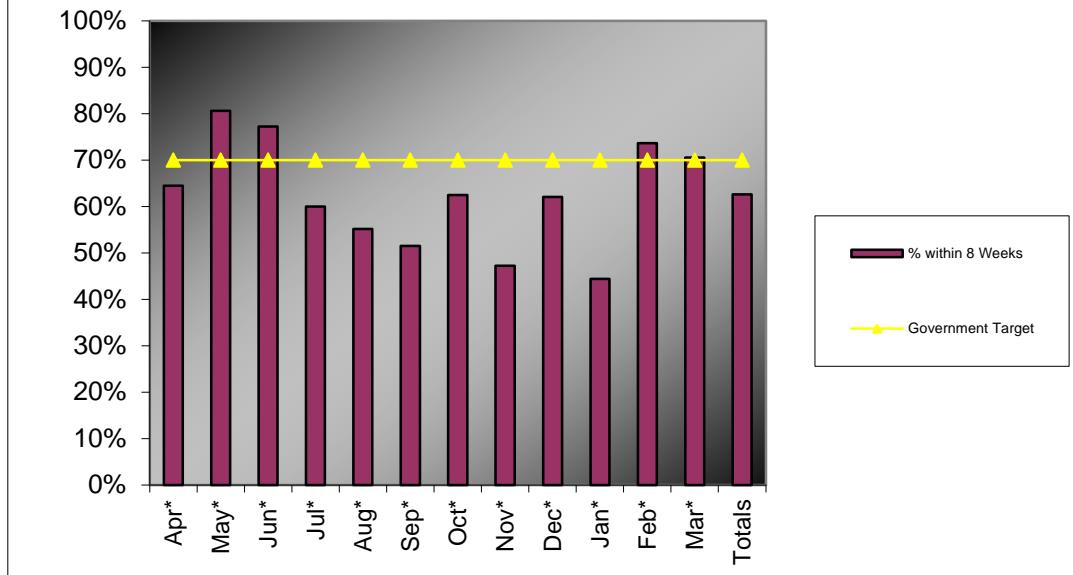
*Including extensions of time & PPAs

The quarterly performance achieved are:

January to March: 67%

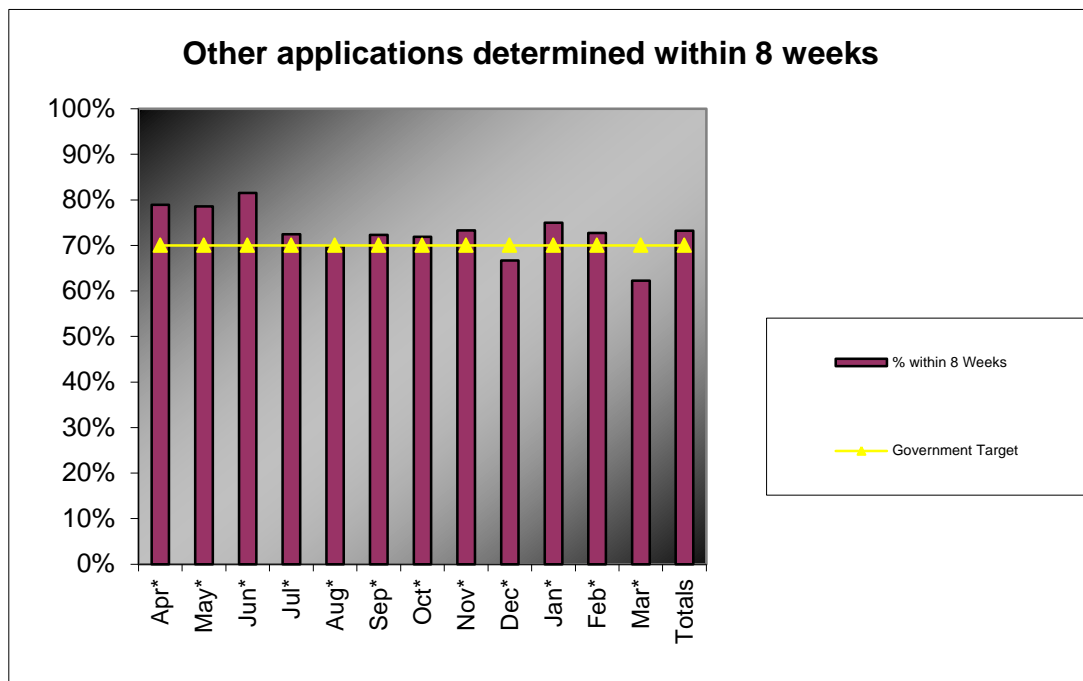
Rolling 2 year average: 79%

Minor applications determined within 8 weeks



	Apr*	May*	Jun*	Jul*	Aug*	Sep*	Oct*	Nov*	Dec*	Jan*	Feb*	Mar*	Totals
Number of Minor Applications Decided	31	31	44	40	29	33	40	36	29	27	19	34	393
Number within 8 Weeks inc. Ext of time*	20	25	34	24	16	17	25	17	18	12	14	24	246
% within 8 Weeks	65%	81%	77%	60%	55%	52%	63%	47%	62%	44%	74%	71%	63%
Government Target	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%

*Including extensions of time



	Apr*	May*	Jun*	Jul*	Aug*	Sep*	Oct*	Nov*	Dec*	Jan*	Feb*	Mar*	Totals
Number of Other Applications Decided	95	112	130	109	126	112	121	105	66	108	121	106	1311
Number within 8 Weeks inc. Ext of time*	75	88	106	79	88	81	87	77	44	81	88	66	960
% within 8 Weeks	79%	79%	82%	72%	70%	72%	72%	73%	67%	75%	73%	62%	73%
Government Target	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%

For minor and other applications the government previously had no target and so the target of 80% shown was set internally by AVDC. From 1 April 2018 a government target of 70% has been set for minor and other applications increasing to 70% from 1 April 2018.

For the quarter January to March we achieved

- Minors: 63% within the time period against a target of 70%
- Others: 70% against a target of 70%
- Joint minors and others: 69% against a target of 70%
- Joint rolling 2 year average: 75% against a target of 70%

Appendix 1 details the Major applications determined in the quarter.

Outstanding applications beyond determination date and without or an expired PPA/extension of time in place as at 12 April 2019.

- Majors: 89
- Minors and Others: 414

The first planning authorities subject to the Government's "special measures" regime for under-performing authorities were designated in October 2013, and performance data was published by the Department for Communities and Local Government (DCLG). Designations will be reviewed annually. Poorly performing authorities will be "designated" based on speed and quality:

- * Speed: less than 40% of majors determined within 13 weeks averaged over a two year period; or within such extended period as has been agreed in writing between the applicant and the local planning authority.
- * Quality: 20% or more of major applications that have been overturned at appeal (appeals allowed) over a two year period.

The government have announced new government targets increasing those on speed for majors to 50% in 2017 rising to 60% for 2018 based on the previous 2 years October to September. They are combining minors and others into a non major category with a target of 65% in 2017 rising to 70% for 2018 over this 2 year period. The quality targets will be 10% applications that have been overturned at appeal (appeals allowed) over a 2 year period.

Authorities could be designated on the basis of either criteria or both. The current performance over this 2 year period exceeds the threshold for speed and is less than the threshold for quality and thus does not fall within the poorly performing designation.

Section 3: Appeals against refusal of planning permission

Introduction

This section deals numerically with our performance in relation to appeals against refusal of planning permission. Whilst there is no government performance target a benchmarking measure is that we should seek to achieve success in 65% or more of appeals against planning decisions.

Determined	Dismissed	6
	Allowed	2
	Withdrawn/NPW	0
	Split	0
	Turned Away	0
	Varied	0
Costs	Against AVDC	
	For AVDC	

*Split decisions are counted as an Allowed appeal

In the quarter between January and March a total of 11 appeals were determined, 8 of which were against refusals of planning permission. Of the 8 appeals against refusals of planning permission which are used for reporting purposes 25% were allowed which is below the Council's target of not more than 35% appeals allowed.

Attached at Appendix 2 is a list of all of the appeal(s) which are used for reporting purposes against refusals of planning permission that were allowed. As there are a large number of appeals a summary on all has not been provided. There is a summary on some highlighted for awareness and learning points.

The government statistics published in August 2017 for quality show that the percentage of major applications that have been overturned at appeal is 2.4% and that for minor and other developments overturned at appeal is 1.1% for AVDC during the period of 24 months from July 2014 to June 2016. This is well below the governments threshold of 10% overturned for quality.

Section 4: Enforcement

Introduction

This section details statistics relating to Enforcement matters and details the numbers of complaints received, cases closed together with the number of cases which have led to Enforcement action. Enforcement appeals are also dealt with separately and performance can be assessed accordingly.

Cases on hand at beginning of quarter	563	Cases on hand at end of quarter	532
Cases Opened	157	No of Cases closed	188
No. of Enforcement Notices Served	0	No. of Temporary Stop Notices Served	0
No. of Stop Notices Served	0	No. of Breach of Condition Notices Served	0
		No. of Planning Contravention Notices Served	0

In the 3 month reporting period 116 cases were resolved as follows:

Performance Figure	Notes
19% of complaints were resolved within 14 days	Generally more straightforward cases where a yes/no decision is required following initial evidence gathering
44% of complaints were resolved within two months.	Normally requiring more extensive evidence gathering and/or consultations involving 3 rd parties.
66% of complaints were resolved within 5 months.	On top of the actions identified above these cases normally require some formal action or an application for retrospective planning permission.
Remainder	Where formal legal action is involved it can take many years to resolve complaints and can include appeals and further judicial review.

Enforcement Appeals

Lodged	PI (Public Inquiry)	0	Determined	Allowed	0
	IH (Hearing)	0		Dismissed	0
	WR (Written responses)	0		W/Drawn	0
	Total	0		Varied	0
				Total	0
Costs	For AVDC	0		Against AVDC	0

Enforcement Summary

The volume of planning enforcement complaints received is high and increasing and geographically reflects the areas where the delivery of development is highest. The service has seen a 27% increase in the number of complaints received over the last 3 years and the current team caseload is in the region of 500 open cases. This quarter we opened 157 cases, but closed 188, resulting in a decrease of 31. Our response to complaints is prioritised based on the level of harm the suspected breach is causing. This means that 'low' category complaints will take longer to resolve than those that are causing a 'high' level of harm. We have successfully recruited a new Senior Enforcement Officer, which we hope will increase our ability to train more junior members of staff, alongside continuing to close cases, and support our efforts in 'proactive' enforcement that members have requested. We continue to close more cases than are being opened, which means we are seeing a decrease in open cases quarter-to-quarter, which is evidence that the enforcement service is starting to return to stability after a period of staff movement and fluctuating workloads.

Section 5: Other Workload

Introduction

In addition the teams have dealt with the following:-

Discharge of Conditions and non material amendments.

Quarter – Out 136

Chargeable Pre-Application Advice, including commercial

Quarter - Out 111

Non chargeable Informals

Quarter - Out 13

Conclusion and Recommendation

It is recommended that the Committee **NOTE** the report.

This report primarily intends to give details of factual information based on statistical data.

It is hoped that Members find the report's content helpful.

Major Applications Determined: Quarter January to March 2019

Bold numbers denote applications determined outside the target period. Performance for this quarter is 67% which is above target; * denotes those applications that had an extension of time request agreed. The small number of applications mean that performance is volatile and in this quarter involved applications where securing the right outcome outweighed the need to meet targets and applications where the revocation of the regional spatial strategy required a reassessment of the scheme.

Reference	Off	Received	Proposal	Address	Valid	Decision Date	Decision
15/01286/APP*	MICDAV	17/04/2015	Conversion of the ground floor from Class A2 to provide 10 flats with associated elevational alterations	Heron House 49 Buckingham Street Aylesbury Buckinghamshire HP20 2NQ	23/04/2015	20/02/2019	AVDC application - Approved
17/04457/ADP*	NKJ	23/11/2017	Approval of Reserved Matters pursuant to outline permission 14/03000/AOP for appearance, landscaping, layout and scale of a residential development of 64 dwellings	Land To The East Of Fenny Road Stoke Hammond Buckinghamshire	23/11/2017	22/03/2019	Details Approved
18/02476/ADP*	NKJ	13/07/2018	Approval of Reserved Matters pursuant to outline permission 17/02465/AOP for appearance, landscaping, layout and scale of a development with access included for a mixed use development of B8 and B2 units comprising up to 2090 sq.m. in total floor area (equal to the combined floor space of the previously approved permissions 05/00240, 05/00241, 05/00242, 05/00243 and 05/00244).	Oakwood Farm Ledburn Mentmore Buckinghamshire LU7 0QD	13/07/2018	22/02/2019	Details Approved

Reference	Off	Received	Proposal	Address	Valid	Decision Date	Decision
18/03502/ADP*	DANRAY	05/10/2018	Application for reserved matters pursuant to outline permission 16/04243/AOP for layout, scale, external appearance, and the landscaping of the site of 74 dwellings.	Land At Thornbrook House & Roylands Risborough Road Stoke Mandeville Buckinghamshire HP22 5UT	05/10/2018	08/03/2019	Details Approved
18/02598/ADP*	NICWHE	23/07/2018	Application for Approval of Reserved Matters pursuant to outline permission 13/02112/AOP relating to appearance, landscaping, scale and layout for B1(Business) B2 (General Industry) and B8 (Storage and Distribution) Uses with ancillary office accommodation, provision of rail station with associated parking , landscaping and access	Land At Buckingham Road Winslow Buckinghamshire	23/07/2018	15/02/2019	Details Approved
18/04234/ADP*	NICWHE	27/11/2018	Application for reserved matters pursuant to outline permission 16/02745/AOP for layout, scale, external appearance, the access, and the landscaping of the site	Land West Of Dadford Road Zone K Silverstone Park Silverstone Road Biddlesden Buckinghamshire	27/11/2018	11/03/2019	Details Approved
18/02651/ADP*	NKJ	26/07/2018	Approval of Reserved Matters pursuant to Outline Planning Permission 15/02671/AOP relating to scale, appearance, landscaping and layout for the residential development of 95 dwellings. Submission of details pursuant to Condition 1 - Reserved matters shall be made made not later than three years	Land North Of Sandholme And East Of Buckingham Road Steeple Claydon Buckinghamshire	01/08/2018	25/01/2019	Details Approved

Reference	Off	Received	Proposal	Address	Valid	Decision Date	Decision
			from date of permission, Condition 6 - Drainage Scheme, Condition 7 - Wholelife Maintenance Plan, Condition 8 - Details of tree and hedge protection, Condition 12 - Details of existing and proposed ground levels, Condition 13 - Details of external lighting, Condition 15 - Ecological Enhancement Scheme and Condition 16 - Broadband				
16/01664/AOP*	PJ	06/05/2016	Outline Application with all matters reserved for a residential development of 15 dwellings on 0.5ha of land north of Little Horwood Road along with the allocation of 0.4ha of land as a public park to serve both the new development and the existing local community	Land North Of Little Horwood Road Great Horwood Buckinghamshire	14/06/2016	11/02/2019	Outline Permission Approved
18/00283/AOP*	SCOHAC	23/01/2018	Outline Planning Application for residential development comprising 17 new dwellings, with all matters reserved, together with proposals for a new village hall and associated car parking	Bury Farm Equestrian Centre Bury Farm Mill Road Slapton Buckinghamshire LU7 9BT	01/05/2018	19/02/2019	Refused
16/03880/APP*	SP	26/10/2016	Construction of a Lidl Foodstore with Associated Car Parking, Landscaping, Drainage Works and Formation of Access.	Land At Oakfield Road Stocklake Aylesbury Buckinghamshire	04/11/2016	04/02/2019	Approved

Reference	Off	Received	Proposal	Address	Valid	Decision Date	Decision
17/01010/AOP*	JASTRA	16/03/2017	Outline application with access to be considered and all other matters reserved for a residential development of upto 90 dwellings, an A1 convenience store up to 280sqm and new D2 health facility.	Land Adjacent Addison Road Steeple Claydon Buckinghamshire	03/04/2017	16/01/2019	Approved
17/02893/APP*	NKJ	27/07/2017	Erection of a new furniture showroom with associated access and parking	Land Off Sir Henry Lee Crescent Aylesbury Buckinghamshire	28/07/2017	31/01/2019	Approved
18/00992/ADP*	JASTRA	19/03/2018	Approval of reserved matters pursuant to Outline permission 16/03538/AOP relating to Approval of appearance, landscaping, layout and scale and associated works for 30 dwellings	Land South Of Little Horwood Road Great Horwood Buckinghamshire	20/03/2018	18/02/2019	Approved
18/02980/APP*	LAUASH	23/08/2018	External alterations to building together with formation of car parking and storage area.	LiscombeCentral Liscombe Business Park Soulbury Buckinghamshire LU7 0JL	24/08/2018	28/01/2019	Approved
18/03012/APP*	DANRAY	28/08/2018	Installation of a synchronous gas powered standby generation facility, plus ancillary infrastructure and equipment.	Land At Thistlebrook Farm Tring Road Wingrave Buckinghamshire HP22 4LN	28/08/2018	31/01/2019	Approved

Appeal performance – Quarter January to March 2019

In the quarter between **January** and **March** a total of 11 appeals were determined, 8 of which were against refusals of planning permission. Of the 8 appeals against refusals of planning permission which are used for reporting purposes 25% were allowed which is below the Council's target of not more than 35% appeals allowed.

A list of all the reportable allowed appeals in this quarter is set out below.

Application Reference: 17/04190/APP	Decision: Delegated
Site: Land Adj, 11 Grenville Road, Aylesbury, Buckinghamshire, HP21 8EX	
Development: Erection of 2 dwellings	
<p>This relates to a side garden of No11 a 2 storey semi detached property located on a curve in the road. Permission was refused for reason that it would be a cramped, over developed, car domination form that would be visually intrusive and out of keeping, eroding the openness of the site contrary to policy GP35, the Southcourt Technical Note and NPPF.</p> <p>The Inspector considered that the proposal would be similar in scale, massing and materials to the existing dwellings along Grenville Road. She stated that the undeveloped nature of the site makes a limited positive contribution to the street scene because the high hedge means that the site is not particularly open, in visual terms. The appeal proposals would result in the loss of much of the established hedgerow and the tree. Regard was paid to the appellants suggestion that there could be biodiversity gain in the form of bird and bat boxes and new planting as a benefit of the scheme. This could be secured through a landscaping condition and she attributed limited weight to the harm associated with the loss of the hedgerow and tree.</p> <p>Furthermore the addition of a pair of semi-detached dwellings at the appeal site would not undermine the spacing between the dwellings, having regard to the general pattern of development along Grenville Road and did not agree that the appeal proposals would result in significant car dominance over</p> <p>She concluded that the appeal scheme has been designed in order to be aligned to the STAN and would reflect the prevailing pattern of development along Grenville Road. Given the off street car parking arrangements already in place for a number of dwellings along the street, the proposals would not undermine this pattern. It would not materially harm the character and appearance of the surrounding area</p>	

Application Reference: 18/00533/APP	Decision: Delegated
Site: Badricks Farm, 94 Aylesbury Road, Berton, Buckinghamshire, HP22 5DL	
Development: Erection of new detached dwelling with integral garage	
<p>The site is situated to the rear of Badricks Farmhouse, within the Conservation Area of Berton. It comprises a broadly rectangular parcel of level land and there are a significant number of mature trees on the site of varying quality and include a number of fruit trees..</p> <p>The site is bounded to the North west by open fields; to the North east by a modern estate of large detached houses served by Barnett Way; to the South West by Badricks Farmhouse a Grade II listed building and a timber frame barn recently granted planning permission for conversion to a one bed dwelling. The substantial farm barns to the South west of the site have recently been converted into residential use.</p>	

A public footpath runs from the turning head on Barnett Way in a generally westerly direction across the top of the application site.

The reasons for refusal were:

1. The proposal would fail to comply with the core planning principles of the National Planning Policy Framework to recognise the intrinsic character and beauty of the countryside, to conserve and enhance the natural environment and to reuse land that has been previously developed. The development would represent an unacceptable intrusion into the countryside and would constitute an unsustainable and inappropriate form of development of a site situated beyond the built up confines of the settlement. The failure to comply with the core planning principles of the National Planning Policy Framework and the harm caused significantly outweighs any benefits of the proposed development. The proposal would be contrary to policy GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.
2. The proposal by reason of the size, layout and design of the dwelling would constitute an unacceptable form of development that would fail to preserve or enhance the character and appearance of the Berton Conservation Area. The proposal would be contrary to policy GP35 and GP53 of the Aylesbury Vale District Local Plan, and Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.
3. The proposal by reason of the proposed layout relationship of the dwelling with the converted barn to the south-west, would result in an unsatisfactory living environment for the occupants of that plot reducing their amenities to a level below that which they could reasonably expect to enjoy. The proposal would be contrary to policy GP8 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

The Inspector considered that given that the appeal site is bound on three sides by built forms, it reads as forming part of a built up area. It does not form a buffer between open countryside and the adjacent suburban area, however, it forms a sensitive edge between the built up area and open countryside. He considered that the proposed development would not interfere with the important vistas in the CA and would have a neutral effect in this regard. Furthermore the existing view to the countryside from the farmhouse is substantially restricted by the timber barn and other objects on the associated land such as the porter cabins.

Whilst he accepted that part of the proposed building would be higher than the adjacent buildings, the proposed height would not result in the proposed building being incongruous or discordant to character of the area. Given the position of the proposed building would be a substantial distance away from the other buildings of Barnett Way and the proposed timber cladding, brick and clay tiles would coordinate with elements of the converted barns, the proposed development would therefore be in keeping with the character of the converted barns and in harmony with Badricks Farmhouse and the BCA.

The Inspector considered that the proposal would provide for a satisfactory living environment of future occupiers of the proposed barn conversion with particular regard to outlook. The proposed scheme would therefore not conflict with Policy GP8 of the AVDLP which seeks to protect the amenity of nearby residents and would not conflict with the Framework in this regard.

