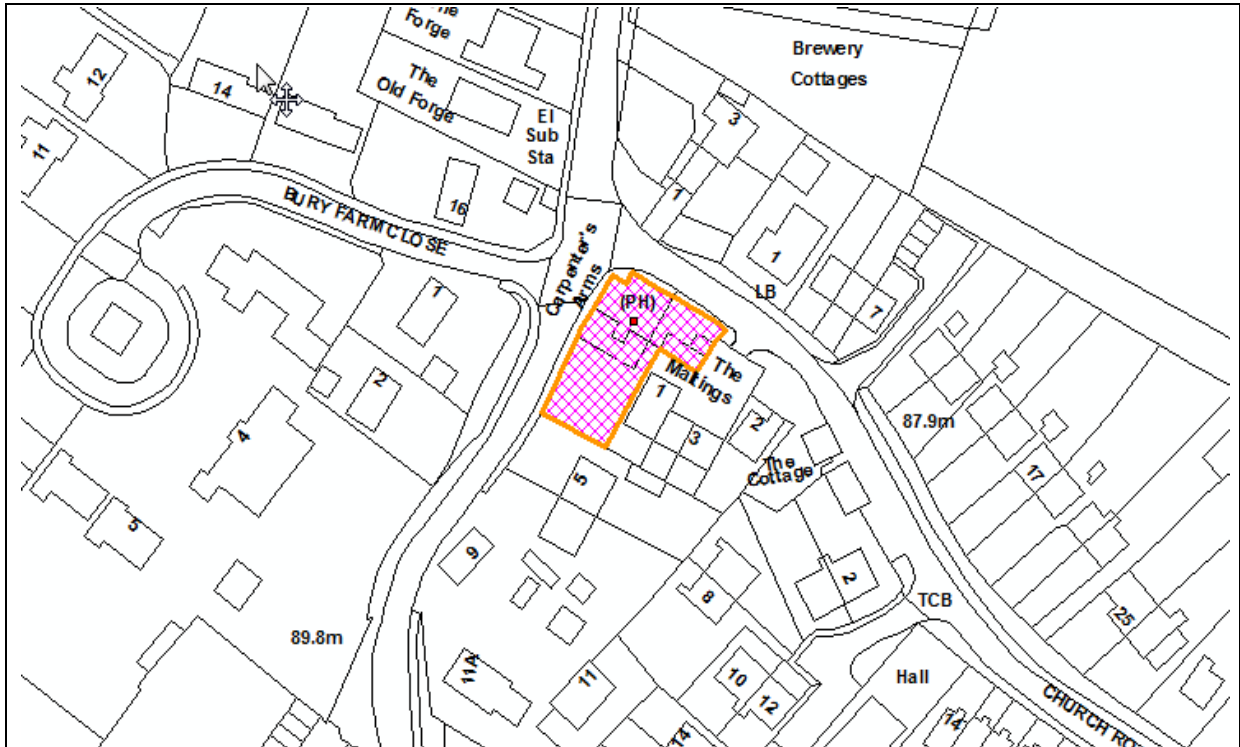


18/03976/APP



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| REFERENCE NO | PARISH/WARD | DATE RECEIVED |
|--|--|---------------|
| 18/03976/APP | Slapton | 07/11/18 |
| PROPOSED CHANGE OF USE OF PUBLIC HOUSE (CLASS A4) TO SINGLE RESIDENTIAL DWELLING (CLASS C3). | The Local Member(s) for this area is/are: - Councillor Peter Cooper | |
| CARPENTERS ARMS PUBLIC HOUSE, HORTON ROAD, LU7 9DB | | |
| MR ALAN DUGARD | | |
| STREET ATLAS PAGE NO.91 | | |

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, having regard to national and local policies, the proposed change of use from a public house (Class A4) to a dwellinghouse (Class C3) would be acceptable on the basis of whether the continued use of the public house is viable