Award of costs:

In considering the cost application the Inspector considered that the reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of Aylesbury Vale District Local Plan that the proposal would be in conflict with in the view of the Council. Although the Council considered that the appeal site lies within the countryside and outside the built-up area. While the Inspector came to a different conclusion, this was a matter of judgement as the appeal site lies on a sensitive site backing on to open countryside and the Council reasonably submitted evidence to support their case in this regard.

He did not consider that the Council failed to reasonably evaluate the application and had reasonable concerns about the impact of the proposed development which justified its decision. He concluded that the Council did not behave unreasonably resulting in unnecessary or wasted expense, and refused the award of costs.

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-date⁷, 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 proposed⁶; 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 required⁹ 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 (April 2019)
 - 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 which is regularly updated. It also updates the estimated delivery of sites based on the latest information. The latest Five Year Housing Land Supply Position Statement was published April 2019, based on March 2018 data, which shows that the Council can demonstrate 5.64 years worth of deliverable housing supply against its local housing need. This calculation is derived from the new standard methodology against the local housing need and definition of deliverable sites set out in the NPPF and NPPG.
- 1.25 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

- 1.26 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 policies¹⁶.
- 1.27 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.
- 1.28 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.

- 1.29 Further advice is also set out in the NPPG.

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. 19/00498/APP

Proposal: Replacement of an existing single storey side extension with a two storey extension and the alteration to the eastern boundary wall.

Address: 6 Market Hill Whitchurch Buckinghamshire HP22 4JB

At the previous Committee Meeting: 15th May 2019

Officers Recommendation: Approval

Late Items:

None.

Public Speakers:

The Committee was addressed by:

Cllr Sue Ford (Whitchurch PC)

- The Parish Council object to the application for three reasons, the window, the height and the impact on the listed wall
- The proposed extension would be intrusive and have an adverse impact on the amenity of the neighbouring dwelling
- The proposed extension would be overbearing due to the changes in ground levels and the extension would 'loom over' the neighbouring site
- The Whitchurch Conservation Area would not be preserved
- The listed wall to the east of the dwelling would be compromised if the application is approved and the works go ahead, once the wall is damaged it cannot be replaced, repaired and is no longer historic
- The site should be visited before a decision is made on the application as the proposal and the potential impact cannot be perceived from paper

Amanda Sarraff (Objector)

- Quaker Barn and 6 Market Hill lie close together, but the layout of the properties means neither overlook the other
- We have no objection to the applicant replacing and extending the existing single storey extension but we have a strong objection to building a two storey extension with a window abutting the shared boundary
- The only private amenity area sits directly below the proposed extension
- Quaker Barn sits more than 2m below the ground level of 6 Market Hill and the proposed extension would appear over dominating when viewed from the lower level of Quaker Barn
- The outbuilding is habitable and includes a sitting room, bedroom, kitchen and bathroom and is regularly used.
- There are examples of dormer and roof lights windows in the local area along Market Hill and Oving Road
- The proposed window will look directly onto our private amenity area

- There would be a psychological effect of having a window which opens, overlooking our private area
- The massing of the extension remains the same as the previous 2017 application and introduces an overlooking window, leading to the harmful impact being increased.
- The proposal has not been correctly assessed in regards to the impact of the proposed extension on the setting of the nearby listed buildings
- Accept that the reinstatement of the section of the wall satisfies the test in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, however, there is no public benefit to outweigh the harm this development would cause to the setting of Quaker Barn as is required by policy GP8 of the AVDLP
- A site visit should be made before making a decision on the application

Diane Cull (Applicant)

- The proposed extension would replace an existing extension which is unsympathetic, in poor repair built in the 1970s
- We have been in consultation with AVDC and the Heritage Officers to ensure the design is sympathetic, integrates well into the surrounding area and is a scale which respects the property and the local area
- The proposed extension would increase the ridge height by 2.2m and will add 2.6m in the length of the extension.
- The proposal allows the 1970s extension to be removed from the garden wall and to restore the listed wall
- The application includes a structural report
- The proposed extension is located to the east and would not overshadowing the neighbouring site, a shadow study has been submitted alongside this application
- The proposed opening on the eastern elevation is above head height and open inwards and therefore would cause no impact in terms of overlooking

Site Visit: 21 May 2019

At: 10:00am

Those Attending: Members: Cllrs Mills, Bond, Cooper, Collins, Town and Morgan

Local Member: Cllr J Blake

Apologies: None.

Officers: Daniel Ray, Alice Culver and Keith Frost (AVDC Heritage Officer)

Features inspected:

Members initially viewed the site from the south of the site, along Market Hill, members proceeded to enter the application site walking along the southern side of the dwelling to the current courtyard area towards the south east corner of the site. Members viewed the existing single storey side extension and where the proposed new extension would be. Members identified the existing opening on the eastern elevation, and the approximate location of the proposed extension. Attention was drawn to the materials

proposed to be used on the extension, including the proposed roof tiles. Attention was also drawn to the integration of the existing extension with the eastern boundary wall. Members proceeded to walk around the dwelling to the northern side of the property to view the existing extension. Attention was drawn to the surrounding area and local features along Oving Road. Members then proceeded to walk to the neighbouring site to the east, Quaker Barn, and viewed the proposed extension from the adjacent area. Members exited Quaker Barn and proceeded to view the application site from the pavement to the Northern side of Oving Road. Members noted the local area and the view points of the proposed development.

Discussion:

Members noted that the site inspection was useful as it assisted Members with a greater understanding of the proposal and the relationship with the surrounding area, in particular the neighbouring dwelling to the east, Quaker Barn. Three members noted that the proposal would be an improvement when compared to the existing arrangement, one member mentioned that the fixing of the listed wall and the setting back of the extension and the use of cladding on the extension would help to improve the visual impact of the proposed extension.

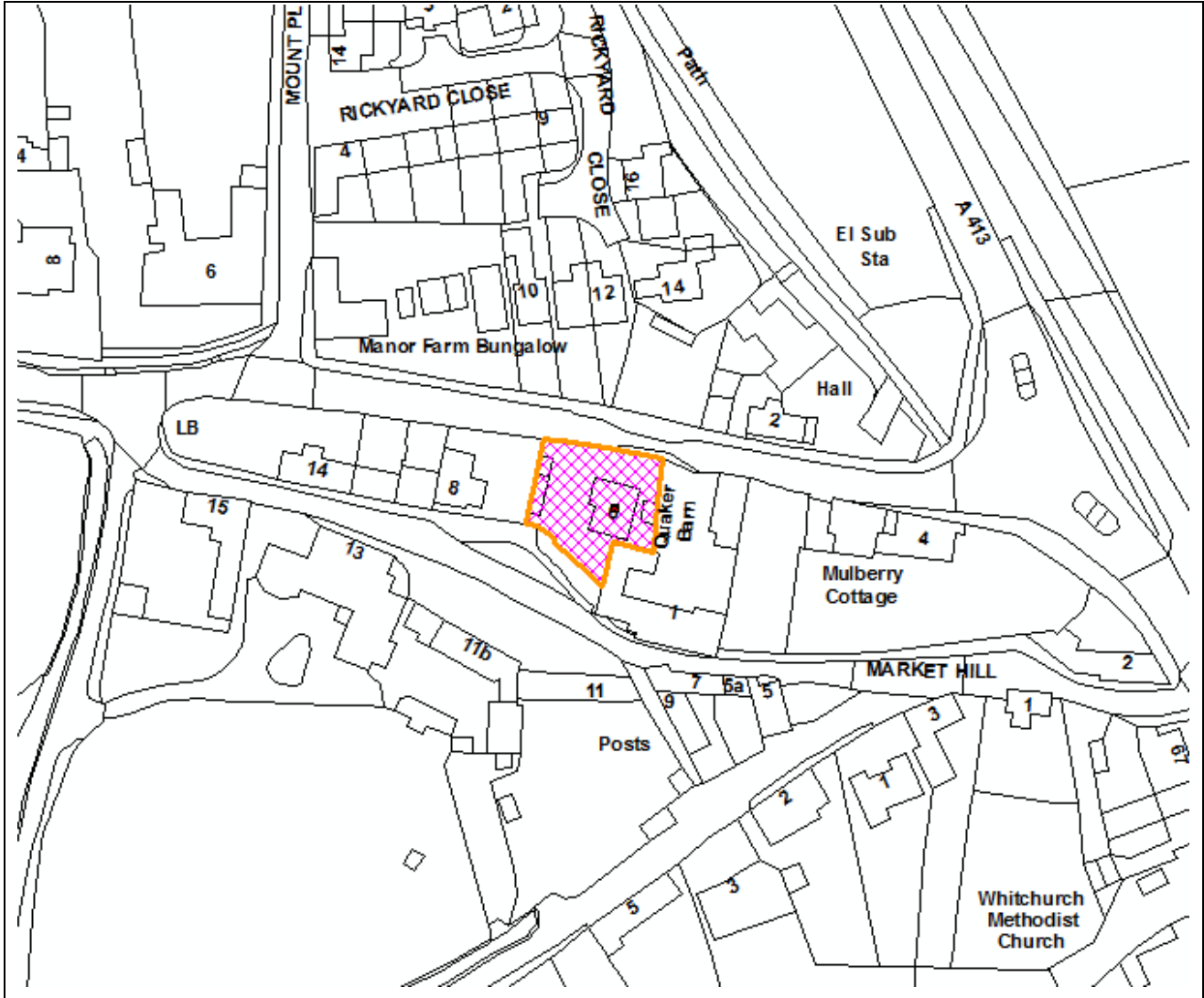
All members noted that due to the high level nature of the proposed opening on the eastern elevation there would be no overlooking, in addition, the proposed window would open inwards. However, two members did suggest a potential to change the design of the extension to include a roof light in the northern elevation of the extension to help to mitigate any overlooking concerns. It was raised that this may cause impact in terms of the setting of the Conservation Area. Three members noted that although there would be no overlooking from the opening on the eastern elevation there are still some concerns regarding the relationship of this opening and the neighbouring site and the potential conflict with policy GP8 of the Aylesbury Vale District Local Plan. One member noted that there could be a potential to condition the window to be obscurely glazed and top opening. Two members also drew attention to the difference in land levels between the host dwelling and the neighbouring site to the east, which is set on lower ground. Members suggested that the extension could appear overbearing and introduce a large massing along the shared boundary.

One member raised concern regarding the impact of the extension on the street scene and Oving Road which runs to the north of the site. Two members noted that the extension is a relatively large structure within the Conservation Area and therefore may impact the setting of the Conservation Area. Two members noted that due to the location of the extension, there would only be a small gap to see the proposal and therefore no concern regarding the impact on Oving Road. One member noted that the extension is not highly visible within the street scene and therefore has a limited effect.

One member raised a query in regards to the outbuilding to the east of the extension, and the current use of this building.

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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/00499/ALB	WHITCHURCH The Local Member(s) for this area is/are: -	13/02/19
REMOVAL OF MODERN EXTENSION FROM GARDEN BOUNDARY WALL IN THE CURTILAGE OF NEIGHBOURING LISTED BUILDING AND REINSTATEMENT AND RESTORATION OF THIS SECTION OF THE WALL. 6 MARKET HILL HP22 4JB MR & MRS CULL	Councillor Mrs J Blake	
STREET ATLAS PAGE NO. 87		

1.0 The Key Issues in determining this application are:-

- a) Impact on the special architectural and historic interest of the listed building.**
- b) Other Matters**

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

Conclusion and recommendation

1.1 The proposal is considered to preserve the architectural and historic interest of the listed wall and will cause no harm to the significance of the heritage asset. It is therefore, considered that the proposal accords with the relevant sections of the NPPF and the Planning (Listed Building and Conservation Area) Act 1990.

1.2 It is therefore recommended that the application be **GRANTED** subject to the following conditions:

Conditions:

1. STC6 – Standard time condition
2. US05 – The materials to be used in the development shall be as indicated on the approved plans. Please also see note no. 5 on the back of this notice.
3. No development shall commence until a sample panel for the proposed bricks and mortar has been constructed on site and approved in writing by the Local Planning Authority. The development shall thereafter take place only in accordance with the approved details. Please also see note no. 5 on the back of this notice.
4. No development shall commence until details of the Capping Brick to be used on the development has been submitted to and approved in writing by the Local Planning Authority. Please also see note no. 5 on the back of this notice.
5. All new or altered external surfaces shall be finished or made good to match those of the existing wall.

Reasons:

1. RE04 – To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. RE13 - To ensure that the proposed works can be effected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.
3. RE13 - To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.
4. RE13 - To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.
5. RE13 - To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

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, the

application was considered to be acceptable as submitted and no further assistance was required so it has therefore been dealt with without delay.

2.0 INTRODUCTION

2.1 Whitchurch Parish Council raised material planning objections to the scheme and indicated that they wish to speak at committee. Whitchurch Parish Council raised objections relating to the proximity of the extension to the boundary, the height of the proposed extension having a significant impact and overshadowing the neighbouring dwelling. The Parish Council also raised concerns over the position of a new opening within the proposed extension which would cause concerns regarding privacy to the neighbouring dwelling.

2.1 The Local Member requested that the application be considered by the Committee. The comments received from the Local Member are appended to this report and a summary of their comments are provided below:

- Concerns over the previous advice received from the AVDC Heritage Officer, in relation to the previous application on the site. Whilst it is noted that the current application has been amended from that submitted in 2017, however, it carried with it the same detrimental effects in respect of the adverse impact on the amenity of Quaker Barn.
- Concerns regarding the proposed extension causing damage to the historic boundary wall, including the foundations of the foundations of the neighbouring property
- Impacts on residential Amenity

2.2 The comments raised above which relate to the potential impact on the street scene and residential amenity, are matters which are assessed under the Planning Application, which has been submitted in conjunction to this Listed Building Consent. This application does not give scope for the impact on the street scene or residential amenity to be considered and relates solely to the impact on the designated heritage asset.

2.3 Consultation has been carried out with the AVDC Heritage Office regarding the impact on the listed wall, and it is considered that there would be no harmful impact to the significant of the heritage assets, and therefore, the proposal accords with the relevant sections of the NPPF and the Planning (Listed Building and Conservation Area) Act 1990.

3.0 SITE LOCATION AND DESCRIPTION

3.1 The application site relates to a detached, two storey dwelling located on the northern side of Market Hill, Whitchurch. The dwelling is constructed of brick, painted white, and a tiled

gable roof. The property is 'L' shaped in form and has previously been extended, in the form of a single storey side extension to the eastern side of the dwelling. This extension was built in the 1970s (prior to the listing of the adjacent property) which provided a boot room, utility and cloakroom and forms part of the wall along the eastern boundary of the site.

- 3.2 This application relates to a boundary wall which runs to the east and north of the host dwelling. The application relates to the part of the eastern boundary wall, which forms part of the historic wall within the curtilage of the neighbouring Grade II Listed Building, Quaker Barn, where the existing single side storey extension is built into.
- 3.3 The applications site is located within the Whitchurch Conservation Area and Quainton-Wing Hills Area of Attractive Landscape.

4.0 PROPOSAL

- 4.1 This application seeks Listed Building Consent to restore the historic garden wall which forms part of the shared boundary to the east of the host dwelling, with the neighbouring dwelling to the south east, Quaker Barn, No.1 Oving Road. This application relates to a 3.9m section of the wall which forms a boundary between Quaker Barn and the host dwelling.
- 4.2 This application has been submitted in conjunction with a planning application for the demolition of an existing single storey side extension and erection of a two storey side extension (Reference 19/00498/APP).
- 4.3 The proposal is to reinstate this 3.9m section of the wall as a separate structure and to make good its appearance, to match the existing remaining section of the wall.

5.0 RELEVANT PLANNING HISTORY

- 5.1 78/02225/AV - ERECTION OF UTILITY ROOM AND ENCLOSURE OF PORCH AREAS – Approved
- 5.2 17/02281/APP - Removal of existing rear single storey extension and replacement with a two storey extension. – Withdrawn
- 5.3 19/00498/APP - Replacement of an existing single storey side extension with a two storey extension – Pending Consideration

6.0 PARISH COUNCIL COMMENTS

- 6.1 Whitchurch Parish Council have objected to this application, as outlined below.

6.2 “The closeness of the extension to the boundary, the height of the building blocks out light to the neighbouring property, the window impedes on the privacy of the neighbouring property”.

7.0 CONSULTATION RESPONSES

7.1 AVDC Heritage – *“The proposals would preserve the architectural and historic interest of the listed building and therefore complies with sections 66 of the Act. The proposals would preserve the character and/or appearance of the conservation area and therefore complies with section 72 of the Act. The proposal would cause no harm to the significance of the heritage assets”.*

7.2 Buckingham and River Ouzel Drainage Board – No Comment

8.0 REPRESENTATIONS

8.1 2 letters of representation have been received from the occupiers of the neighbouring dwelling to the east of the site, Quaker Barn. As summarised below:

- The advice from the Heritage Officer is contrary to previous advice given for the application site, as dated 21st July 2017 and 23rd March 2018.
- Impact on the setting of the nearby listed buildings.
- The site is on higher ground than Quaker Barn and therefor is noticeable in public views from the highway.
- The proposed extension is equivalent to a 3 storey building being built on the border, which is an historic garden wall, between two properties causing harm to the setting of Quaker Barn, the street scene on Oving Road and neighbouring dwellings.
- Concerns over the existing foundations of the existing extension and the impact this may have on the listed wall to the east of the site. A full assessment of the integrity of the Listed Wall is required along with calculations to substantiate no damage is caused as a result of the increase from the proposed two storey extension.
- There is a high risk that the wall is compromised either during or after construction and potential damage to the listed building and a tree in the Conservation Area.
- The extension would be built close to the listed wall, making maintenance of the wall impossible
- Concerns that the development would not be carried out in accordance with the submitted plans.

- Impact on residential amenity, including loss of light and overlooking
- The extension does not respect the local area, including the nearby listed buildings and Conservation Area.
- The design of the extension does not respect the original building line facing Oving Road nor does it produce an unfettered roof slope.
- The proposed includes to add a boundary fence above the current wall which would add a further material to the listed wall which is made up of stone and brick. The effect of this would make the two dwellings appear semi-detached and would detract from the Listed Building, as viewed from Quaker Barn and Oving Road.
- Inaccuracies in the submitted plans (Not to scale).

9.0 EVALUATION

a) Impact on the special architectural and historic interest of the listed building.

- 9.1 Section 16 & 66 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.
- 9.2 The relevant policies within the Aylesbury Vale District Local Plan in respect of Listed Buildings are now out of date and these policies have been replaced by the guidance of the Framework which is a material consideration in the assessment of this proposal.
- 9.3 Paragraph 189 of the NPPF states that in determining applications, LPA's should require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 9.4 In this instance, a heritage statement has been submitted alongside the application which is considered to be sufficient and therefore acceptable for the above purposes.
- 9.5 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 9.6 The application site is located in the heart of Market Hill with the front elevation facing onto Market Hill to the south and the rear facing onto Oving Road, to the north. The host dwelling currently includes a single storey side extension to the east of the dwelling which

is located on the boundary with Quaker Barn, a Grade II Listed Building. Quaker Barn includes a historic garden wall which forms the boundary between the two plots and also forms part of the eastern wall of the existing extension.

- 9.7 This application relates solely to the works to the historic wall, which is being submitted in conjunction to the application for the demolition of the existing single storey side extension and erection of a two storey side extension. The garden wall which the existing single storey side extension forms is a red brick wall located between the host dwelling and Quaker Barn, the wall can be seen from Oving Road. The ground level to the adjoining site is set at a lower level than 6 Market Hill, due to the fall of the land the garden wall acts as a retaining wall. The gable wall of the side extension of 6 Market Hill c.1970's has been built directly on top of the wall, the fabric of the wall is in a good condition. The remaining red brick garden wall is capped with bull-nosed bricks which appear contemporary with the 19th century wall.
- 9.8 This application also submitted an inspection from a structural engineer, the report provided demonstrates that the design of a separate foundation for the proposed new extension will not cause damage to the garden wall nor to its function as a retaining wall. This will thereby allow the boundary wall to be reinstated and its appearance made good, to match the remaining sections of the wall. This can be controlled by a condition to ensure that the new section of the wall is finished to match the existing.
- 9.9 The AVDC Heritage Officer considers that the restoration and repair of the garden wall will reverse an unsympathetic later alteration to the historic garden wall which will not harm the special interest or significance of any heritage asset.
- 9.10 In addition to the comments provided from the AVDC Heritage Officer conditions have also been suggested which relate to samples of the bricks, brick bond, pointing, mortar mix and capping brick to be submitted for approval. It is considered reasonable to attach these conditions to ensure the works can be carried out without causing harm to the listed wall.
- 9.11 In summary, the proposals would preserve the architectural and historic interest of the listed wall and therefore complies with sections 66 of the Act. The Heritage Officer has concluded that the proposal would cause no harm to the significance of the heritage asset. Therefore, the proposal would accord with Section 16 and 66 of the Act and guidance contained within the NPPF.

b) Other matters

- 9.12 Representations were received raising concerns over the structural report provided along side the application, advice has been sought from the AVDC Heritage Officer who

suggested that in this instance they would not be asking for any evidence that the works would not undermine the barn (given the distances involved). It should also be noted that this is something that would be addressed within the Building Control Regulations should any works be granted consent.

- 9.13 Representations were also received raising objections to the scheme in regards to impact on amenity and the design of the extension. As previously stated, this application relates solely to the works to the listed wall and therefore an assessment of the impact on the dwelling- house, street scene and wider area, impact on residential amenity, impact on the setting of the designated heritage assets will be considered within the planning application submitted alongside this application. The assessment of the Listed Building Consent does not allow for the assessment to include any other matters, as raised by the Parish Council and the occupier of the neighbouring dwelling.

Case Officer: Alice Culver

APPENDIX

APPENDIX 1 – Local Member Comments

First of all, I'd like to refer you to the report of the heritage officer in respect of the previous application (17/02281/APP) on this site dated 21st July 2017.

She stated "the proposed extension would loom above the adjacent Quaker Barn and its associated barn and would cause harm to the setting of these listed buildings". She also expressed her concern at the harmful effect the proposed extension would have on the setting of 2 Oving Road, which is Grade II listed, and the fact the proposal would fail to preserve or enhance the conservation area.

She also had a concern about the detrimental effect of the proposed extension on a historic boundary wall.

She went on to say the design of the extension would sit uncomfortably with the existing dwelling and would have an awkward proportion with the main house.

She recommended the proposal be refused.

Whilst the current application has been amended from that submitted in 2017 it carries with it the same detrimental effects in respect of the adverse impact on the amenity to Quaker Barn.

The amenity land of the neighbouring property, Quaker Barn, sits just below the proposed extension and the massing effect of this proposal would seriously impact on that amenity space and the annex which sits directly opposite the proposal.

The Heritage Officer, in her letter to the applicant dated 23rd March 2018, clearly stated that her advice only related to the impact on the conservation area, the adjacent listed buildings and the historic boundary wall. It did not take into account the adverse impact on the neighbour's amenity or other, wider, planning issues – although, having said that, she did recommend the installation of a small window which would introduce light into the extension. This latter comment would not only seem to contradict her statement but would also introduce a factor that might have an adverse impact on the privacy of Quaker Barn through overlooking.

The impression from the Heritage Officer is that the adverse impact on the historic boundary wall would be reduced by this revised application due to the method of constructing foundations for the

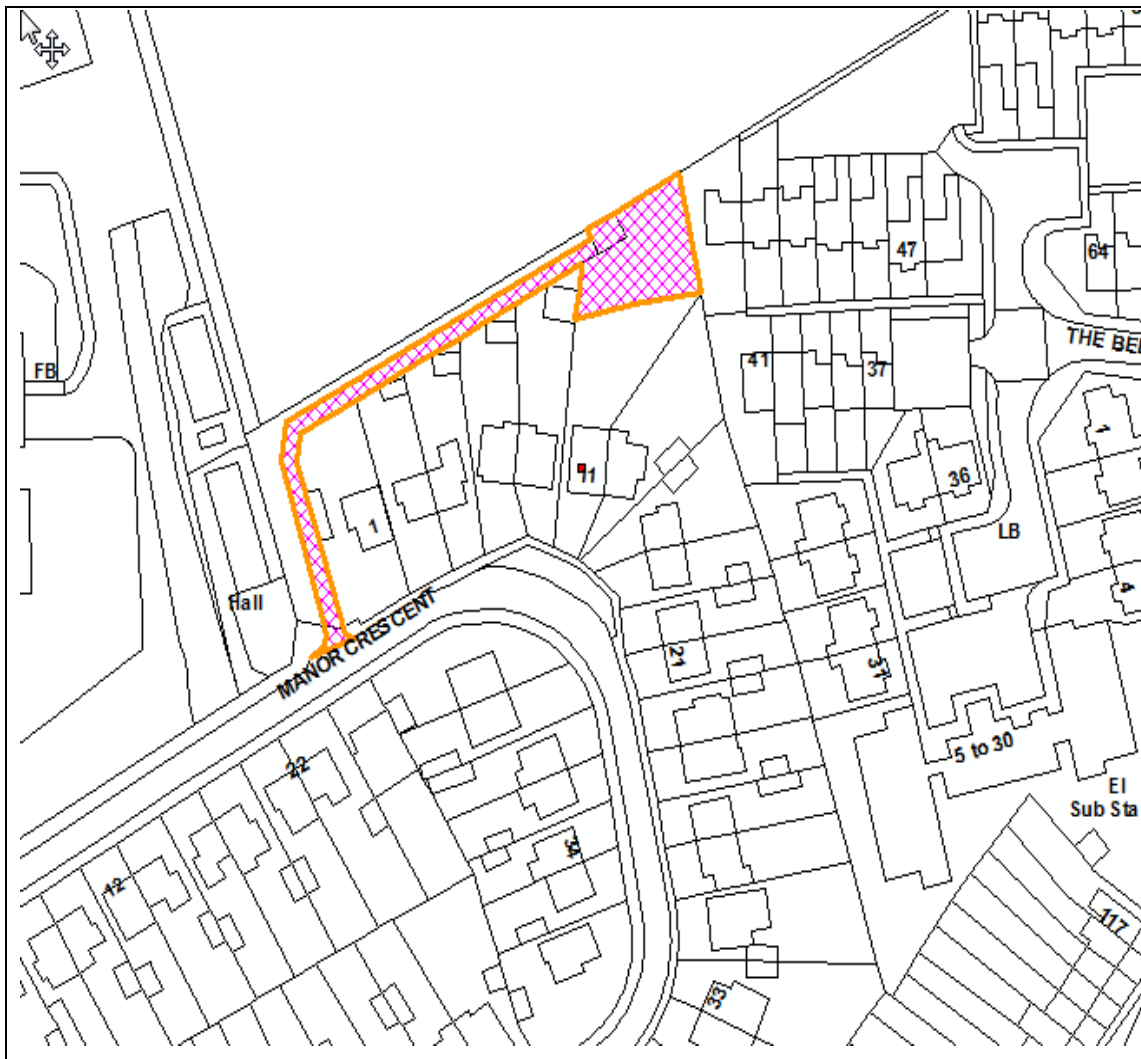
extension. This should be extensively tested before the commencement of any work because if any damage is caused to the wall its integrity will be severely compromised.

There is also a concern that, given the proximity of the neighbouring listed property to the proposed extension, the foundations of that property could be adversely impacted by construction work.

It's sometimes very difficult to assess the impact of a proposal from drawings alone, particularly in a situation like this where slab levels are so different from one property to another. A site visit would better demonstrate the serious issues associated with this application and I would urge members to defer taking a decision today to allow them to make a more informed decision after having seen for themselves the harm that would be caused by this application.

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18/02510/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/02510/APP	WENDOVER The Local Member(s) for this area is: -	17/07/2018
LAND REAR OF , 11 MANOR CRESCENT, WENDOVER, BUCKINGHAMSHIRE, HP22 6HH	Cllr Steve Bowles Cllr Richard Newcombe Cllr Peter Strachan	
Mr & Mrs S Francis		
STREET ATLAS REF: 131		

1.0 The Key Issues in determining this application are:-

<p>a) The planning policy position and the approach to be taken in the determination of the application</p> <p>b) Whether the proposal would constitute a sustainable form of development having regard to:</p> <ul style="list-style-type: none"> ➤ Building a strong competitive economy ➤ Promoting sustainable transport ➤ Delivering a sufficient supply of homes ➤ Making effective use of land ➤ Achieving well designed places ➤ 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 <p>c) Impact on the amenities of neighbouring occupiers</p> <p>d) Developer Contributions</p> <p>The recommendation is that permission be GRANTED subject to conditions</p>

2.0 CONCLUSION and RECOMMENDATION

2.1 The proposals have been evaluated against the Development Plan and the NPPF so the report has assessed the application against the principles of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless

the application of policies in the NPPF that protect areas or assets of particular importance provide 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.

2.2 It is accepted that the development would make a contribution to the housing land supply which is a significant benefit to be attributed limited weight in the planning balance, as it is tempered due to the scale of development that is proposed. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which limited positive weight should be attached. These benefits however need to be weighed against any harmful aspects in the planning balance.

2.3 Compliance with the other objectives of the NPPF have been demonstrated in terms of making effective use of land, the achievement of well designed places, the impacts on the amenities of neighbouring and future occupiers of the site; the natural environment; sustainable transport; and managing the risk of climate change and flood risk. These matters do not represent benefits to the wider area, but rather demonstrate an absence of harm to which weight should be attributed neutrally. This report however has identified no adverse impacts associated with the development. With the benefits identified, the development is thus considered to represent a sustainable form of development and it is recommended that planning permission is granted subject to the following conditions.

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

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

2 No development above damp proof course level shall take place on the building(s) hereby permitted until samples/details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

3 No development shall take place above damp proof course level on the building(s) hereby permitted until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include trees to be retained showing their species, spread and maturity; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; and hard surfacing materials. The approved landscaping scheme shall be carried out not later than the first planting season following the first occupation of the last of the building(s) to be occupied or the completion of the development, whichever is the sooner.

Reason: In the interests of the visual amenities of the locality and to comply with policy GP38 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

4 Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to comply with policy GP38 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

5 Notwithstanding the provisions of Schedule 2, Part 1 Classes A, B, C, D, E and F and Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no enlargement of any dwelling nor the erection of any garage shall be carried out within the curtilage of any dwelling the subject of this permission, no hard surfaces, no windows, roof lights, dormer windows, no buildings, structures, gates, fences or means of enclosure other than those shown on drawing number: DR-101 P2 (15th March 2019, Flo Consulting) shall be erected over the lifetime of the development. shall be erected on the site which is the subject of this permission other than those expressly authorised by this permission.

Reason: In order to safeguard the amenities of the area and neighbouring occupiers by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of the dwelling or erection of a garage, windows, buildings, structures or means of enclosure having regard for the particular layout and design of the development and to ensure that the overland surface water flow route is maintained in perpetuity and not obstructed so as to prevent offsite flooding in accordance with policy GP8 and GP35 of Aylesbury Vale District Local Plan and paragraphs 155 and 163 of the NPPF 2018,.

6 The scheme for parking, garaging 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 in accordance with AVDLP policy GP24 and the NPPF

7 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Ground investigations including:
 - Infiltration in accordance with BRE365 or the principles of Building Regulation 2010 Part H2

- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the hierarchy listed in the informative below.
- Construction details of all flood risk management, SuDS and drainage components
- Drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s), together with storage volumes of all SuDS component(s)
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance

Reason: The reason for this pre-start/construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

8 Prior to the commencement of any development details of biodiversity enhancement of 1 integrated bat tube and 1 swift box to be incorporated into the proposed dwelling shall have been submitted to, and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved integrated bat and swift enhancement scheme, which shall have been installed prior to the first occupation of the development and retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of improving the biodiversity of Aylesbury Vale in accordance with the NPPF.

9 For the lifetime of the development, the boundary wall as shown on drawing number: DR-101 P2 (15th March 2019, Flo Consulting) shall be retained and maintained to a good standard of repair.

Reason: To maintain the surface water flow route and prevent flooding offsite in accordance with paragraph 155 and 163 of the NPPF

10 No development above damp proof course level on the building hereby approved shall take place until full details of the domestic grade sprinkler to BS 9251:2005, enhanced fire alarm system to BS5839: 2013 Part 6: Grade A LD2 and the 68mm horizontal fire main and hydrant to BS:9990: 2015 shall be submitted to and first approved in writing by the Local Planning Authority. The development shall be carried out using the approved details and shall thereafter be retained as such.

Reason: To ensure the safety of future occupants of the development in accordance with AVDLP policy GP45 and the NPPF.

11 The finished floor level of the dwelling hereby approved should be no less than finished 600mm (AOD).

Reason: To provide a suitable freeboard above the anticipated surface water flood depths for events between a 3.3% to 1% Annual Exceedance Probability (AEP) to ensure the development is safe and flood resilient in accordance with the NPPF.

3.0 WORKING WITH THE APPLICANT

3.1 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 the applicant submitted amended information which was considered to be acceptable and all outstanding issues have been resolved.

4.0 INTRODUCTION

4.1 This application needs to be determined by the committee because the application has been called in by Cllr Peter Strachan for the following reasons:

- Concern proposed dwelling is located in a private garden
- Access concerns

5.0 SITE LOCATION AND DESCRIPTION

5.1 The application site forms part of the residential curtilage to the rear of 11 Manor Crescent and has both off street car parking at the front of the property and a rear access via an existing single lane shared access, that currently serves a number of dwellings fronting Manor Crescent.

5.2 The existing dwelling is a semi detached dwelling on a large wedge shaped plot of land 36m deep x 23m wide maximum towards the rear of the application site, reducing to a width of 10m closer to the main dwelling-house.

5.3 To the east the closest dwelling No. 42 The Beeches is a two storey end terrace dwelling set back 3.5m from the shared boundary and benefits from two clear glazed windows within the flank elevation facing the application site. 11 Manor Crescent and its attached neighbour No. 13 are sited approximately 18m from the proposed rear building line for the new dwelling.

5.4 The rear garden to No. 11 is enclosed by a mix of mature shrubs and 1.8m high close panel fencing together with the frontage of No. 11 being marked by mature shrubs with a dwarf brick wall adjacent to the highway. The front curtilage is laid to gravel with an approx. 1.3m high timber fence marking the boundary with the attached semi at 13 Manor Crescent.

6.0 PROPOSAL

6.1 The application seeks full planning permission for the erection of one detached dwelling to the rear of 11 Manor Crescent. The proposal would result in the demolition of the existing detached garage serving No. 11 Manor Crescent. The accommodation would comprise 4 bedrooms on first floor level with a combined kitchen/living/dining room at ground floor level. The dwelling would be orientated so that the rear elevation of the proposed dwelling would face the rear elevation of 11 Manor Crescent and the front elevation of the proposed dwelling would face onto the fields to the rear of the site.

6.2 The proposed dwelling would be two storeys in height and would have gable projections off the front and rear elevations. The front elevation, facing the field, would have a chalet style roof form with a dormer window and roof light at first floor level. From the rear the dwelling would appear as a two storey dwelling.

6.3 It is indicated on the application form that materials would comprise of red multi brickwork and red plain tiles. It is advised that all boundary treatments and trees would be retained and that a new boundary fence comprising of a 1.8m high close boarded fence would be erected to separate the proposed new dwelling from 11 and 13 Manor Crescent.

6.4 The proposed site plan shows a paved parking and turning area with a car port. The existing parking arrangements to the front of 11 Manor Crescent would remain as existing for this property.

6.5 Planning permission was previously granted for a 3 bedroom detached dwelling on this site. The proposed scheme is approximately 29 m² larger than the approved scheme. The increase in floor space has been accommodated to the NE and SE of the dwelling/plot when compared to the previous scheme. The main section of the previously approved dwelling measured 9.6m wide x 5.5m deep x 3.6m to the eaves, 7.1m to the ridge with a tiled roof over. There was a 2 storey projecting gable end which would have a depth of 4.9m x 5.5m x 3.9m to the eaves, 7.1m to the ridge with a tiled pitched roof over. The current proposals shows a dwellings of a maximum of 11.9 m wide and between 6.6 and 10.6 m deep. The eaves height of the main dwelling would be 4.9 m high with a ridge height of 7.5 m.

7.0 RELEVANT PLANNING HISTORY

97/01406/APP - TWO STOREY SIDE EXTENSION AND PITCHED ROOF OVER EXISTING REAR EXTENSION - Approved

03/01018/APP - Conservatory - Approved

12/02168/APP - Erection of one detached dwelling to rear and alterations to existing rear access - Approved

13/03531/APP - Removal of Condition 7 (details of private access) and Condition 9 (Surface water drainage requirement) of planning permission 12/02168/APP - Refused

14/00932/APP - Erection of a detached dwelling with associated car parking and landscaping with access from existing rear private drive. - Refused

16/00069/APP - Erection of one detached dwelling with access from existing private drive. - Approved

16/A0069/DIS - Submission of details pursuant to Conditions 2 - Details of materials and Condition 8 - Details of domestic grade sprinkler – Conditions Discharged

8.0 PARISH/TOWN COUNCIL COMMENTS

Wendover Parish Council – No objection “ *No objection to the proposed new dwelling. Access is via a private road which is owned and maintained by neighbours of Manor Crescent which is, in the opinion of WPC Planning Committee, a legal matter between residents*”

9.0 CONSULTATION RESPONSES

Bucks County Highways – No objection subject to condition

LLFA – no objection subject to conditions

AVDC Ecologist – no objection subject to condition to secure enhancement

Strategic Access Officer – no objection

Buckinghamshire & Milton Keynes Fire and Rescue – Recommends additional fire safety measures

10.0 REPRESENTATIONS

Letters of objection from 10 individuals have been received as a result of the publicity surrounding this planning application. A petition objection to this application has also been received which has been signed by 71 neighbours. The publicity surrounding this application included the display of site notices from the 8th August 2018. and an advertisement was placed in the Bucks Herald which was published on the 1st August 2018. The comments can be summarised as follows:

- Concern regarding sprinkler system, neighbour wont allow mains route to be located on their property
- Concern that not all the land within the red line plan is not within the applicant's ownership
- Neighbours do not give permission for applicant to use shared access
- Concern regarding contaminated water run off in the event of a fire
- Concern regarding flooding
- Concern regarding parking and congestion
- Concern regarding boundary separation
- Pedestrian access not fit for purpose
- Concern regarding neighbour's amenities – privacy, overshadowing
- Neighbour not notified
- Loss of trees/habitat
- Proposed dwelling larger than previous approval – objects to scale
- Fire crew access in emergency

11.0 EVALUATION

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

11.2 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, 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.

Aylesbury Vale District Local Plan (AVDLP)

11.5 A number of saved policies within 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 Policies GP8 and GP35. They all seek to ensure that development meets the three objectives of sustainable development and are otherwise consistent with the NPPF.

11.6 It is considered that policy GP35 is consistent with the policies of NPPF, and this approach has been supported at appeal, for example the Secretary of State's recent appeal decision at Glebe Farm, Winslow (ref 13/01672/AOP) and also by the Secretary of State and Inspector in considering the schemes subject to the conjoined Inquiry (Hampden Fields/Fleet Marston and Weedon Hill North).

11.7 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, unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Neighbourhood Plan

11.8 There is no Neighbourhood Plan, neither made nor in preparation, that is a material consideration in the determination of this planning application.

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

11.9 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.

11.10 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.

Housing Land Supply

11.11 How the local planning authority is complying with the Government's objective of significantly boosting the supply of homes has been set out in the accompanying overview report which should be read in conjunction with this report. The latest position statement, published April 2019, indicates that AVDC currently can demonstrate a 5.64 years worth of deliverable housing supply against its local housing need. The April 2019 position statement replaces the June 2018 position statement and takes into account the 2019 revised NPPF, the new Planning Practice Guidance and the latest situation on the emerging Vale of Aylesbury Local Plan which is currently being examined. The updated overview report attached sets out the detailed clarification and background information on the HEDNA position, the new Housing Delivery Test and the approach to not include any element of unmet need. It should be noted that the next full position statement will be produced in summer 2019 which will include the data of the monitoring year 2018/19.

Whether the Proposals would Constitute Sustainable Development

11.14 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 7 to 211 of the NPPF, taken as a whole (paragraph 3). The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development for both plan-making and decision-making.

11.15 It is only if a development is sustainable when assessed against the NPPF as a whole that it would benefit from the presumption in paragraph 11 of the NPPF. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance. The relevant objectives

are considered below in this report and an assessment is made of the benefits associated with each development together with any harm that would arise from a failure in meeting these objectives.

11.16 Extant consent exists under planning application reference 16/00069/APP for the erection of a three bedroom dwelling on the application site. As the principle of development has already been established it will be necessary to consider if there are any impacts over and above the arrangement that has already been approved that would warrant the refusal of this application when assessed against the objectives contained in the NPPF concerned with the pursuance of sustainable development

Building a Strong Competitive Economy

11.17 The Government is committed to securing and supporting sustainable economic growth and productivity in order to create jobs and prosperity 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.

11.18 There would be economic benefits associated with the development arising from the construction phase, albeit time limited. There could also be benefits associated in the increase in population that would follow the development of new homes. This would be held in limited weight due to the scale of the limited increase in population proposed and the time limited nature of the benefit associated with the construction phase of the development. Again this benefit is also limited by the fact that extant consent exists for the erection of a dwelling on the application site.

Promoting Sustainable Transport

11.19 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 guidance 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.

11.20 Wendover is identified in the Settlement Hierarchy Assessment (September 2017) as being a "strategic settlement". 'Strategic settlements are the main towns and villages in the district and the focus for the majority of the development. These settlements act as a service centre for other smaller and larger villages surrounding them. Wendover specifically is identified as having a very large population and meets all of key sustainability criteria when considering the availability of services and facilities within the settlement. Wendover is therefore considered to be a sustainable location for new housing. The settlement has the capacity to support, through its services and infrastructure, an additional dwelling as

proposed. The proposed scheme can be regarded as supporting the NPPFs objective to reduce the need to travel and to encourage the use of sustainable transport modes. This is held in neutral weight in the assessment of the overall planning balance.

11.21 To assess the transport considerations that arise from the proposals, there is no reason to conclude that one dwelling would amount to a severe cumulative impact on the highway network particularly given that Wendover is a strategic settlement location that is well served by employment opportunities, services and facilities and has good access to public transport.

11.22 It is necessary to consider the proposals from a highway safety point of view. It is noted that the Inspector considering the appeal in connection with the refusal of 14/00932/APP noted that:

'In terms of the effect of the proposal on the safe and free passage of vehicles and pedestrians, the appellant has demonstrated that the increase in traffic movements would only result in a minimal increase in vehicular and pedestrian traffic, over and above the existing garage serving number 11. The level of traffic generated by the proposed dwelling is unlikely to result in a material increase in danger and conflict with other highway users either on the private access road or on Manor Crescent. I note the concerns raised by the Council with regard to ability for vehicles to pass each other. However, this would not be significantly different to the existing access arrangements for the 6 properties that currently use the road. As such the proposed new dwelling would not result in a material increase in danger and conflict with other highway users.

With regard to the safe and free passage of emergency vehicles, there is no evidence before me to demonstrate that the site could be accessed in the event of an emergency or that alternative arrangements have been established to address such a situation.