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

- 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

d) Impact on residential amenities

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

Conclusion and Recommendation

- 1.1 The application has been evaluated against the extant Development Plan(the Slapton Parish Neighbourhood Plan and the Aylesbury Vale District Local Plan)and the NPPF(February 2019)and the report has assessed the application against the planning principles of the NPPF and whether the proposals deliver sustainable development. In this instance, there is an extant Development Plan and so paragraph 11(d) of the NPPF is not engaged. Furthermore, 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.
- 1.2 The proposal for a change of use from a public house to a residential dwelling has been assessed against policies GP.32 and GP.93 of the AVDLP which seek to resist the loss of local services and facilities, including public houses, where there is a demonstrable need for such local facilities/services.
- 1.3 The local planning authority (LPA) previously refused a planning application at this site (ref: 18/00426/APP) for the same type of development as a result of a tenant occupying the premises and doubts as to the unviability of the public house within that use class. Since that application was determined, the tenant has now vacated the premises and although giving the required three months notice to the landlord(applicant), left almost a month early. The tenant has confirmed that the condition of the building together with the 'takings' which declined in the three months leading up to November 2018, were the reason why the tenancy was terminated.
- 1.4 Notwithstanding the previously refused application at this site, it is now considered, having weighed all material considerations, that the public house is not viable, which has been demonstrated by the most recent occupation of the public house. It is considered that there is now a demonstrable argument put forward by the applicant that the pub is not viable which is supported by an independent appraisal (by the District Valuer). Further consideration has been given to the interests of securing the long-term future of the grade II listed building and the proposal is therefore considered to comply with policies GP.32 and GP.93 of the AVDLP. In accordance with paragraph 11(c) of the NPPF it is concluded that the proposal would accord with an up-to-date development plan and should therefore be approved.
- 1.5 Furthermore, it is accepted that the development would make a contribution to the housing land supply albeit it is tempered due to the scale of development that is proposed and in the context that the Authority can demonstrate a 5 years housing supply. There would also be economic benefits in terms of the

construction of the development itself, although this would likely require a further application.

- 1.6 Additional potential benefits from the scheme include a reduction in hard-landscaping and parking and the proposed change of use would also likely result in a significant reduction in vehicular trips to and from the site. It could also be argued that the change of use would secure the long-term upkeep and maintenance of the grade II listed building.
- 1.7 Compliance with some of the other planning principles of the NPPF have been demonstrated in terms of impact to biodiversity, flood risk and impact upon telecommunications. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm and therefore have a neutral impact.
- 1.8 Turning to the adverse matters, the proposal would result in the loss of a local facility and Slapton is recognised as a 'smaller village' within the Council's Settlement Hierarchy. The loss of one of the key facilities would therefore have a demonstrable impact upon Slapton in 'sustainability' terms. However this harm needs to be weighed against the potential benefits of the scheme which have been set out in this report.
- 1.9 It is 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 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. For hard landscape works, these details shall include; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; where relevant. For soft landscape works, these details shall include new trees and trees to be retained showing their species, spread and maturity, 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. These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

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. 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 policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

4. No windows other than those shown on the approved drawing No. BP/P079/1017/06 shall be inserted in the building hereby permitted.

Reason: To preserve the amenities of the occupants of the adjacent dwellings and to preserve the character and appearance of the grade II listed building and to comply with policy GP8 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

5. The existing signage attached to the building shall be retained in situ and shall not otherwise be altered or re-sited without prior agreement in writing of the local planning authority.

Reason: To preserve the character and appearance of the listed building and to comply with the National Planning Policy Framework.

INFORMATIVE(S):

1. The applicant or any future owner should be aware that whilst planning permission has been granted, listed building consent has not been applied for. Any occupation of the building and resultant conversion works required, will be subject to an application for listed building consent and may also require a further application for planning permission, depending on the scale of works required for conversion.
2. 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, further details regarding the trading and profit & loss were requested in support of the applicant's argument. The additional information provided is considered to be acceptable and so the application has been recommended for approval.