The access arrangements for emergency vehicles are generally dictated by the needs of fire service. There is a recommended minimum kerb to kerb width of 3.7m for the safe and effective access of emergency vehicles, as set out within Manual for Streets (MfS). A reduction in width of the road can be agreed, however, this is provided that the pump appliance can get to within 45m of the dwelling access and consultation has taken place with the local fire safety officer. There is no evidence of this taking place before me. In its current condition, the width (approximately 3.2m), length (approximately 104m) and geometry (90 degree bend) of the private access road means that it is not suitable for the access and operation of a pump appliance. This leads to the conclusion that the access arrangements as proposed would not allow for the safe and free passage of emergency vehicles to and from the proposed dwelling.

Having come to the conclusions above, the proposal would not result in a material increase in danger to users of the highway. However, it would not enable emergency vehicles to reach and respond to an incident at the proposed dwelling in accordance with the guidance set out in MfS due to the width, length and geometry of the private access road. As such the proposal would be in conflict with the aims and objectives of the National Planning Policy Framework.'

11.23 As with the earlier approval under reference 16/00069/APP, it would be unreasonable

to arrive at a different conclusion and this position is accepted by the highways officer. The Highways Officer has noted that the only highways issue associated with the site is the ability of emergency vehicles to access the site. The requirements for emergency vehicles fall beyond the remit of the Highway Authority.

11.24 As with the previous application a condition will ensure the installation of a domestic fire grade sprinkler, an enhanced fire alarm system and a horizontal fire main and hydrant as recommended by the fire service. As with the previous approval it is considered that there is evidence to demonstrate that the site could be accessed in the event of an emergency or that alternative arrangements have been established to address such a situation and the application can be supported. The Highways Officer raises no objection to the development proposals subject to the use of a condition to ensure that the scheme for parking, garaging and manoeuvring is laid out in accordance with the approved plans.

11.25 It is noted that neighbours have raised objection to the shared access being used by construction traffic. As with the previous approval, all services are to be directed through the existing dwelling at 11 Manor Crescent with other materials to be transported to the proposed new dwelling by dumper trucks which would avoid damage to the rear access track and negate the need for widening the rear access track. Neighbours have also objected to the rear access being used in connection with the occupiers of the proposed dwelling. The applicant is understood to have a right of access over the shared access and in any event this is a legal matter rather than a material planning consideration.

11.26 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. AVDC are the Parking Authority within the district and their regulations must be followed when laying out the parking scheme. The parking standards specify that each parking space should be a minimum of 2.4m x 4.8m wide. A four bedroom house is expected to be served by 3 spaces per dwelling provided within the curtilage of the dwelling. There is space to park at least three cars within the curtilage of the dwelling as proposed.

11.27 In summary, with the use of the recommended condition, the development proposals are considered to provide safe and suitable access and pose no threat to highway safety. The proposals accord with AVDLP policy GP.24 and the advice contained within the NPPF. This is held in neutral weight in the overall planning balance.

Delivering a Wide Choice of Good Quality Homes

11.28 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.

11.29 Whilst there is no reason that the site could not be delivered within the next five year period making a contribution to housing land supply which is a public benefit to which positive weight should be given, owing to the small scale of development proposed such a contribution is limited in the overall planning balance. The level of weight afforded to this

benefit is also limited by the fact that consent already exists to erect a single dwelling on this application site.

Making Effective Use of Land

11.30 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.

11.31 As a garden, the application site is not regarded as brownfield land. As there is extant permission for the erection of one dwelling on the application site there are no additional benefits associated with the scheme in this regard. This is subsequently held in neutral weight in the overall planning balance. The need to consider the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places is dealt with in the following section(s) of the report.

Achieving well designed places

11.32 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.

11.33 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.

11.34 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.

11.35 Policy GP.35 of the AVDLP 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.

11.36 The proposed dwelling would be visible only from very limited public views. Whilst the proposed dwelling is larger than that previously approved it is considered that the design of the new dwelling retains the traditional and would be constructed from appropriate materials in keeping with the surrounding properties. The proposed new dwelling would not appear overly cramped within the plot and there would be sufficient amenity space provided around the dwelling to allow for the siting of normal domestic paraphernalia without it appearing incongruous. The landscaping scheme will also soften the appearance of the proposed dwelling from adjacent private views.

11.37 The proposed dwelling is considered to appear appropriate in its surroundings. The development proposals are subsequently considered to accord with AVDLP policy GP35 and the advice contained in the NPPF and this is held in neutral weight in the overall planning balance.

Promoting healthy and safe communities

11.38 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.

11.39 AVDLP policy GP.45 is also relevant in that any new development would also be required to provide a safe and secure environment for future occupiers of the site. Whilst such issues would be assessed in more detail in the context of a reserved matters submission, at this stage, there is no reason to consider that the development proposals are not capable of providing a safe, secure and inclusive environment for future users.

11.40 Policies GP.86-88 and GP.94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development. The need for financial contributions are considered in section d of this report. There is no reason to believe that the development proposals, which will be expected to comply with the relevant building regulations, would not be capable of providing a safe and accessible environment and this is held in neutral weight in the overall planning balance.

Conserving and Enhancing the Natural Environment

11.41 In terms of consideration of impact on the natural environment, regard must be had as to how the development would contribute to the natural 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 the landscape, trees and hedgerows and biodiversity.

11.42 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.

11.43 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value and requires sites where there is potential for impacts to be surveyed. Policy GP38 requires landscaping proposals to help buildings complement their surrounding and to conserve existing natural features of value.

11.44 The proposal involves the erection of one dwelling on land greenfield land and permission for a single dwelling has been granted and this permission is extant. The erection of a new dwellings would inevitably result in some harm to the natural environment by virtue of built form but it would appear only appropriate to consider the additional harm as the harm from a single dwelling in this location (albeit smaller) has already been deemed acceptable. Notwithstanding this, it does appear that soft and hard landscaping could be provided at the site to mitigate any harm and provide a biodiversity gain. A detailed scheme of hard and soft landscaping will be secured by condition.

11.45 There are no trees located within the application site although there are trees and hedgerows on the boundaries that contribute to the character of the area and would serve to screen and soften the development from public views. Issues surrounding the retention of the boundary hedges could be dealt with by a condition to secure a scheme of landscaping.

11.46 Whilst there would be an increase in built form at this site (compared with that already permitted), the additional impact to the natural environment is likely to be nominal as it is only appropriate to consider the additional harm that would result from a proposed scheme with an increased footprint. With the use of appropriately worded conditions issues surrounding trees and landscape are held in neutral weight in the overall planning balance.

11.47 Paragraph 170 of the NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the “best and most versatile” agricultural land and, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The application site is garden land and subsequently does not amount to agricultural land.

11.48 Paragraph 170 of the NPPF requires new development to minimise impacts on

biodiversity and provide net gains in biodiversity. As previously stated, a landscaping scheme provides an opportunity to provide net gains in biodiversity. The Council's Ecologist has confirmed that there is no reasonable likelihood that the application site is used by protected species. In order to secure the enhancements advocated by the NPPF, the Ecologist has requested that features be built into the fabric of the building to provide habitat for bats. This will be secured by condition.

11.49 In summary, with a condition to secure a scheme of landscaping and the ecological enhancements, the development proposals are thus considered to comply with AVDLP policies GP35, GP38, GP39 and GP40 and the guidance contained in NPPF. Neutral weight is apportioned to issues surrounding the natural environment when considering the overall planning balance

Conserving and Enhancing the Historic Environment

11.50 A positive strategy under paragraph 185 of the NPPF is required for the 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.

11.51 There are no heritage assets, neither on nor within the vicinity of the application site. Issues surrounding the historic environment are subsequently held in neutral weight in the overall planning balance.

Meeting the Challenge of Flood Risk & Climate Change

Flood Risk

11.52 Paragraph 163 of the NPPF requires new development to ensure that flood risk is not increased elsewhere. Where appropriate applications should be accompanied by a site specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

11.53 The site is located in Flood Zone 1 and it is however identified to be at risk of surface water flooding during higher order flood event. In order to mitigate the existing surface water flood risk a series of flood risk resistance and resilience measures have been proposed. Firstly, for the property it is proposed to raise finished floor levels up to 600mm to provide a suitable freeboard above the anticipated surface water flood depths for events between a 3.3% to 1% Annual Exceedance Probability (AEP)

11.54 The proposed dwelling will cause an obstruction to the existing surface water flood risk, and therefore to ensure no increased risk of flooding elsewhere the applicant has proposed a retaining wall to channel the flow route through the site, maintaining the existing flow route. The retaining wall will be secured by a condition which will also ensure that it is retained for the lifetime of the development. Details of the flood mitigation measures have been overlain onto the topographical survey to demonstrate how flows will be conveyed through the site. The LLFA have requested some extra information following this exercise but they are satisfied that this can be dealt with by condition.

11.55 The LLFA have also requested the removal of permitted rights Part 2 (minor operations) class A, relating to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. The LLFA consider this a reasonable approach as any construction of gate, fence, wall or other means of enclosure to the east and west boundary would obstruct the existing surface water flood flow route and potentially increase flooding offsite to the east.

11.56 In regards to the surface water runoff that will be generated as a result of development, infiltration components have been proposed to manage storm water. A soakaway will manage storm water from the roof areas whereas permeable paving will be used to manage the surface water arising from the hardstanding, permeable paving will offer benefits of water quality and quantity treatment. Whilst the infiltration testing carried out is indicative of the viability of infiltration, additional information is required by the LLFA but again they are satisfied that this can be secured by condition.

11.57 Due to the risk of flooding it is necessary for the applicant to demonstrate that safe access and egress can be provided during a flood event in order to prevent the future occupants of the development putting undue pressures on emergency services. The applicant has indicated that safe access can be provided and refuge be taken in the neighbouring field. The flood water would be low level, at a maximum of 600 mm, and it is presumed that the velocity of the water would be low, and so this is considered to be an acceptable arrangement.

11.58 Subject to a condition to secure a scheme of surface and foul water drainage and other recommended measures, the development proposals would not increase the risk of flooding on site or elsewhere in its surroundings and would be safe and flood resilient. On this basis the proposals are considered to accord with the advice contained in the NPPF and this is held in neutral weight in the overall planning balance.

Climate Change

11.59 The proposed dwellings would be required to be constructed to modern standards of design and sustainability to accord with current building regulations. There is no objection to the proposals on this basis and this is held in neutral weight when considering the overall planning balance.

Supporting high quality communications

11.60 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. There is no reason to believe that the proposed

development would interfere with broadcast or electronic communication services. This is held in neutral weight in the overall planning balance.

Impact on residential amenity

11.61 The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal. Policy GP95 of the AVDLP explains that in dealing with planning proposals, the Council will have regard to the protection of the amenities of existing occupiers. Development that exacerbates any adverse effects of existing uses will not be permitted.

11.62 Whilst there are more windows proposed to be inserted in the elevations of the dwelling as proposed, compared to the approved arrangement, this is not considered to amount to a material loss of privacy because no new first floor level windows are proposed in elevations where there were none. Also the separation distances remain broadly similar. The one exception is the proposed first floor level window serving an ensuite which faces 42 The Beeches. This window, serving a shower room, would however be obscure glazed, and a condition will ensure that this remains to be the case.

11.63 The north east side elevation of the proposed dwelling is located between a minimum of 0.9 metres and maximum of 5 metres away from the common boundary with 42 The Beeches. Between 5 and 8.3 metres separation will be retained between the two opposing elevations. Subsequently no material impacts are considered to arise when considering the potential for any overbearing impacts or increased sense of enclosure.

11.64 Between 8 and 12.9 metres separation will also be retained between the rear elevation of the proposed dwelling and the common boundary with 13 Manor Crescent.

11.65 A scheme of hard and soft landscaping will ensure that appropriate screening is maintained between the proposed dwelling and its neighbours. Both the proposed dwelling and the existing dwelling at 11 Manor Crescent would be served by private amenity space of an appropriate scale.

In summary it is considered that the proposed development has the capacity to ensure a satisfactory level of residential amenity for neighbouring properties in accordance with policy GP.8 of the AVDLP and the NPPF advice. No material impacts would arise over and above those already associated with the approved dwelling on this application site. It is therefore considered that if an absence of harm can be demonstrated, it would be attributed neutral weight in the planning balance.

d) Developer Contributions

11.66 Policies GP86-88 and GP94 seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and, where necessary, require financial contributions to meet the needs of the

development. In accordance with the NPPG tariff-style s106 contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor-space of no more than 1000sqm. On this basis the development proposals fall below the relevant thresholds at which developer contributions are sought.

Other Matters:

11.67 It is noted that a neighbour has suggested that not all of the land within the red line site plan falls within the ownership of the applicant. The applicant however has correctly served notice to relevant landowners. It is also noted that a neighbour has observed that they were not directly notified of this planning application. The Local Planning Authority does not write to neighbouring land owners, the applications are publicised through the display of site notices as detailed at the start of this report.

Case Officer: Laura Ashton

18/03475/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/03475/APP	BUCKINGHAM NORTH WARD	03/10/2018
CHANGE OF USE OF LAND FROM PUBLIC HIGHWAY TO AN OUTDOOR SEATING AREA 1-2 MARKET HILL, MK18 1JS	The Local Member(s) for this area is: - Cllr Simon Cole Cllr Timothy Mills	
Coffee#1 Ltd STREET ATLAS PAGE NO. 41		

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 including whether the development is in accordance with the Buckingham Neighbourhood Development Plan and the most relevant policies in the Aylesbury Vale District Local Plan (The Development Plan).

b) Whether the proposal would constitute a sustainable form of development having regard to:

- Building a strong competitive economy
- Promoting sustainable transport
- Achieving well-designed places
- Conserving and enhancing the historic environment

c) Impact on the amenities of neighbouring occupiers

The recommendation is that permission be GRANTED, subject to conditions

2.0 CONCLUSION and RECOMMENDATION

2.1 The proposal would preserve and enhance the character and appearance of the Buckingham Conservation Area. Suitable clearance is retained to enable pedestrians, buggies and wheelchair users to safely continue to use the pavement. The proposals would not give rise to any increase in parking provision and the proposed development would not impact on the living conditions of residential properties. Consequently, the proposals would accord with Buckingham Neighbourhood Development Plan Policies EE3 and EE4,, Policies GP8, GP35 and GP53 of the AVDLP, the National Planning Policy Framework and guidance set out in the CIHT '*Designing for Walking*' document.

2.2 It is therefore recommended that planning permission be APPROVED subject to the following conditions:-

1. STC5 – Standard time limit
Reason: RE03

2. The development hereby permitted shall be carried out in accordance with drawing No. A-G/1158-18 P3 REV D and 047 PD01 REV D; submitted under cover

of agents email dated and received by the Local Planning Authority on 4th February 2019 and the 8th April 2019.

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 the National Planning Policy Framework.

3. The tables, chairs and windbreaks shall be removed from the footway at end of each trading day (i.e. by 20:00 Mondays to Fridays and 18:30 on Sundays, Bank and Public Holidays.)

Reason: To preserve the character and appearance of the Buckingham Conservation Area and to accord with the National Planning Policy Framework

Informative:

The applicant is advised that a Section 115 license must be obtained from the Highway Authority prior to the commencement of the development. A period of 28 days must be allowed for the issuing of the license, Please contact 'Transport for Buckinghamshire' at the following address for information:-

Transport for Buckinghamshire

Aylesbury Vale Area Office

Corrib Industrial Park

Griffin Lane

Aylesbury

Buckinghamshire

HP19 8BP

Tel 0845 230 2882

3.0 WORKING WITH THE APPLICANT

3.1 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 the applicant submitted amended information which was considered to be acceptable and all outstanding issues have been resolved.

4.0 INTRODUCTION

4.1 This application needs to be determined by the committee because the Town Council have objected to the development proposals and have requested to speak at committee. Despite the applicant submitting amended information, the objection remains. Whilst the Town Council note that pavement cafes can be controlled by licencing this does not preclude the need to regularise the proposed change of use. The Town Council are concerned that sufficient clearance is not retained to allow pushchairs and wheelchairs to pass on the pavement. The scheme however has been amended to address these concerns to allow for a minimum of 1.8 metres of unobstructed pavement which is the recommended minimum distance cited in the CIHT '*Designing for Walking*' document to enable convenient pushchair and wheelchair access.

5.0 SITE LOCATION AND DESCRIPTION

- 5.1 This application relates to 1-2 Market Hill Buckingham which is a part two, part three storey building built-out in the 1970s. 1-2 Market Hill is located within Buckingham Town Centre and Buckingham Conservation Area and forms part of a terrace extending from the White Hart Hotel to The White House. All of the buildings within this terrace are Grade II Listed Buildings with the exception of the application building. The application building adjoins The White House
- 5.2 The building is constructed of brick which has recently be treated with a combination of cream and white render and appears to comprise three storeys from the street elevation although it has a basement level below. The ground slopes to the rear and so the basement forms an additional floor as viewed from the rear. The shop fronts at street level are set back from the pavement are enclosed in arches forming an arcade. The building comprises three distinct bays when viewed from within the Market Hill street-scene. The building was most recently occupied by a bank (Class A2 use) and dry cleaners (Class A1 use). The building is currently undergoing building works associated with the implementation of 18/00328/APP.

6.0 PROPOSAL

- 6.1 The planning application proposes the change of the use of the pavement outside 1-2 Market Hill from public highway to an outdoor seating area to serve a coffee shop the use for which was recently approved under planning application reference 18/03474/APP . The outdoor seating area would comprise three round tables around which two chairs each would be seated. The seating would be enclosed by three windbreaks and the scheme has been amended to account for the Town Council's concerns and retains a minimum of 1.8 metres between the edge of the seating area and the edge of the pavement.

7.0 RELEVANT PLANNING HISTORY

- 7.1 18/00328/APP - Conversion, alterations and roof extension to create eight new 1 bedroom dwellings. Reconstructed and remodelled elevation facade facing Market Hill including new shop fronts.- Infilling of covered front arcade on ground floor to create increased retail area.- Conversion of retail space involving alterations to the external envelope of the building. - APPROVED
- 7.2 18/02554/ACL - Application for a Lawful Development Certificate for an existing use (A1) - ACL1
- 7.3 18/A0328/DIS - Submission of details pursuant to Condition 3 (Part) - Window Details, Condition 4 - External materials, Condition 5 - Protection of adjacent and Condition 7- Drainage – CONDITION DISCHARGED
- 7.4 18/03021/ACL - Application for a Lawful Development Certificate - APPROVED
- 7.5 18/03140/APP - Conversion of part of the lower ground floor to provide a one-bedroom flat within the lower ground level of former NatWest Bank building, including associated external works. – Decision pending
- 7.6 18/03474/APP - Change of use of the above property from a Class A1 (retail) use to a mixed Class A1/A3 use (coffee shop), together with external shop front alterations and the implementation of 2 No. air conditioning condenser units and 4 No. replacement windows to the rear of the property. – Approved
- 7.7 18/03476/AAD - `1 No. illuminated fascia sign and 2 No. illuminated projecting signs – Decision pending

8.0 PARISH/TOWN COUNCIL COMMENTS

Buckingham Town Council – objects and requests to speak at committee – “ *Members strongly object to the acquisition of public highway when a pavement license would suffice, but also points out that this particular footway was too narrow to accommodate tables, chairs and protective barriers AND allow push chairs, wheelchairs and mobility scooters to get past and access the adjacent pedestrian crossing*”

9.0 CONSULTATION RESPONSES

- 9.1 Bucks County Highways – No objection subject to conditions
- 9.2 Heritage Officer – no objection
- 9.3 Environmental Health – no objection
- 9.4 Bucks County Archaeology – no objection

10.0 REPRESENTATIONS

10.1 One letter of objection has been received as a result of the publicity surrounding this planning application. The comments can be summarised as follows:

- Manual for Streets require 2 m of clear pavement
- Remaining walkway would be too narrow
- Pavement in on an incline – would unbalance tables and chairs
- Windbreak would not contain tables, chairs and legs and there would be overspill onto the public highway

11.0 EVALUATION

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

- 11.2 Members are referred to the Overview Report before them in respect of providing the background information to the Policy Framework when coming to a decision on this application.
- 11.3 The starting point for decision making is the Development Plan. For the purposes of this report, the Development Plan consists of the adopted Buckingham Neighbourhood Development Plan and the Aylesbury Vale District Local Plan.
- 11.4 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 (July 2018) and the Planning Practice Guidance 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 the application needs to consider whether the proposals constitute sustainable development having regard to Development Plan policy and the NPPF as a whole.

Neighbourhood Plan

11.9 The Buckingham Neighbourhood Development Plan was made on the 30th September 2015 following a referendum in which more than half of the participants voted to adopt the plan. The policies within this document are therefore held in full weight for the purposes of decision taking at this time. The BNDP contains the most relevant and up to date policies against which this planning application should be assessed. It contains policies relevant to the principle of the change of use. BNDP policy EE3 relates to the development of the town centre. It explains that applications will be supported for new town centre uses (A1, A2, A3, A4, A5, B1(a), C1, D1 & D2) within Buckingham town centre. Policy EE4 of the BNDP seeks to retain and enhance the primary and secondary retail frontages in the town. BNDP policy I1 required pedestrian routes should be suitable for disabled access. The assessment of the development proposals against the relevant policies are considered in the following sections of this report.

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

11.10 Members are referred to the Overview Report for the Council's Emerging Policy Position. The key points of which is that the adoption of the Vale of Aylesbury Plan is planned to take place in 2019 and the policies within it are currently held in limited weight.

Whether the Proposals would Constitute Sustainable Development

11.12 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 7 to 211 of the NPPF, taken as a whole (paragraph 3). The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development for both plan-making and decision-making.

11.13 It is only if a development is sustainable when assessed against the NPPF as a whole that it would benefit from the presumption in paragraph 11 of the NPPF. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.

Conclusion on policy framework

11.14 In considering this application, the AVDLP and Buckingham Neighbourhood Development Plan constitutes the Development Plan, and this forms the primary basis for determining the application. 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 meaningful 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.

11.16 The relevant objectives are considered below in this report and an assessment is made of the benefits associated with each development together with any harm that would arise from a failure in meeting these objectives.

Building a Strong Competitive Economy

11.17 The Government is committed to securing and supporting sustainable economic growth and productivity in order to create jobs and prosperity 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.

- 11.18 Policy EE4 of the BNDP seeks to retain and enhance the primary and secondary retail frontages in the town. It explains that, to ensure the protection and enhancement of the town centre as a shopping destination, the introduction of new non-retail uses (Classes A2, A3, A4 and A5) will be restricted to 35% of the sum total of the primary retail frontages.
- 11.19 AVDLP policy BU6 relates to the Buckingham primary shopping frontage, within which the application site sits. It states that in this location the Council will not permit changes of use to non-retail uses that weaken the shopping strength and interest of the area. It continues by explaining that that redevelopment that incorporates ground floor shopping uses and enhances the trading characteristics and liveliness of the central area will be permitted.
- 11.20 The development proposals are concerned with the investment in a business premises and significant weight should be apportioned to the fact that the development proposals are concerned with the introduction of a new town centre use to a vacant unit. The change of use of the town centre unit itself was the subject of planning application reference 18/03474/APP which was recently approved under delegated powers. To consider the change of use of the public highway to an outdoor seating area, the pavement café is considered to be a use that will enhance the trading characteristic and liveliness of the central area and will support other retail functions in the town through providing opportunities for linked visits to the town. On this basis the development proposals are considered to comply with the policy EE3 and EE4 of the BNP, policy BU6 of the AVDLP and the advice contained in the NPPF.

Promoting Sustainable Transport

- 11.21 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 guidance 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.
- 11.23 Policy I1 of the BNDP requires pedestrian routes to be suitable for disabled access.
- 11.24 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.
- 11.25 In assessing the transport considerations that arise from the proposals, there is no reason to think that the addition of a pavement café would amount to a severe cumulative impact on the highway network particularly given that the Buckingham is a strategic settlement location that is well served by employment opportunities, services and facilities and has good access to public transport. The site is located in an area where alternative transport modes, other than private car, are a realistic, convenient and attractive alternative.
- 11.26 It is necessary to consider the proposals from a highway safety point of view. Originally the development proposals showed a larger seating area with a retained pavement width

of 1.5 metres which falls below the standard to allow safe access. The development proposals have been amended to show a smaller seating area, enclosed by a wind break and leaving between 1.8 metres and 1.9 metres of unobstructed pavement. This meets the minimum requirement set by the CIHT '*Designing for Walking*' document and the highways officer is satisfied with this arrangement and removed an earlier objection to this planning application. Sufficient clearance has been retained to allow pedestrians, wheelchair users and buggies to continue to safely use the pavement. In response to the Town Council's concerns that with the wind breaks and pillars on the building insufficient passing space would be retained, the proposed development was set up and measured in situ. The Planning Officer and Highways Officer measured the arrangement and was satisfied that with the projections on the façade of the building and the footing of the windbreaks, between 1.8 and 1.9 metres of unobstructed highway would be retained. It was also confirmed that the windbreaks are very heavy and would be difficult to move should anybody seek to move them. The development proposals would not give rise to any increased parking requirement.

11.27 The development proposals are subsequently considered to be in accordance with BNDP policy I1, AVDLP policy GP.24 and the guidance contained within the NPPF.

Achieving well designed places

11.28 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.

11.29 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.

11.30 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.

11.31 Policy GP.35 of the AVDLP 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. Policy GP.45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site.

11.32 The development proposals relate to the pavement only and will subsequently have no impact on the appearance of the building. A specification of the tables and chairs have been provided and these are of usual appearance and would be acceptable appearance in their conservation area context. It is also noted that the table and chairs are removable and would subsequently not be a permanent fixture. There is no reason, with the use of the windbreak, which is also removable, the proposed pavement café would not be capable of providing a safe and secure environment. The development proposals are subsequently considered to accord with AVDLP policy GP35 and the advice contained in the NPPF.

Conserving and Enhancing the Historic Environment

11.34 There are a number of listed buildings within the vicinity, including both adjacent buildings which are Grade II Listed and designated heritage assets. The site is also located in the *Buckingham Conservation Area (CA)*. Special regard has to be given to the statutory test of preserving the setting of the Listed Buildings under section 66 and preserving and enhancing the character and appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted as a higher duty. The Heritage Officer has concluded that, as the furniture is not fixed and will be removable on a daily basis, this application is supported in heritage terms and the setting of the adjoining Listed Buildings and the character and appearance of the conservation area would be preserved. The proposals are thus considered to accord with section 66 and section 72 of the act AVDLP policy GP53 and the advice contained in the NPPF.

Impact on residential amenity

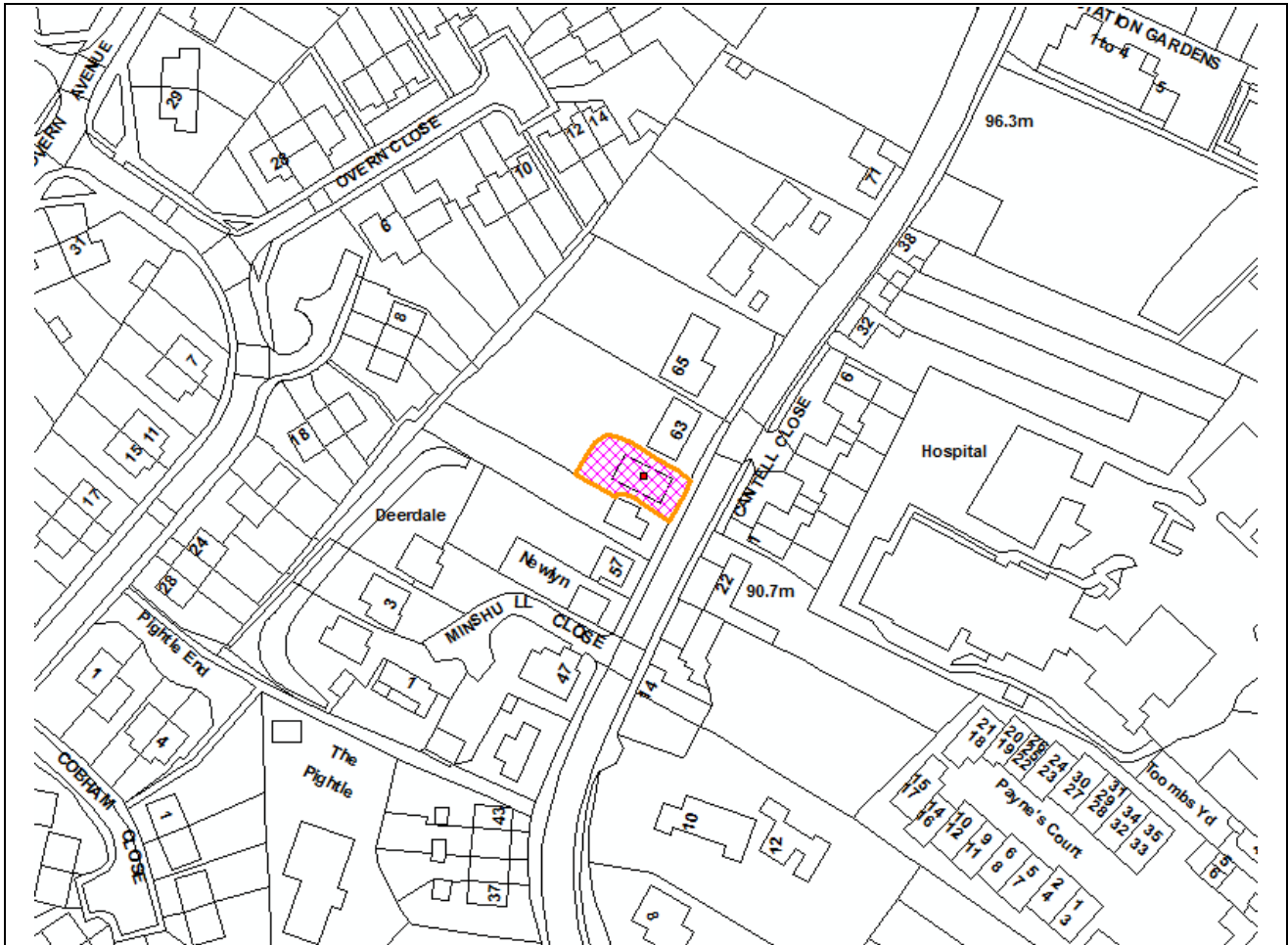
11.35 The NPPF at paragraph 127 sets out that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal. Policy GP95 of the AVDLP explains that in dealing with planning proposals, the Council will have regard to the protection of the amenities of existing occupiers. Development that exacerbates any adverse effects of existing uses will not be permitted.

11.36 Whilst it is acknowledged that there are residential flats on the upper levels of the application building and buildings within the site's surroundings, the pavement café will be a day time use and in a bustling town centre location the addition of three outdoor tables are not considered to give rise to any material increase in noise and disturbance. The development proposals are subsequently considered to accord with AVDLP policy GP8 and GP95 and the advice contained in the NPPF.

Case Officer: Laura Ashton

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19/00735/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/00735/APP	BUCKINGHAM	26/02/19
DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF A 4-BED DWELLING	The Local Member(s) for this area is/are: - Councillor T Mills	
61 MORETON ROADBUCKINGHAMBUCKINGHAMSHIREMK18 1JZ	Councillor S Cole	
SARAH MURDEN		
STREET ATLAS PAGE NO. 41		

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 with regard to:

- **Delivering a sufficient supply of homes**
- **Building a strong, competitive economy**
- **Promoting healthy and safe communities**
- **Promoting sustainable transport**
- **Supporting high quality communications**
- **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**

c) Impact on residential amenity

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

CONCLUSIONS – THE PLANNING BALANCE

- 1.1 The application has been evaluated against the extant development plan, including the Buckingham Neighbourhood Development Plan (BNDP) and the Aylesbury Vale District Local Plan (AVDLP) and the National Planning Policy Framework (NPPF), and the report has also considered the application against the principles of the NPPF and whether the proposal would deliver sustainable development.
- 1.2 Paragraph 11 of the NPPF requires development proposals that comply with an up-to-date development plan to be approved without delay; or where there are no relevant development plan policies, or where the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or refuse development where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. In this case, there are policies within the BNDP and AVDLP which are relevant, however the most relevant policies relating to replacement dwellings are non-existent. As such it is considered necessary to assess the principle of development against the principles of the NPPF.
- 1.3 As the proposal relates to a replacement dwelling, there would be no contribution to the Council's housing land supply as no additional dwellings would be created. However, the creation of a larger family dwelling would result in benefits to the local economy through the construction of the development itself and the resultant increase in population at the site. This is a matter which is afforded limited positive weight in the planning balance as it is tempered to the scale of development.
- 1.4 Buckingham is defined as one of the District's 5 'strategic settlements' in the Settlement Hierarchy Assessment (September 2017). Strategic settlements typically have the largest populations and greatest range of services and facilities. These strategic settlements also play an important role in supporting smaller rural settlements. The Settlement Hierarchy identifies that Buckingham has the second highest population in the District. Of particular note, Buckingham has an independent university and benefits from regular bus services to Aylesbury, Milton Keynes, Oxford and Cambridge. With specific regard to the application site on Moreton Road, the Neighbourhood Plan identifies this as falling within the Buckingham Settlement Boundary (figure 4.2) and more specifically, within the 'North Western Arc', just outside of the town centre (figure 2.9). As such the site is considered a sufficiently sustainable location for the development proposed and the occupiers of the development would have adequate access to facilities and services, including public transport options.
- 1.5 Compliance with some of the other planning principles of the NPPF have been demonstrated in terms of promoting healthy and safe communities, promoting sustainable transport, supporting high quality communications, making effective use of land, achieving well-designed places, meeting the challenge of climate change and flooding, conserving and enhancing the natural environment and conserving and enhancing the historic environment. However these matters do not represent benefits to the wider area, but demonstrate and absence of harm to which weight should be attributed neutrally.
- 1.6 Weighing all the relevant factors in the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP, BNDP and supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. It is therefore recommended that the application be **APPROVED** subject to the following conditions:

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

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

2. No development shall take place above slab level on the building(s) hereby permitted until samples/details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

3. No development shall take place on the building(s) hereby permitted until details of the materials proposed to be used on the surfaces of the roads, footpaths, driveways have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

4. No development shall take place on the building(s) hereby permitted until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason: To ensure a satisfactory appearance to the development and to comply with policies GP35 and GP38 of Aylesbury Vale District Local Plan, policy DHE5 of the Buckingham Neighbourhood Development Plan and the National Planning Policy Framework.

5. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies GP35 and GP38 of Aylesbury Vale District Local Plan, policy DHE5 of the Buckingham Neighbourhood Development Plan and the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of any dwelling nor the erection of any garage shall be carried out within the curtilage of any dwelling the subject of this permission, no

windows, dormer windows, no buildings, structures or means of enclosure shall be erected on the site which is the subject of this permission other than those expressly authorised by this permission.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of the dwelling or erection of a garage, windows, buildings, structures or means of enclosure having regard for the particular layout and design of the development, in accordance with policies GP8 and GP35 of the Aylesbury Vale District Local Plan, policy DHE6 of the Buckingham Neighbourhood Development Plan and to comply with the National Planning Policy Framework.

7. Prior to the occupation of the development, the modified access shall be designed/constructed in accordance with the approved plans. The access shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Private Vehicular Access Within Highway Limits" 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the National Planning Policy Framework.

8. Prior to the occupation of the development, space shall be laid out within the site for parking and manoeuvring, in accordance with the approved plans. This area shall be permanently maintained for this 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 the National Planning Policy Framework.

9. Works on site shall not commence until details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved scheme of drainage.

Reason: In order to ensure that the development is adequately drained and to comply with policies I3 and I5 of the Buckingham Neighbourhood Development Plan and the National Planning Policy Framework.

10. The windows at first floor level in the southern elevation and the rooflights in the northern elevation of the extension hereby permitted shall not be glazed or re-glazed other than with obscured glass to a minimum of level 3 and non-opening unless the parts of the window that can be opened are more than 1.7m above internal floor level.

Reason: To preserve the amenities of the occupants of the adjacent dwelling and to comply with policy GP8 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

11. No development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority, with reference to fixed datum point. The building(s) shall be constructed with the approved slab levels.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development and to comply with policy GP8 and GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

INFORMATIVE(S):

1. 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, concerns were raised with the scale of the dormer and the proposed fenestration which has now been revised and the amended scheme is considered to be acceptable.
2. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact the Area Manager at the following address for information or apply online via Buckinghamshire County Council's website at <https://www.buckscc.gov.uk/services/transport-and-roads/licences-and-permits/apply-for-a-dropped-kerb/>

Transport for Buckinghamshire (Streetworks)
10th Floor, New County Offices
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
01296 382416

3. It is contrary to section 163 of 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.
4. 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.
5. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
6. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

2.0 INTRODUCTION

- 2.1 The application needs to be determined by committee as the town council has raised material planning objections. These comments are set out below in the report.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The application site lies on the western side of Moreton Road (A413) to the north of the Buckingham settlement, between the Buckingham Town Centre and Maids Moreton to the north-east.

- 3.2 The plot size is generally small compared with some neighbouring plots and although a small single storey bungalow previously occupied the site, the building has since been demolished and the site is now open with only the concrete base retained.
- 3.3 Approximately speaking, the plot has a width of 10m and a depth of 22m.
- 3.4 Behind the houses to the opposite side of Moreton Road lies Buckingham Community Hospital, which also forms the northern boundary of the Buckingham Conservation Area. Whilst the application site does not fall within the conservation area, neighbouring properties on the opposite side of the highway (excluding Cantell Close) and to the south do fall within the Buckingham Conservation Area.

4.0 PROPOSAL

- 4.1 Full planning permission is sought for a replacement dwelling at No.61 Moreton Road, Buckingham. The original bungalow at the site has been demolished.
- 4.2 The proposed dwelling would be two storeys, albeit the first floor would also comprise part of the roof-space due to the low eaves. The proposed building measures to have a width of 7.9m which includes the single storey lean-to element, a depth of approximately 11.2m and would comprise a dual pitched roof with two gable ends, one to each of the front and rear elevations. The eaves height measures to be 4.9m and the ridge height measures 7.7m.
- 4.3 Part way along the roof-slope, there is a section of roof which is lower than the main part of the dwelling, and this part of the roof, together with the single storey element creates a cat-slide roof. This would include roof-lights which would serve a stairwell and landing.
- 4.4 At ground floor level, a lounge is proposed at the front of the building, with an open plan kitchen-diner located towards the rear. An entrance hall and staircase are located off the entrance to the property and a utility room would also be accessed from the kitchen. At first floor level, 4 bedrooms are proposed, one of which would be served by an en-suite whilst the other 3 would utilise the family bathroom. A master bedroom is shown as one of the 4 bedrooms, which would benefit from a small integral balcony to the rear facing elevation.
- 4.5 The submitted application form indicates that the walls of the dwelling would comprise of red facing brickwork and black vertical timber cladding; the roof would comprise slate tiles; and the windows would be a mix of either grey or black powder coated aluminium windows depending on whether they are sited in the areas of cladding or brickwork. The forms also indicate that timber fences would be retained to the boundaries, the driveway would be constructed of permeable brick pavers and the guttering and downpipes would comprise of black UPVC.
- 4.6 Parking for 3 vehicles would be provided for at the front of the dwelling, off of the highway.

5.0 RELEVANT PLANNING HISTORY

- 5.1 None relevant.

6.0 TOWN COUNCIL COMMENTS

- 6.1 Buckingham Town Council – Oppose the application as the front of the site is inadequate for parking three cars and no room for turning and exiting in a forward gear onto a busy road, on a steep hill, just above a bend and close to kerbside parking on the opposite side. The separation distance from No.59 is less than 1m and, given the additional storey proposed, would detrimentally affect the amenity of the neighbours.

7.0 CONSULTATION RESPONSES

- 7.1 Buckingham and River Ouzel Drainage Board – No comments to make.
- 7.2 Bucks CC Highway Authority – The highway authority is satisfied that the application would

not have a material impact on the safety and operation of the adjoining public highway. Parking spaces shown are in line with local and national guidance. Although a parking area off of an A road should provide an adjoining manoeuvring area, to allow vehicles to pull out in a forward gear, in this instance, the proposed layout is not materially different from the existing layout and so could not raise objections. Therefore there is no objection subject to 2 planning conditions and 5 informatives.

8.0 REPRESENTATIONS

- 8.1 Three objections have been received from neighbouring properties on the grounds (as summarised):-
- 8.2
- Lack of manoeuvring space by creating three parking spaces
 - Inadequate visibility splays
 - Loss of privacy to neighbouring properties
 - Loss of light to No.63 due to the height of the proposed building
 - A proposed access the full width of the plot would be out of keeping with other properties

9.0 EVALUATION

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

- 9.1 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. In this respect, Buckingham has a 'made' neighbourhood plan and so the relevant policies will be used in the assessment of this application.

The Development Plan

- 9.2 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.
- 9.3 Policies RA13 and RA14 relating to the supply of housing district wide form part of that overall housing strategy, 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. RA13 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.

- 9.4 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 GP8, GP24, GP35 and GP38 - GP40.

Buckingham Neighbourhood Development Plan (BNDP)

- 9.5 The BNDP was adopted on 30 September 2015 and applies to the Buckingham Area outlined in figure 1.1 (page 6) of the BNDP. The plan is therefore a material consideration in determining planning applications which fall within the defined boundary. The plan contains a number of policies which range from housing to design, heritage and environment, culture, leisure and health, economy and education, infrastructure and developer contributions.
- 9.6 The BNDP also identifies the Buckingham Settlement Boundary as shown on figure 4.2. Whilst this boundary is intended to identify site suitable for housing development, such as allocated sites, it still provides guidance on where development should ideally be located. In other words, the settlement boundary seeks to avoid new development from being sited in the open countryside.
- 9.7 The policies of the BNDP relevant to this application include DHE1, DHE5, DHE6, I3 and I5.

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

- 9.8 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.
- 9.9 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.

Housing supply

- 9.10 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.
- 9.11 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.
- 9.12 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.
- 9.13 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 25 April 2019 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. This statement concludes that the Council has a five-year housing land supply of 5.64 years (112%).
- 9.14 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.

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

- 9.15 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.
- 9.16 The NPPF comprises of a number of principles which says that planning should take

account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and seek to secure high quality design. In delivering sustainable development, the NPPF has a section on conserving and enhancing the natural environment and encourages the effective use of land by reusing land that has been previously developed (brownfield land) (paragraph 118).

- 9.17 As set out above in this report, Buckingham is defined as a strategic settlement, indicating that it is one of the most sustainable locations in the District for new development, in part, due to the services and facilities available. There are also a number of public transport options which are likely to improve/increase as part of the 'Brain Belt' development between Oxford and Cambridge.
- 9.18 More specifically, No.61 Moreton Road lies approximately 190m away, as the crow flies, from Market Hill/High Street which are shown as falling within the town centre character area in the Neighbourhood Plan. It is concluded that the site is within reasonable walking distance to services and facilities and could be accessed without the need for private motorised vehicles. It is also acknowledged that this application relates to a replacement dwelling with a 1-for-1 replacement so the principle of a dwelling is already established.

Delivering a sufficient supply of homes

- 9.19 Local planning authorities are charged with delivering a wide choice of, sufficient amount of, and variety of land, 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.
- 9.20 In supporting the Government's objective of significantly boosting the supply of homes, paragraph 61 states that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).
- 9.21 There are no identifiable reasons why the site could not be delivered within the next five year period, but in any case would replace an existing dwelling and so there would not be any net increase in dwellings. Nonetheless, the proposal would add to the variety of housing mix within this part of Moreton Road. This is afforded neutral weight in the planning balance.