2.0 INTRODUCTION

- 2.1 This application is being brought back to the development management committee following the decision by Members to defer the application at the meeting that took place on 14th March 2019. Members deferred the application to enable officers to seek additional information in respect of the marketing of the premises, information

on the accounts from the operation of the premise and to seek an updated assessment from the District Valuer before a decision can be reached. It was requested that the application was returned to committee for consideration. Members are referred to the original committee report (attached as an appendix to this report) and the additional information now available to Members. The differences between this report and the former report, have been further commented on and evaluated below.

- 2.2 The applicant's agent has provided further additional information in the form of the years of accounts for the financial years 2009-2013 inclusive. However, detailed trade accounts showing the historic trade flows of the Carpenters Arms, as requested by members, are not available as the applicant has been a freeholder of the business since 2011 and not a tenant. The tenants themselves would hold full accounts and as in the case of Mr C, he was responsible for keeping his own records and accounts as a sole trader. The accounts that have been made available cover the period until 2013 as this was when the applicant ceased trading at the Carpenters Arms and hence why Companies House only have records for this timeframe.
- 2.3 Correspondence from Fleurets, submitted to the Council confirms that they were instructed to market the sale of the freehold of the Carpenters Arms/and or to also secure a new letting and as such the property was marketed from February 2017 up to and including 5th April 2018. As previously identified, the marketing was undertaken through Fleurets' website and other external websites and particulars were sent electronically to applicants that are registered with Fleurets' database.
- 2.4 The District Valuer was then re-consulted on this new information and asked for further comment which is elaborated upon below.

3.0 **OTHER MATTERS**

- 3.1 An additional 18 objections have been received since the application was taken to the planning committee meeting in March. Sixteen of these objections were from persons who had not previously objected. The additional points raised that were not listed in the officer report are summarised as the following:
- The pub is within easy walking distance for most people in the Parish
 - Noise has not proven to be an issue
 - Slapton WI would like the pub to remain a community asset
 - Several statements made in the supporting documents submitted are not supported by verifiable evidence

- The pub is a hub for cyclists and walkers passing through Slapton
- Proposal is contrary to policy BE3 of the VALP and para 83 of the NPPF
- Small businesses are required to sustain village communities

3.2 Since the officer report was produced, AVDC has revised its position statement in respect of its 5-year housing land supply. The latest position statement, published April 2019, indicates that AVDC currently has a 5.64 year housing land supply against a government target of 5 years. The method for arriving at this figure has been more robustly calculated than with previous calculations and considers the revised Frameworks, both 2018 and 2019, which now provide for a 'standard' method of calculating local housing 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. The previous figure, which is quoted in the officer report, identifies a figure of 11.7 years.

4.0 **FURTHER CONSULTATION AND EVALUATION**

4.1 Following Members decision to defer the application, the applicant's agent has now provided information in the form of abbreviated accounts to demonstrate that the Carpenters Arms has not been profitable. The applicant's agent states that this information is publicly available through Companies House but it is cited here for clarity:

- 2009 – Profit of £7,423
- 2010 – Loss of £27,678
- 2011 – Loss of £95,825
- 2012 – Loss of £78,413
- 2013 – Loss of £80,983

4.2 It has been confirmed that, as the applicant ceased trading as the Carpenters Arms in excess of 6 years ago, the full accounts which would have accompanied the abbreviated accounts are no longer available. It is stated that Interguide Group Limited does not have the storage space to keep records beyond the statutory 6-year period, but it is considered that the profit and loss balances highlighted in para 4.1 above demonstrate that the pub made a financial loss for the last 4 consecutive years of trading (under the applicant's trading).

4.3 Included in the appendices latterly submitted, is a letter from Mr C. Mr C was formerly a tenant of the public house and worked under a management tenancy from June 2011 until October 2017, having been made personally bankrupt in August 2016. Mr C's letter confirms that the occupancy of the 2 bedroom flat above the bar was included as part of that management tenancy. The letter states that Mr C spent all of his own savings in an attempt to keep the pub open. The letter also confirms that every effort was made to bring in customers, including quizzes, dominoes and book

clubs, cycle groups and private hire. Despite this, Mr C states that there was insufficient local support for the pub to survive.