Building a strong, competitive economy

- 9.22 The Government is committed to securing and supporting sustainable 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.
- 9.23 It is considered that there would be economic benefits in terms of the construction of the development itself and the resultant increase in population contributing to the local economy. It is considered that these benefits should be afforded limited positive weight in favour of the proposal, benefits that are tempered to the scale of development proposed.

Promoting healthy and safe communities

- 9.24 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.
- 9.25 Policies GP.86-88 and GP.94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development.
- 9.26 In this instance, the number of units (one dwelling) proposed would not require contributions to be made in respect of the above facility provision. As such this matter is attributed neutral weight in the planning balance.

Promoting sustainable transport

- 9.27 It is necessary to consider whether the proposed development is located where the need to travel will be minimised, the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved. In terms of the locational characteristics of the site, this has been briefly commented on above.
- 9.28 It is likely that shopping trips and supermarket shopping would involve the use of a private motor vehicle but there are no identifiable reasons why the other facilities and services located in the centre of Buckingham would require the use of a private car. The site is therefore considered highly sustainable. The fact that there is already a dwelling in this location (albeit now demolished) is also a material consideration. This aspect is attributed neutral weight in the planning balance.
- 9.29 In terms of the access onto Moreton Road, it is noted that a partial dropped kerb currently exists, as the site previously benefited from a single access point. It appears that previously, vehicles would have reversed onto the site from Moreton Road in order to egress again in a forward gear. Since the pre-application stage, the hedge at the front of the site has been removed and the bungalow demolished. This has effectively opened up the site allowing for multiple vehicles to park on site without manoeuvring/turning being required, nor a tandem arrangement being required. The submitted site plan indicates that each of the spaces would have a depth of 5m and a width of 2.4m which complies with the Council's Parking Standards.
- 9.30 Bucks CC as the Highway Authority have been consulted on the application. Whilst they note access onto an A road would typically require a manoeuvring area, however they note that the proposed arrangement is not dissimilar to the existing layout. As such the highway authority would not be able to substantiate an argument that the proposed development would have a sufficiently adverse impact upon the highway network. In this respect, paragraph 109 of the NPPF 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. As such, it is not considered that any impact resulting from the potential intensification would be severe that planning permission could reasonably be withheld on those grounds. Access onto the site is a matter to be attributed neutral weight in the planning balance as an absence of harm can be demonstrated.
- 9.31 The submitted plans indicate that the dwelling would comprise of 4 bedrooms. The Council's Parking Standards indicate that dwellings with 4 or more bedrooms should

provide 3 off-street parking spaces. In this case, the required number of spaces would be provided off-street and so would be acceptable. Again, this matter is afforded neutral weight in the planning balance.

Supporting high quality communications

- 9.32 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.
- 9.33 Given the location of the proposed development and the fact that there was already a single dwellinghouse on this site, it is considered that the proposal would not have any undue impact upon broadcast or electronic communication services. 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.

Making effective use of land

- 9.34 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.
- 9.35 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should take into account the importance of the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 9.36 The creation of a dwelling on the site would be an acceptable use of land in planning policy terms, albeit it is acknowledged that the proposal relates to a replacement dwelling. It could be argued that the replacement would provide a more modern family sized dwelling compared with a relatively modest bungalow that previously occupied the site and there would be some limited benefits to the economy from the occupancy of the site. This matter is afforded neutral weight in the overall planning balance.

Achieving well-designed places

- 9.37 As mentioned above, policy GP35 of the AVDLP 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. In requiring good design, the NPPF states that development should add to the overall quality of the area, respond to local character and history and to reflect the identity of local surroundings.
- 9.38 Given the site's location on the A413, it is reasonable to suggest that the site does have a certain level of prominence for users of the highway. That being said, the dwelling would be viewed in the context of the surrounding dwellings in this part of Moreton Road. Having carried out a site visit, it is evident that the street scene is quite mixed in terms of the scale and height of dwellings as well as the design and use of materials. For example there are a number of bungalows on this side of Moreton Road to the north; the dwellings in Cantell Close appear as two storey dwellings but with front-facing dormers in the roof of the principal elevations. Other dwellings to the south of Moreton Road are two storey and are a mix of detached dwellings and terraces (No.37-43). There is even a thatched property at No.45 Moreton Road.

- 9.39 The existing bungalow (which can be seen on Google Street View), which has been demolished, was not considered to be of any particular architectural merit. Hedges at the front of sites are commonplace on this part of Moreton Road so the removal of the hedge at the front of the application site is regrettable. That being said, there are examples of properties which are entirely hard-surfaced to the front and so comprise of little or no soft landscaping, for example the adjoining neighbour at No.59. The plot size is generally small compared with the adjoining neighbours but the submitted location plan indicates that smaller plots do exist in this location, for example those in Cantell Close, Minshull Close and the estate to the west. The application site is therefore considered characteristic of the area.
- 9.40 The proposed dwelling would be two storey in height, but the first floor accommodation would be provided partly within the roofspace as a result of the reduced eaves height. The eaves height and ridge height have been carefully designed so as to result in a dwelling that would sit marginally lower than the adjoining neighbour at No.59. As shown on the submitted streetscene elevation plan, the proposed dwelling would create a staggered, albeit limited, row of dwellings, with the proposed building having a height somewhere in-between No.'s 59 and 63 Moreton Road. It is also noted that a planning application has been submitted in respect of No.63 which includes an increase in ridge height to that bungalow. Whilst this is still pending consideration, if permitted, it would create a more cohesive and even stagger of building heights in this row.
- 9.41 Turning more specifically to the design of the dwelling itself, it would feature a gable end to the principal elevation which would be characteristic of the area. It would feature some large glazed openings to the front elevation but again, it is noted that the street is quite varied with a mix of sash windows and more modern UPVC windows. So the glazing proposed would not be considered to result in an undue level of prominence. The dwelling would have a depth of approximately 22m however, it should be noted that this is not dissimilar from the depth of the original bungalow on site which is shown by a red outline on the submitted plans. Furthermore, it is considered that the proposed dwelling would be viewed in the same context as No.55 (Newlyn) and No.57 Moreton Road which both have a deep two storey form. The proposed dwelling would not therefore look out of place.
- 9.42 Although the depth of the proposed dwelling would be greater than that of No.55 and No.57, it is also noted that the dwelling has been designed so that the northern flank would have a single storey element thus creating a partial catslide roof. This, together with ground floor high-level windows, creates an interesting elevation opposed to an alternative stark appearance. The single storey element also helps to create a sense of space between the application site and the neighbour to the north.
- 9.43 The opposite flank elevation (south) would appear entirely two storey but there are two first floor windows which would effectively 'break-up' the elevation. This side is considered less sensitive as it would be partially disguised by the existing dwelling at No.59. The southern elevation is therefore less readily visible to users of the highway compared with the opposite flank which would be visible from highway users driving into Buckingham, which would be visible above the existing bungalow (No.63).
- 9.44 Turning to the proposed materials, the external walls themselves would comprise a mix of red facing brickwork and black vertical timber cladding. The roof would comprise of slate tiles, with windows either grey or black powder coated aluminium. As already set out above, the street scene is relatively mixed. There are examples of red facing brickwork in this part of Moreton Road and there are also examples of either slate, or dark coloured clay tiles. Whilst timber cladding is not a common feature of the street scene, No.'s 55-59 Moreton Road do comprise of dark coloured timber detailing. It is considered therefore that

the proposed materials to be used in the elevations of the building would not look out of keeping with the area. Whilst these materials are acceptable in principle, it is recommended that a planning condition is included in the decision to enable the local planning authority to view samples and ensure the proposal would satisfactorily integrate into the street scene.

- 9.45 When assessed against the Council's 'New Houses in Towns and Villages' Design Guide, the proposal has a proposed scale, shape, use of materials, roof form and parking layout that would comply with the guidance of that design guide. The proposal is considered to have been carefully designed to reflect the local characteristics and context of the area. The NPPF at para 124 states that the creation of quality buildings and places is fundamental to what the planning and development process should achieve. Moreover, para 131 of the NPPF states, among other things, that planning decisions should 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. For the reasons set out above, it is considered that the proposal would be acceptable.
- 9.46 Policy DHE6 of the BNDP states that new development must provide good quality outdoor space where people can spend quality time and enjoy their surroundings. The sub-text in paragraph 7.13 of the BNDP states that, with regard to family dwellings, the Town Council expect to see garden areas at least 10m in length, although it is noted that plot shape may allow for alternative distribution of equivalent amount of private space. The submitted site plan indicates that the depth of the rear garden would be 6.65m, whilst the width would be approximately 11.8m at its widest point. Although it is acknowledged, the depth does not comply with the sub-text of that policy, it is accepted that the arrangement is not dissimilar to the previous arrangement when a bungalow occupied the site and it is also noted that the plot is characteristic of the wider area in terms of size, depth and shape. As such, it is considered acceptable in this instance.
- 9.47 It is considered the proposal would have an acceptable impact on the visual amenities of the site and wider area, in accordance with policy GP.35 of the AVDLP, the Council's 'New Houses in Towns and Villages' Design Guide and the advice contained within the NPPF and this matter should be afforded neutral weight in the planning balance.

Meeting the challenge of climate change and flooding

- 9.48 The development site is located within Flood Zone 1 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. Although a taller building is proposed, the footprint is only marginally larger than that of the original bungalow.
- 9.49 As such, it is considered the proposed development would be resilient to climate change and flooding in accordance with the NPPF and this factor should therefore be afforded neutral weight in the planning balance.

Conserving and enhancing the natural environment

- 9.50 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. It is also reinforced by the Council's adopted supplementary planning guidance in the form of the New Houses in Towns and Villages Design Guide which encourages new development to recognise and respect landscape and local character. Policy GP35 as set out above is also of relevance.

- 9.51 As set out above, the proposed building would be taller than the original bungalow at the site, but would still sit lower in the street scene than the neighbour No.59. It is unlikely that the proposal would have an adverse impact upon biodiversity. Policy DHE1 of the BNDP requires development proposals to make provision for trees on site. Provision of new trees should include species and types of tree to ensure that the landscape retains its current character. Given the limitations of the site, with particular regard to the plot size, it is unlikely that an extensive landscaping scheme could be implemented. That being said, detailed information has not been provided so it is recommended that a planning condition is included in the decision to enable the local planning authority to work with the applicant and establish some soft landscaping commensurate with the scale of development proposed. It is considered that there are opportunities for soft landscaping to the rear of the site, and potentially to one side at the front of the site. This suggested condition would also enable the local planning authority to ensure the proposal would comply with policy DHE5 of the BNDP.
- 9.52 As such, it is considered that the proposal would be acceptable and would not have a sufficiently harmful impact upon local biodiversity, subject to a landscaping scheme to provide adequate mitigation. This aspect is attributed neutral weight in the planning balance.

Conserving and enhancing the historic environment

- 9.53 The nearest heritage assets to the application site are No.'s 14-22 Moreton Road (opposite side of highway to the south), and the Buckingham Conservation Area, the boundary of which encompasses these aforementioned listed buildings. The proposal is therefore to be considered on the impact of the setting of these heritage assets.
- 9.54 Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 place a duty on local planning authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of listed buildings, and preserving and enhancing the character or appearance of conservation areas. Recent cases in the High Court of Appeal have placed emphasis on local planning authorities ensuring that great weight is attached to these duties.
- 9.55 Given the separation distance of the application site to the listed buildings and conservation area, it is not considered that the proposal would have a significant impact upon their setting. However, the site does form part of the same street scene and so the proposal would still need to be carefully designed so as to preserve these heritage assets. For the reasons already set out above in this report, it is considered that the proposed dwelling would successfully integrate into the street scene and would not result in a level of prominence that could be considered harmful to the setting of those buildings. As such it is considered that the proposal would be acceptable and would preserve the setting of the nearby listed buildings and the nearby conservation area.
- 9.56 Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and to the statutory test of preserving the setting of the listed building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which are accepted as a higher duty. It has been concluded that the development would preserve the character and appearance of the conservation area and that the setting of the listed building would be preserved and so the proposal accords with section 66 & 72 of the Act. In addition, no harm would be caused to the significance of the heritage asset in NPPF terms, and as such the proposal accords with the guidance contained within the NPPF. As an absence of harm can be demonstrated, this matter is afforded neutral weight in the planning balance.

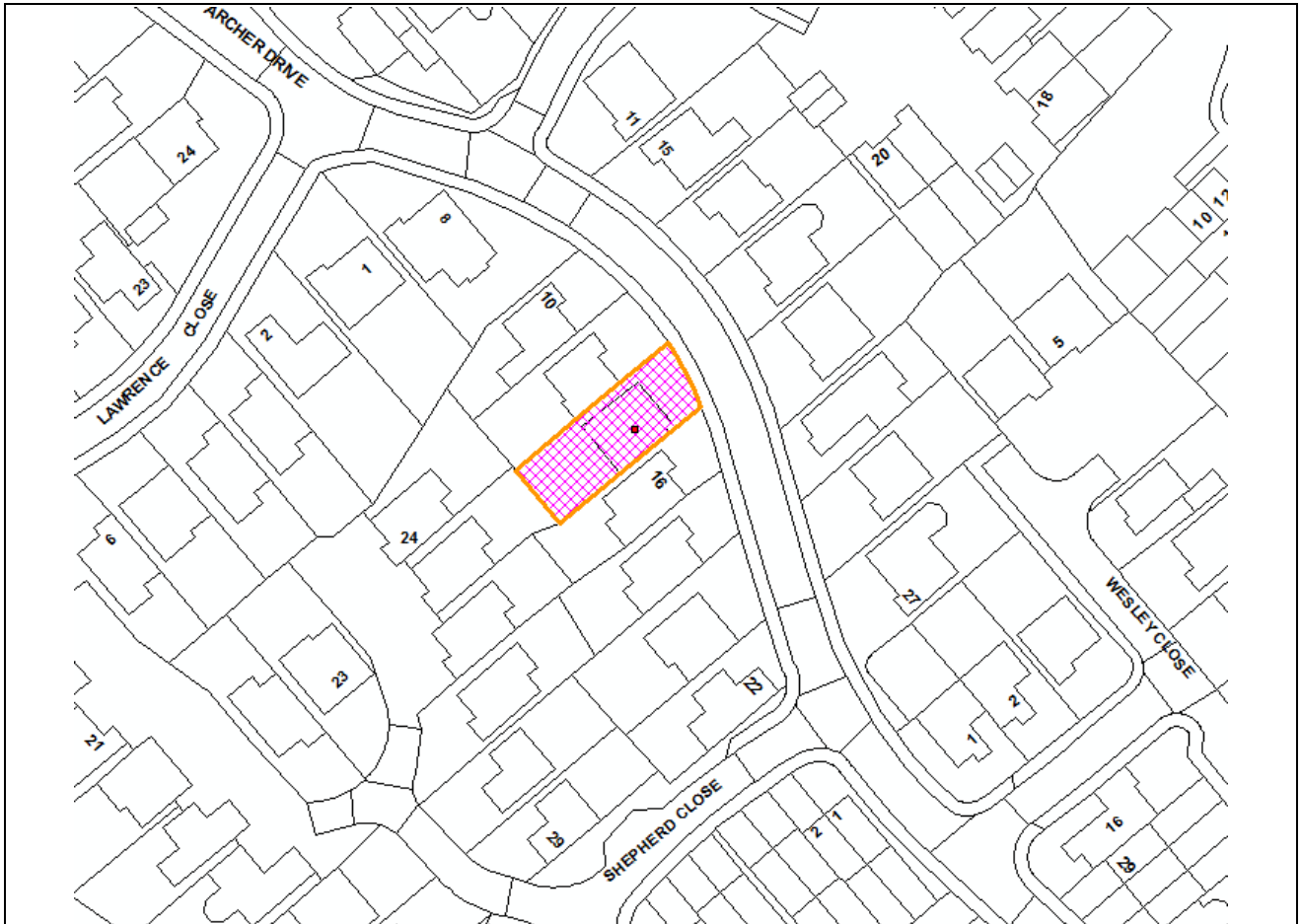
c) Impact on residential amenity

- 9.57 AVDLP policy GP8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.
- 9.58 The NPPF at paragraph 127, states that authorities should always seek to create places that are safe, inclusive and accessible... and secure a high standard of amenity for all existing and future occupants of land and buildings.
- 9.59 Having carefully considered the objections raised, it is noted that there are concerns relating to a potential loss of light to No.63 Moreton Road and a loss of privacy to neighbouring properties. Turning firstly to the loss of light, it is accepted that a taller dwelling than the previous bungalow would inevitably have a greater impact upon No.63. This is further created by the positioning of the proposed dwelling to the south of No.63. That being said, the two storey element would be set in 2.3m from the shared boundary and a further 1.3m between the boundary and No.63. It is noted however that the single storey element would only be 1.17m from the boundary. Although it is accepted two storey built form would have a greater impact, the proposed dwelling has been carefully designed so as to site the dwelling further back within the plot and contain the main bulk of the dwelling further to the south within the plot, compared with the previous bungalow. This has been demonstrated via the use of a red dotted line on the submitted site plan. As such, it is considered that the loss of light to No.63 would not be significant enough that the application could reasonably be refused. The use of a reduced ridge height and change of roof form approximately half way along the dwelling, also helps to reduce any sense of overbearing to this neighbour.
- 9.60 In terms of overlooking, the windows to the front elevation would look out onto the highway and then driveways on the opposite side of the highway. This outlook would be characteristic of the area and so are considered acceptable. To the northern elevation, there are a number of high-level windows at ground floor level which are not considered to result in overlooking. There is a pair of roof-lights within the catslide roof to this elevation which appear to serve a stairwell and landing. It is unclear whether the views from these roof-lights of No.63 would be acceptable and so it is considered essential to condition these windows to be obscure-glazed and non-opening below 1.7m to preserve the amenity of this neighbour.
- 9.61 To the southern elevation, two first floor windows are proposed and the submitted floor plans indicate that these windows would serve the family bathroom and an en-suite respectively. To preserve the amenity of No.59, it is also considered necessary to condition these windows to be obscure-glazed and non-opening below 1.7m. This would prevent someone being able to stand in the bathroom and look out towards No.59 Moreton Road and vice versa.
- 9.62 To the rear elevation, it is noted that a balcony is proposed. This balcony would be enclosed to the sides by the walls of the dwelling and so would predominantly provide views out towards the rear of the site. It is noted that the plot is not particularly deep and so views of land outside the ownership of the applicant would be inevitable. However this area appears to be extended curtilage of No.63 and it is likely, given the positioning and orientation of the proposed dwelling, that No.63 would retain a reasonable level of private amenity, being the area immediately adjacent to the rear elevation.

9.63 As such, it is considered that the proposed development would be in accordance with policy GP8 of the AVDLP and NPPF guidance. This factor would have a neutral weight in the overall planning balance.

Case Officer: Daniel Terry

19/01033/APP	
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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/01033/APP	AYLESBURY	19/03/19
LOFT CONVERSION WITH REAR DORMER, FRONT DORMER AND FRONT GABLE	The Local Member(s) for this area is/are: - Alison Harrison	
14 ARCHER DRIVE AYLESBURY BUCKINGHAMSHIRE HP20 1EP	Mary Stamp	
MR M KHAN	Julie Ward	
STREET ATLAS PAGE NO. 102		

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 and parking

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

APPROVED subject to the following conditions:-

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

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

2. The materials to be used in the development shall be as specified on the submitted application form unless otherwise approved in writing by the Local Planning Authority. Please also see notes.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP9 and GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

3. The development hereby permitted shall only be carried out in accordance with drawing No. 1B (Floor plans and elevations) submitted under cover of agent's e-mail received by the Local Planning Authority on 9th May 2019.

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 the National Planning Policy

Framework.

INFORMATIVE(S):

1. 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, concerns were raised with the scale of the dormer and the proposed fenestration which has now been revised and the amended scheme is considered to be acceptable.

2.0 INTRODUCTION

- 2.1 The application needs to be determined by committee as the town council has raised material planning objections and have said that they will speak. The reasons for objecting are set out below.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The application site lies on the western side of Archer Drive, to the north-east of the wider Aylesbury Settlement, between the town centre and Bierton.
- 3.2 The site comprises a two storey dwelling with a converted garage at ground floor along with a lounge and open plan kitchen-diner. At first floor level there are 4 bedrooms, two of which are served by en-suites and a family bathroom.
- 3.3 The building is constructed of yellow facing brickwork, dark coloured clay tiles and elements of render to the first floor and a brick detailed course.
- 3.4 The front garden is almost entirely hard-surfaced and measures to be 9.5m wide. This indicates that the site could comfortably accommodate 3 parking spaces to the front. That being said, the front boundary of the site tapers so one of the spaces would have a depth of 4.6m where the Council's parking standards indicate spaces should be 4.8m deep.
- 3.5 Permitted development rights were removed under planning permission 96/01504/APP in respect of enlargements to dwellings, outbuildings, fences, gates and walls. The reasons for this stated on the decision notice, indicate that this was to enable the local planning authority to safeguard the amenities of the area and visual amenities of the locality, with particular regard to the layout and design of the estate.

4.0 PROPOSAL

- 4.1 Planning permission is sought for an enlarged gable to the front elevation along with a dormer window and for a dormer in the rear roof slope.
- 4.2 The front gable feature would have a depth of 5.2m, a 45 degree roof pitch and a maximum depth of 4m (measured along the ridge). A window would be inserted at second floor level of the principal elevation within this gable.
- 4.3 The dormer proposed at second floor level in the principal elevation would have a width of 1.2m, a maximum depth of 2.7m and would comprise a dual pitched roof with a height of 2m. This dormer is proposed to serve a bathroom at second floor level (within the roofspace).
- 4.4 To the rear of the dwelling, the box-like dormer (as amended) would have a width of 6.6m, a depth of 3.7m and a height of 2.4m. This proposed dormer, together with the conversion of the loft space would create a games area. The dormer itself would enable sufficient head room to be achieved at the top of the proposed stairs.

5.0 RELEVANT PLANNING HISTORY

- 5.1 96/01504/APP – Erection of 135 dwellings - Approved
- 5.2 09/01221/APP - Two storey and first floor side extension - Approved
- 5.3 16/04471/APP - Conversion of garage into living space (retrospective) – Approved

6.0 TOWN COUNCIL COMMENTS

- 6.1 Aylesbury Town Council initially raised no objections to the application but in light of comments received by neighbouring properties, reversed their stance and now object to the proposal due to the development being out of keeping with the street scene and overdevelopment. Concerns are also raised in respect to the rear window which would have a detrimental impact on other neighbouring properties.
- 6.2 *LPA response to concerns raised:*
- 6.3 The concerns raised by the town council and by occupants of neighbouring properties have been carefully considered. In terms of the impact on the street scene, Archer Drive is characterised by front projecting gables and the proposed gable as part of this application is not considered to look incongruous. The front dormer would also be small scale and comprise a pitched roof which is characteristic of the area. This element is considered to comply with the Council's 'Residential Extensions' Design Guide.
- 6.4 With regard to the windows proposed in the rear dormer, this has been significantly amended by the applicant in an attempt to address the concerns raised. Whilst the creation of a dormer window would result in a small level of overlooking to properties in Shepherds Close, it is not considered that the views from the dormer would be significantly more advantageous than views which are already attainable from first floor level. As such, it is not considered that the proposal would be sufficiently harmful to neighbouring amenity that it could be refused.
- 6.5 Further detailed explanation on the above is set out below in this report.

7.0 CONSULTATION RESPONSES

- 7.1 Buckingham and River Ouzel Drainage Board – No comment to make.

8.0 REPRESENTATIONS

- 8.1 Letters of objection have been received from 10 separate persons raising concerns on the following grounds (as summarised):
 - Loft conversion and extension is out of character and out of keeping with other properties on the estate.
 - The dormer window extends virtually the whole width of the house which is an intrusion upon the privacy of neighbours in Shepherd Close, No.'s 24, 25, 26 and 27.
 - Overlooking to No.12 Archer Drive.
 - Property has been extended twice before, having been built over the garage and then the garage converted to living accommodation.
 - Concerns about whether this will become a 6 or 7-bedroomed dwelling and whether there is sufficient parking provision.
 - Invasion of privacy to No.16 and No.18 Archer Drive and No.25 Shepherd Close.

- The proposal is an over-extension of the property and will have a detrimental effect on all surrounding properties and the estate as a whole.
- Overshadowing to neighbouring properties.

9.0 EVALUATION

9.1 Aylesbury does not have a ‘made’ neighbourhood plan. The proposal is therefore to be assessed against policies GP.8, GP.9, GP.24 and GP.35 of the Aylesbury Vale District Local Plan (AVDLP), the Council’s ‘Residential Extensions’ Design Guide and the National Planning Policy Framework (NPPF).

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

- 9.2 Policy GP.9 indicates that proposals for extensions to dwellings will be permitted where they protect character of outlook, access to natural light and privacy for people who live nearby; respect the character and appearance of the dwelling and its setting and other buildings in the locality; and accord with published Supplementary Planning Guidance (SPG) on residential extensions and other policies of the development plan.
- 9.3 Meanwhile, policy 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 historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines.
- 9.4 Of particular relevance to this application, page 9 of the ‘Residential Extensions’ Design Guide indicates that dormers should generally have pitched roofs, be physically small and set into the roof slope so that they are not a strident feature in the roof slope as a whole. Rear roof slopes, which are less visible, may be able to accept larger additions but these need to be carefully designed as over-dominant or box-like roof extensions can be particularly incongruous. Alterations to the roof, as a whole, should not destroy the original roof form and the materials selected should be compatible with the existing roof material. The accompanying illustrations in the design guide indicate that small, vertically proportioned dormers designed to respect the character of the house are normally acceptable. Box-like roof additions diminish architectural integrity and impoverish the street scene. Bulky dormers of unsympathetic appearance can detract from the elevations below.
- 9.5 Turning firstly to the proposed introduction of the gable in the principal elevation, it was noted at the time of the site visit that this part of Archer Drive is heavily characterised by gables, some small and sited above first floor dormers, whilst others may comprise the whole of the first floor, as is the case with neighbouring dwellings No. 10 and 12 Archer Drive. Similarly, No.23 Archer Drive on the opposite side of the highway is set further forward than its neighbour No.21, and so its side elevation comprises a strong and prominent gable. Farther along the highway, at the entrance to Shepherd Close, No.20 and 22 Archer Drive have strong gable character, and the orientation of No.1 Shepherd Close and No.1 Wesley Close also shows prominent gables to the side elevations. As such, it is not considered that the gable itself would be prominent or harmful to the street scene. The proposed window would indicate that there is accommodation at second floor level and it was noted from the site visit that there were no similar indications in neighbouring houses. Nonetheless, this element in itself would not be considered harmful to the character of the street.
- 9.6 The proposed dormer to the front, as with the above, would be the only example within the immediate street scene. However, it would be small scale and comprise of a dual pitched roof which would match that of the original dwelling. Given its small scale and use of

appropriate materials, it is considered that the dormer would comply with the Council's design guide.

- 9.7 Turning to the rear of the dwelling where a larger box-like dormer is proposed, this would only appear readily visible from the rear gardens of dwellings in Shepherd Close or from neighbouring gardens belonging to houses in Archer Drive, if those occupants were to stand at the end of their gardens. Due to the limited gaps between dwellings in Shepherd Close, Archer Drive and Lawrence Close, the rear roof slope of the application dwelling is not readily visible from those highways. It is considered therefore that the dormer would not be prominent from within the wider locality, but it is accepted that the dormer would be visible from neighbouring gardens.
- 9.8 As initially proposed, the dormer would have had an intrusive and potentially overbearing appearance as it was largely glazed almost the full width of the dormer. The width of the dormer has now been revised (by reducing its overall width by 1.2m) and the fenestration has been revised, resulting in smaller windows separated into two separate openings, rather than the continuous glazing across the width of the dormer. This is considered to have a far lesser impact and is now deemed acceptable as it would not be an overly strident or overbearing form of development. It is a further consideration that, had permitted development rights not been removed under the original planning permission, the dormer may have otherwise been lawful without requiring express planning permission.
- 9.9 As such, the proposal is considered to comply with policies GP.9 and GP.35 of the AVDLP, the Council's 'Residential Extensions' Design Guide and the NPPF.

b) Impact on residential amenity

- 9.10 Having carefully considered the objections raised, it appears that one of the predominant concerns relates to the potential for overlooking. At the time of the site visit, the rear elevations and gardens of properties in Shepherd Close were observed. Although the rear dormer would be sited at a higher point than the windows at first floor level in the application building, it is likely that the views from the dormer would be similar to those already attainable at first floor level. In other words, the elevation of the dormer would not provide sufficiently advantageous views of neighbouring gardens than what could already be achieved and so it is not considered that the dormer would significantly reduce the level of privacy that neighbouring properties could reasonable expect to enjoy in this locality.
- 9.11 In terms of the physical presence of the dormer, it would not be considered to materially impact on the sunlight and daylight reaching neighbouring dwellings and their gardens. There may be some minimal impact to sunlight reaching the garden of No.12 Archer Drive but due to the orientation and relationship of the buildings, this impact would be limited to early mornings during the height of summer.
- 9.12 To the principal elevation, the proposed works would not likely have an impact to neighbouring properties as a result of their scale. Windows would be inserted at second floor level but these windows would look out towards the highway and then driveways of dwellings on the opposite side of Archer Drive. The nearest of these neighbours measures to be approximately 20m away.
- 9.13 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 policy GP.8 of the AVDLP and the NPPF.

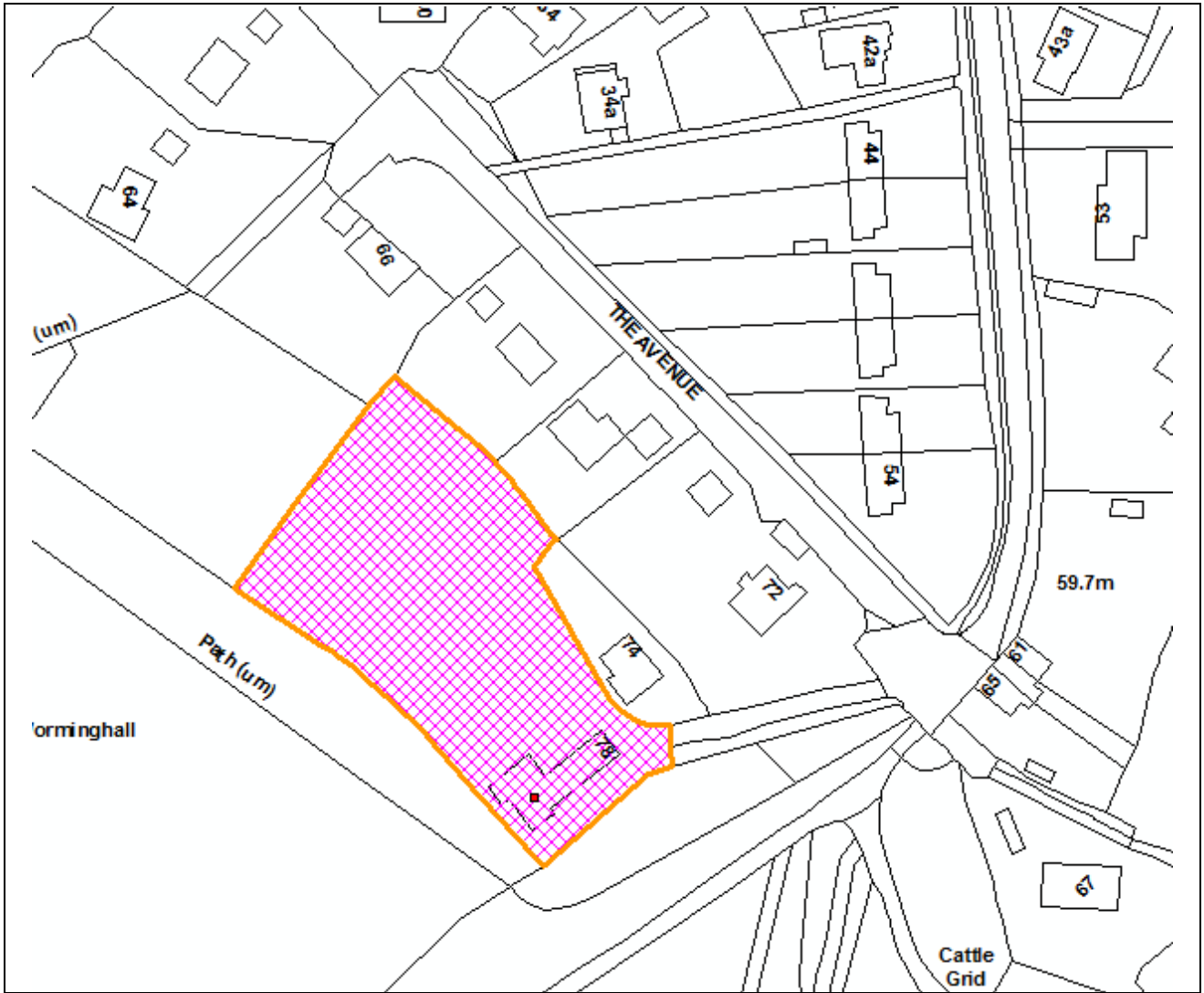
c) Impact on highways and parking

- 9.14 The existing dwelling (as enlarged) comprises of 4 bedrooms and so in accordance with the Council's Parking Standards SPG, three off-street parking spaces should be provided. Although the dropped kerb does not extend the full width of the plot, the existing hard-surfacing can accommodate 3 parking spaces. As set out above, one of these spaces would only have a depth of 4.6m and therefore 0.2m shorter than that required in the SPG, this however is an existing situation and not as a result of this proposal.
- 9.15 The proposal would include the conversion of the loftspace and the submitted plans indicate that the second floor level would be used as a games area. It is noted that a bathroom would also be included as part of the conversion works. A couple of objectors have raised concerns that this level could in fact be used as 2 or 3 additional bedrooms instead of a games area. Whilst the Council cannot control the use of this room, it is noted that the parking standards do not require additional parking spaces beyond a 4-bedroomed dwelling. So if additional bedrooms were created, there would be no additional requirement.
- 9.16 In light of the existing parking arrangements on site, the proposal is considered to accord with policy GP.24 of the AVDLP, the NPPF and the Council's SPG Parking Guidelines.

Case Officer: Daniel Terry

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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/00694/APP	WORMINGHALL The Local Member(s) for this area is/are: - Councillor Michael Rand	25/02/19
<p>DEMOLITION OF EXISTING ATTACHED GARAGE, LEAN-TO AND ORANGERY STRUCTURES. ERECTION OF SINGLE STOREY SIDE EXTENSION AND FIRST FLOOR SIDE EXTENSION TO REPLACE DORMER. REFURBISHMENT OF THE EXISTING BUILDING, INCLUDING NEW WINDOWS, FENESTRATION CHANGES AND THE REMOVAL OF CHIMNEY.</p> <p>78 THE AVENUE, WORMINGHALL BUCKINGHAMSHIRE HP18 9LE</p> <p>MR & MRS C STANSFIELD</p> <p>STREET ATLAS PAGE NO. 123</p>		

1.0 The Key Issues in determining this application are:-

- a) **Impact on appearance and character of the dwelling-house, street scene and wider area**
- b) **Impact on non-designated heritage assets and the setting of listed buildings.**
- c) **Impact on residential amenity**
- d) **Flood Risk**
- e) **Impact on highways & parking**

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

1.1 CONCLUSION

- 1.2 The proposed extensions would represent subservient additions which would respect the form of the existing dwelling. Whilst the single storey side extension represents a modern and contrasting addition to the existing property by virtue of its design and use of materials it is considered that the siting of this addition would not cause significant harm to the character and appearance of the building to warrant the refusal of this application. The extensions by way of their scale, height and massing would reflect the existing street-scene and therefore the proposal is considered to accord with policies RC1 and CH1 of the Worminghall Neighbourhood Plan, policies GP8, GP9, GP24 and

GP35 of AVDLP. Additionally, the proposal would satisfy the Council's Parking Guidelines SPG and the Residential Extensions Design Guide and the advice within the NPPF.

1.3 It is therefore recommended that the application be **APPROVED** subject to the following conditions:

1. STC5 – Standard time condition
2. US05 – Materials as approved
3. AMP1 - The development hereby permitted shall only be carried out in accordance with drawing No.s 1808_GA_01_B , 1808_GA_02_B, 1808_GA_10_B, 1808_GA_11_B received by the Local Planning Authority on Tuesday 28th May 2019.

1.4 Reasons:

1. RE03 – To comply with Town and Country Planning Act and Section 51 of Planning and Compulsory Purchase Act.
2. RE11 - Satisfactory appearance, and to accord with policy RC1 of WNP.
3. RE39

1.5 **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, amended plans were received and considered to be acceptable.

2.0 INTRODUCTION

2.1 The application needs to be determined by committee as the parish council has raised a material planning objections to the materials used in the development namely the metal roof in the extension and have indicated that they wish to speak at Committee.

The choice of grey metal roofing is not found on the existing dwelling. However it is considered that this element of the development is designed to be more contemporary in appearance which the roofing material contributes towards. The difference in roofing materials shows a clear evolution of the building's history, providing a visual break in the built form due to the ridge height being set down and therefore it is considered that the grey metal roofing is acceptable.

3.0 SITE LOCATION AND DESCRIPTION

3.1 The site is located to the south-east of Worminghall village at the end of the Avenue. The dwelling itself is part two-storey and part single storey. It is an L shaped building,

with the main section having a cat-slide roof element, multiple chimneys and a gabled end. It is finished in a red brick, with a section of cement rendered finish in the gable end elevation and a red roof tile. The front projection is set at a lower height than the main dwelling, finished with a hipped end to the roof and has a small dormer to the south-east roof slope. There are a number of window and door openings around the building, and it also has a small extension in the form of a lean-to structure on the south-east elevation and a small orangery on the south-west rear elevation. There is also a detached garage on site.

- 3.2 In terms of the surroundings, It has a right of ways WOR/2/3 and WOR/13/1 to the south and west boundaries, with open fields beyond. The site is bordered by a low hedgerow and a brook along the south-east boundary. The ground level raises in a gradual slope from the brook on the south-east boundary towards the north-west. Just over 80 metres due south is St Peter and St Paul's Church, a Grade II* listed building to the north and north-west. There is a large curtilage and additional land within ownership to the north, and north-west, which adjoins the rear gardens of dwellings on another branch of The Avenue to the north. The closest dwelling in this direction on The Avenue is over 35 metres from the host, other than No. 74 to the North-east, which is the most immediate neighbour using the same access track.

4.0 PROPOSAL

- 4.1 The proposal involves the demolition of a section of the existing incorporated garage, the lean-to and orangery structures and the erection of single storey side extension and first floor front extension to replace the 1/12 storey wing section. It would also include the refurbishment of the existing building, including new windows, fenestration changes and the removal of chimney.
- 4.2 The first floor extension would measure 7.5 in length and 5 metres in width and would give the section a total height of approximately 6.3 metres. The part demolition of the hipped end with the garage would mean the wing is 2.6 metres shorter in length. There would be two windows in each elevation at first floor and a window in the gable end. The materials of this section would be clay tiled roof, brick and timber framed windows which would match the materials used in the rest of the main dwelling.
- 4.3 The new side extension would measure 9 metres in length and 6.065 metres in width. In height it would measure 5.7 metres to the ridge, 2.3 metres in height to the bottom of the front cat slide and 2.5 metres to the eaves at the rear. This section would be constructed from brick to match the existing dwelling and finished in a dark grey metal roof. It would have a window and large glass sliding doors in the front elevation, three windows and three roof lights close to the ridge in the rear elevation. The windows and doors of this section would be dark grey and metal framed.
- 4.4 Other fenestration changes to the existing dwelling are a new ground floor window under the first floor extension at the south-east elevation and new French doors in place of the lean-to extension and a window above, a new window and door in the rear elevation of the existing dwelling and a roof light in the internal roof slope of the main dwelling north-west facing.

5.0 RELEVANT PLANNING HISTORY

- 5.1 99/01757/APP - Demolition of existing garage and erection of new double garage – Approved

6.0 PARISH/TOWN COUNCIL COMMENTS

- 6.1 Worminghall Parish Council discussed this application at their meeting on the 4th April 19. The Council objected to this planning application on the grounds that the building materials on the plan are not in keeping with the building style within the village. If the materials list were to be amended to a style more in keeping it would gain the support of the Parish Council. If this application goes to committee then the PC would like to speak on the matter.
- 6.2 Following communication with the applicant and that the applicant was not prepared to amend the materials, at the Parish Council meeting on 9th May the application was discussed again and it was decided they did not agree that the roof materials were in keeping with the appearance of the village. Therefore their original comments stand without revision.

7.0 CONSULTATION RESPONSES

- 7.1 Bucks County Archaeological Services – The nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of the asset(s). We therefore have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest.
- 7.2 Buckingham & River Ouzel Drainage Board – no comments
- 7.3 Heritage Officer (informal) – Advised that the dwelling should be considered a Non-designated Heritage Asset.

8.0 REPRESENTATIONS

- 8.1 None received

9.0 EVALUATION

- 9.1 Worminghall has a 'made' neighbourhood plan which forms part of the Development Plan together with the AVDLP. At this time, the policies in the neighbourhood plan should be attributed full weight. The policies of relevance within the Worminghall Neighbourhood Plan (WNP) are as follows:

Policy RC1: Rural Character

The rural character of the village and its surroundings should be respected through new development by ensuring that

- *new buildings and extensions to existing buildings reflect and enhance the street scene, by way of their scale, height and massing.*
- *the resulting form and layout of development is appropriate to the surroundings;*
- *boundary treatment and landscaping schemes should be carefully designed so as to prevent undue urbanisation of the location;*
- *proposals should seek to conserve and enhance mature vegetation.*
 - *development proposals must provide appropriate green infrastructure which aims to result in a net gain in biodiversity, species richness and/or abundance and provides or enhances connectivity between green spaces.*

Policy CH1: Heritage

All new development should preserve and where possible, enhance Worminghall's listed buildings and their settings. Applications will explain how the design of proposals might affect the historic character and appearance of the area, including any features of archaeological importance or undesignated heritage assets, and how proposals have sought to retain or enhance positive features of the area.

Views of particular importance as defined on the Policies map should be preserved and not be obstructed by new development. Construction materials and finishes should reflect the surrounding area and the character and heritage of the immediate environment.

Modern replacement and/or new build materials should visually compliment the immediate environment.

Policy TT1: Parking and Traffic

All development should provide adequate off-street car parking to meet the standards set out in the adopted Local Plan and any subsequent updates. Until the emerging Plan is adopted, there should be 1 parking space within the plot for 1 bedroom homes, at least 2 spaces for 2 or 3 bedroom homes, and at least 3 spaces for 4 bedroom homes.

- 9.2 **Impact on appearance and character of the dwelling-house, street scene and wider area**
- 9.3 In addition to policy RC1 of the WNP, GP35 of AVDLP seeks that the design of new proposals respects the physical characteristics of the site and surrounding area. Policy GP. 9 states that and Proposals for extensions to dwellings will be permitted where they protect character of outlook, access to natural light and privacy for people who live nearby and respect the appearance of the dwelling and its setting and other buildings in the locality.
- 9.4 The Residential Extensions Design Guide requires that extensions should be designed to respect and complement the character of the existing building and to ensure that extensions do not destroy the composition and architectural integrity of the existing building nor overwhelm, dominate or detract from it. The Design Guide also advises that a new ridge line which is set lower than that of the original is preferred in order to provide a design break between the existing dwelling and the new extension. Once an extension begins to match or exceed the size of the original building then the architectural integrity of the original structure becomes lost.
- 9.5 The dwelling is of mid 19th Century; potentially it could have been part of an historic dispersed village core. The dwelling is located in a large plot with suitable boundary treatment. The extension work, although substantial is not considered to be overdevelopment due to the size of the residential curtilage. In terms of the design of the proposal, due to the orientation of the dwelling, the first floor extension is the only part which will be directly visible from the highway, the extension would be set 0.5 metres below the ridge height of the main dwelling and will be constructed out of materials to match the existing building. To further mitigate the impact of this element of the scheme, as a result of the proposed development, the existing wing will be reduced in length by 2.6m, where the first floor extension is to be located. It is therefore considered that this

section of the extension work would appear as a subservient addition to the property and would respect the character and appearance of the existing dwelling.

- 9.6 In terms of the side extension to the opposing side of the dwelling, it would be set 1.1 metres lower than the main ridge height of the dwelling and is set in 1.4 metres from the front of the dwelling. This element of the scheme has been designed with a cat-slide roof which matches the roof form of the existing dwelling where the extension connects, complying with the advice contained in the residential design guide. The western elevation of the property is highly visible within the public realm, particularly when viewed from the adjacent public right of ways WOR/2/3 and WOR/13/1, which are situated within an area of public open space.
- 9.7 This aspect of the proposal is considered to be large when viewed in context of the existing building, with its proportions, fenestration details and choice of materials being at odds with the character and appearance of the building, in particular the western elevation. Amendments have been received in respect of the fenestration details, by adding a further window to the western (rear) elevation in order to achieve a greater balance to the extension. Furthermore, the majority of the materials are to match the existing building with only the choice of grey metal roofing not being found on the existing dwelling. This element of the development is designed to be more contemporary in appearance which the roofing material contributes towards. The difference in roofing materials shows a clear evolution of the building's history, providing a visual break in the built form due to the ridge height being set down. This allows the development to appear as a subservient extension to the main dwelling, rather than a competing addition. Furthermore, the side extension is considered to respect the existing building line and form of the property and therefore despite its contemporary design; the differing appearance between this element of the scheme and the main dwelling is therefore considered, in this instance, not to result in significant adverse harm to the character and appearance of the building that would justify a refusal on these grounds.
- 9.8 It is considered that the refurbishment and alterations to the fenestration throughout the dwelling would also not harm the character and appearance of the dwelling and matching materials to the existing would be used.
- 9.9 The proposed extensions would represent subservient additions which would respect the form of the existing dwelling. Whilst the single storey side extension represents a modern and contrasting addition to the existing property by virtue of its design and use of materials it is considered that the siting of this addition would not cause significant harm to the character and appearance of the building to warrant the refusal of this application. The extensions by way of their scale, height and massing would reflect the existing streetscene and therefore the proposal is considered to accord with policies RC1 of WNP, policies GP9 & GP35 of the AVDLP, the Council's Design Guide Residential Extensions and the NPPF.

10.0 Impact on non-designated heritage assets and the setting of listed buildings.

- 10.1 Section 66 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.
- 10.2 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more

important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification.

10. 3 Furthermore, paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
10. 4 The site is not a listed building nor does it fall within a conservation area. However there are a number of listed buildings within the vicinity of the site. Located approximately 80 metres to the south of the dwelling is St Peter and St Paul's Church which is a Grade II* Listed Building and Court Farm, which is a Grade II Listed Building located 115 metres to the south-west adjacent to the church. The host dwelling itself is also considered to be a Non-designated Heritage Asset.
- 10.5 Policy CH1 of WNP amongst other matters, states that all new development should preserve and where possible, enhance Worminghall's listed buildings and their settings. Applications will explain how the design of proposals might affect the historic character and appearance of the area, including any features of archaeological importance or undesignated heritage assets, and how proposals have sought to retain or enhance positive features of the area.
10. 6 As outlined above, the proposed extensions would represent subservient additions which would respect the form of the existing dwelling. Whilst it is acknowledged that the single storey side extension represents a contemporary addition to the existing property, for the reasons outlined above this addition in particular is considered not to cause significant harm to the character and appearance of this non-designated heritage asset. As a result of the proposed development, a number of existing additions to the property are to be removed. The removal of the lean-to and orangery structures are considered to represent an improvement to the overall character and appearance of the building. With regard to the impact on the setting of nearby listed buildings, these are located some distance away and due to the application sites relationship with these buildings, the extensions would not disrupt any of the key views of these listed buildings nor their open setting.
10. 7 Given the policy requirements of CH1 of the WNP, Officers sought a statement from the applicant/ agent as how the design of the proposals might affect the historic character and appearance of the area, including any features of archaeological importance or undesignated heritage assets, and how proposals have sought to retain or enhance positive features of the area. In accordance with this request, a statement was submitted to accompany this application, demonstrating compliance with this policy which was considered to be acceptable.
10. 8 Overall, as required by paragraph 197 of the NPPF, a balanced judgement has been made with regard to impact the proposed extensions works have on the host dwelling, a non-designated asset. Furthermore, it is considered that the proposed works would have a neutral impact on the setting of nearby listed buildings. Consequently, there is no requirement to offset the impact of the proposals against any public benefit. Weight has been applied to the consideration of this application and the impact it would have on any designated heritage assets. As such it is considered that the local authority has discharged their statutory duty to pay special regard to the preservation of the setting of listing buildings as required by section 66 of the Planning (Listed Buildings and

Conservation Areas) Act 1990. The proposed development is considered to comply policy CH1 of the WNP, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the advice within the NPPF.

10.9 Impact on residential amenity

- 11.0 AVDLP policy GP8 notes that planning permission will not normally be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents, unless the benefits of the proposal outweigh any harm to amenity.
- 11.1 The first floor and side extensions are located within the existing L-shaped building line, due to the large plot and its setting on the edge of the settlement the extensions would not appear visually intrusive, overshadow or restrict light to any neighbouring dwellings.
- 11.2 In terms of overlooking and impact upon privacy, the new and altered openings to the dwelling would largely provide similar outlook when compared to the existing arrangement. With regard to the impact on the residential amenity, the main potential impact would be the siting of a window in the flank elevation of the first floor side extension which would allow views towards neighbouring property No.74 The Avenue. Whilst this is noted, due to the relationship between this window and the neighbouring property, the views obtained from this window would largely be of the access track and the area to the front of this neighbouring dwelling. As such, this is considered not to be harmful as these views can largely be achieved from the public realm. There are also no first floor windows in the gable end of the neighbour closest to the host dwelling. It is therefore considered that there would be no unacceptable adverse impact upon neighbouring amenities from the development.
- 11.3 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.

11.4 Flood Risk

- 11.5 The application site is located within Flood Zone 1. The Environment Agency Maps do show the application site to be susceptible to surface water flooding however there is not considered to be any increase in vulnerability as a result of the proposed development. In addition, located to the south-east boundary of the site is a brook. As a result of the proposed development, the only additional floor space to be created is in the form of a side extension which is to be located on the opposite side of the dwelling away from the brook, on higher ground. Given the size of the site and the flood risk, in accordance with footnote 50 of the NPPF; a flood risk assessment is not required.

11.6 Impact on highways & parking

- 11.7 GP.24 states that proposal should accord with the Council's parking guidelines. SPG 1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development.

Policy TT1 of WNP and AVDC's parking guidelines state that for a dwelling with four beds or more, three spaces should be provided within the curtilage of the dwelling.

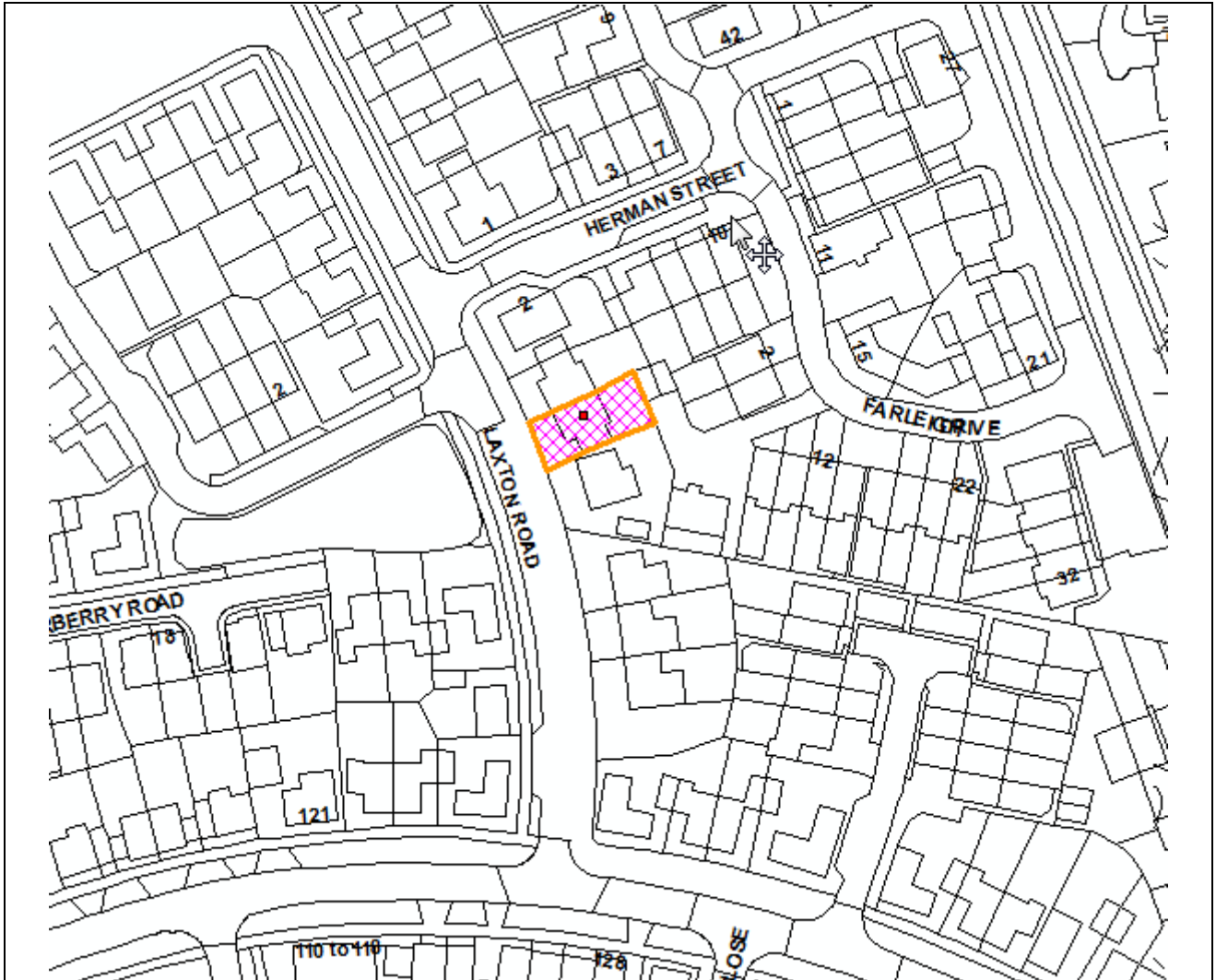
- 11.8 The existing currently comprises of four or more bedrooms. As a result of the proposed development, the submitted plans shows a guest bedroom on the ground floor with at least a further four bedrooms being shown at first floor. In accordance with SPG 1

"Parking Guidelines", three on-plot parking spaces are required for dwellings with four or more bedrooms. As such, the number of on-plot parking spaces required for the property would remain the same as the existing arrangement. The existing garage will be retained, in addition a large forecourt is shown to the front of the property, providing at least three on-plot parking spaces. Whilst available space within the site for parking would exceed the Council's maximum guidelines, it is considered that this would not be a reason to warrant the refusal of the application as this is largely the site's existing arrangement. For this reason, it is considered not necessary to apply a parking condition in this instance.

11. 9 Therefore the proposal is considered to accord with policy TT1 of WNP and policy GP.24 of AVDLP and NPPF and the Council's SPG Parking Guidelines.

Case Officer: Mr Adam Thomas

19/00266/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/00266/APP	BERRYFIELDS The Local Members for this area are: -	11/03/19
CHANGE OF USE TO MIXED USE RESIDENTIAL AND CATTERY BUSINESS INCLUDING ERECTION OF 4 BAY CATTERY AND ISOLATION UNIT. 12 LAXTON ROAD HP18 0NL MR DAVID DAVIES	Councillor Chris Adams Councillor Andy Huxley Councillor Ashley Waite	
STREET ATLAS PAGE NO. 100		

1.0 The Key Issues in determining this application are:-

- a) The effect of the proposal on the character and appearance of the host dwelling, the street scene and the area in general.
- b) The effect of the proposal on the living conditions of nearby residents in respect of noise, smell, disturbance, outlook and light.
- c) The impact on highway safety and the provision of parking.

The recommendation is that permission be **APPROVED**.

2.0 Conclusions

2.1 The proposed development would have an acceptable impact on the character and appearance of the existing dwelling and area in general and it would not adversely affect the amenities of the occupiers of nearby properties. There would not be an adverse impact on highway safety and sufficient parking provision would be available having regard to the circumstances of the site. As such the development would accord with the Development Plan and with the NPPF.

2.2 It is recommended that the application be **APPROVED** subject to the following conditions:

1. STC5
Reason: RE03
2. No development shall take place above ground level until samples/details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority. Please also see note no. 5.
Reason: RE11
3. Customers shall only be permitted on the premises in connection with the cattery business hereby approved between the following hours:
09:30 -15:00 and 16:30 - 18:00 on Mondays – Fridays; and

09:30-13:00 on Saturdays and Sundays.

Reason: To preserve the living conditions of nearby residents, having regard to parking provision in the local area and to accord with Policy GP8 of the Aylesbury Vale Local Development Plan and the NPPF.

4. 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 and park 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 the National Planning Policy Framework.

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 an amended plan showing the additional parking space, the application was considered to be acceptable as submitted and no further assistance was required.

INFORMATIVE

The applicant is advised that before the development is brought into use, an Animal Boarding Licence will need to be obtained from Aylesbury Vale District Council. The cattery shall be operated in accordance with the terms of the Animal Boarding Licence.

3.0 INTRODUCTION

- 3.1 The application needs to be determined by committee as Berryfields Parish Council have raised material planning objections in respect of noise and the impact on residential amenity and on the character of the area and on parking provision and confirms that it will speak at the Committee meeting.

4.0 SITE LOCATION AND DESCRIPTION

- 4.1 The site comprises a two storey semi-detached dwelling located on the east side of Laxton Road facing west. To the north it is attached to No.14 and to the south is No. 10, a detached property. The host dwelling has an attached garage to the south side which is directly on the boundary with No. 10 and there is a narrow gap of 750mm separating the side wall of the garage from the side elevation of No. 10.
- 4.2 To the front of the dwelling there is a 6m wide and 4.5m deep landscaped garden enclosed by metal railings and to the front of the garage is space for parking one car. To the rear there is a 7.5m deep garden enclosed by timber fencing and over the rear boundary is a parking and garaging area for the residents of Farleigh Drive.

5.0 PROPOSAL

- 5.1 The application seeks permission to provide a cat minding service at the property including the erection of a 4 bay cattery and one isolation unit and including the conversion of the garage to provide a reception area.

- 5.2 The 4 bay cattery would measure 4.88m in width, 3.96m in depth and includes a housing area, a run and a walk in area.
- 5.3 The isolation unit provides similar accommodation and would be 1.2m in width and 3.96m in depth.
- 5.4 Both buildings would have a sloping roof 2.13m in height and would be located in the rear garden of the property with the 4 bay unit close to the boundary with No. 14 and the isolation unit would be alongside the boundary with No. 10.

6.0 RELEVANT PLANNING HISTORY

The permitted development rights for the enlargement of any dwellings or the erection of any garages or outbuilding were withdrawn for the dwellings that form this part of the Berryfields development under planning reference 13/01748/ADP.

7.0 PARISH/TOWN COUNCIL COMMENTS

- 7.1 Berryfields Parish Council have objected on the grounds of noise, residential amenity and traffic. They consider it an inappropriate use of a small garden and comment that cats can be noisy and there are environmental concerns.

Concerns are also raised that the loss of the garage, which would be converted into a Reception area, is inappropriate and the loss of a parking space along with the additional traffic that the new use would create may affect journeys with the road being one of the main access roads to Green Ridge School. They also note that the door in the garage could make the parking space in the front of the garage unusable.

They also comment that the structure would tower over the garden impacting on the neighbouring dwelling and that the whole development would alter the vernacular of the area and would be inappropriate and unacceptable for such a facility in a small back garden.

8.0 CONSULTATION RESPONSES

- 8.1 Buckingham & River Ouzel Drainage Boards – No comment.
- 8.2 Environmental Health – Do not anticipate that the cattery would cause any significant loss on amenity to neighbours provided it is operated and maintained to a high standard. No objection subject to the applicant obtaining an animal boarding licence from the Council prior to the business beginning trading.
- 8.3 Highways – Satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway and therefore have no highway objections.

9.0 REPRESENTATIONS

- 9.1 One letter of objection has been received from the occupier of No. 14 who has concerns over the following;
- The rear bedroom windows would overlook the units and there could be a disturbance from noise and possibly smells and there would be a loss of outlook.
 - There is a lack of parking in the area and Laxton Road can get busy at school times with parents taking children to the nearby school.
 - Customers would be visiting at unsociable hours.
 - The 2.6m high units would tower over the shared 2m high fence

- The area is predominantly residential and commercial businesses should not be run in the area.

10.0 EVALUATION

The effect of the proposal on the character and appearance of the host dwelling, the street scene and the area in general

- 10.1 Policy GP35 of AVDLP requires that new development respects and compliments the physical characteristics of the site and surroundings.
- 10.2 The units would be located in the enclosed rear garden of the property with no views of the units from the front and very limited views of the units over the enclosures to the rear given the existing boundary treatment and garage block. Therefore there would not be a material adverse impact on the street scene to the front or to the rear.
- 10.3 The units would be freestanding and not be attached to the existing dwelling. They represent structures that are not too dissimilar to garden outbuildings and as such they would not look out of place in the garden and would have an acceptable impact on the character and appearance of the existing dwelling and on the area in general. Sufficient garden space would be retained for the existing dwelling.
- 10.4 The dimensions of the proposed unit exceed the minimum dimensions required by the DEFRA guidance on cattery standards. The applicants would need to obtain an Animal Boarding Licence and this has strict criteria that needs to be adhered to. This includes methods of insulation and the size of building required for example.
- 10.5 Overall, it is considered that the proposal is acceptable in terms of the impact on the character and appearance of the dwelling and the area in general in accordance with Policy GP35 of the AVDLP and the NPPF.

The effect of the proposal on the living conditions of nearby resident in respect to noise, smell, disturbance, outlook and light

- 10.6 Policy GP8 of AVDLP requires that new development proposals should not unreasonably harm any aspect of the amenity of nearby resident when considering against benefits arising from the proposal.
- 10.7 The proposed cattery would accommodate an average of 4 cats, operating seven days a week, with customers attending the site by pre-arranged appointment. Given that houses in Laxton Road are relatively tightly spaced, there is potential for noise, disturbance and smells generated by the cattery to impact on the living conditions of nearby residents. However, the structures will need to be designed to reflect the Animal Boarding Licence requirements with insulated external surfaces and boarding pens and therefore it is considered that any potential noise, disturbance and smells from animals being housed in the new buildings would be limited and should not materially impact on the living conditions of adjoining properties.
- 10.8 With regards to the visual impact of the development on adjacent properties, due to the linear alignment of houses in Laxton Road, the neighbouring properties both overlook the rear garden of No. 12 with boundary fencing and landscaping along the boundaries. The applicant has provided information to indicate that the units would not exceed 2.13m in height which is only marginally higher than the existing boundary fencing and as such the buildings would not materially affect either the outlook from or level of daylight/sunlight received into the rear facing rooms and gardens of these properties. It is considered that the proposal accords with Policy GP8 of the AVDLP and the NPPF in this regard.

- 10.9 With regard to customer movements associated with the proposed development, as this would be restricted to a limited period each day and the new buildings would only provide space for an average of 4 cats, any potential disruption from the opening and closing of car doors and conversations between the parties is unlikely to have a significant detrimental effect on the amenities of neighbouring properties. Moreover, customers attending the site would be met inside the property, further reducing any potential disruption to the adjoining residents. Thus, subject to a condition restricting customer opening times, the proposed development would not have a harmful effect on the living conditions of nearby properties, with particular regard to noise and disturbance.

The impact on highway safety and parking

- 10.10 GP24 of AVDLP seeks that new development will be required to provide vehicular parking in accordance with the SPG on Parking Guidelines.
- 10.11 The conversion of the garage would result in the loss of one parking space within the garage. There is space for one car to park to the front of the garage and there is space to accommodate one other car in the front garden of the dwelling which would be secured by condition and therefore two parking spaces would be retained, as currently provided for. Whilst the development would attract additional visitors to the site, these numbers would be limited, and visiting hours would also be restricted by condition to ensure that there would not be a conflict with school pick up and drop off hours. On this basis it is not considered that there would be a significant adverse impact on car parking in the locality. The Highway Authority have undertaken an assessment in terms of the impact on the highway network including net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway and as such have no highway objections.
- 10.12 Having regard to the above matters, it is considered that the development would accord with Policy GP24 of the AVDLP and the Council's SPG on Parking Guidelines and with the NPPF.

Case Officer: Janet Mullen

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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