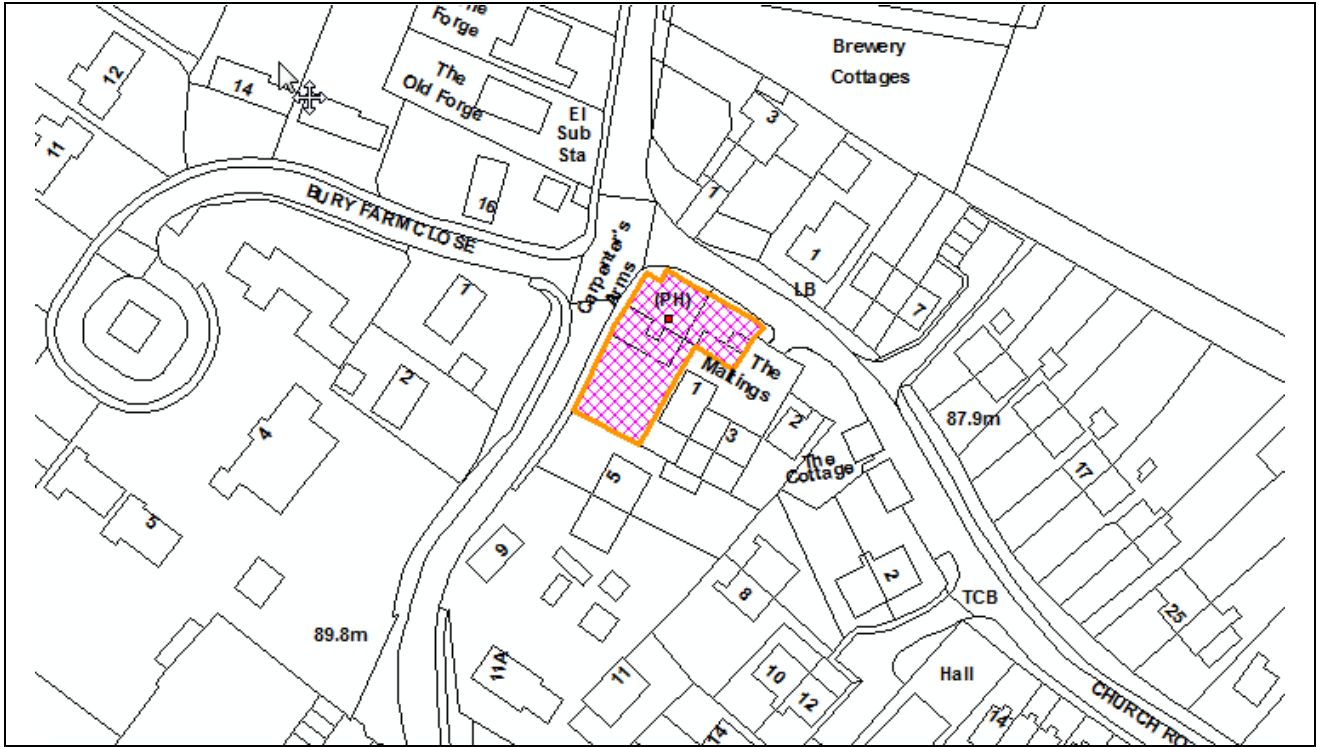
- 4.4 Mr C was a sole trader and not a limited company and so he was governed by the tax rules and regulations set out under HMRC by way of a self assessment which is not publicly available. The tenant would not normally be required to provide details of their turnover to the freeholder during their tenancy. Therefore, no trade flows are available for the tenancy period up until October 2017. It has been stated by the applicant that they have had to continually subsidise the rent in order for the pub to remain open for the local community, with rental arrears amounting to £19,000 are owed to Interguide Group Limited (the applicant's company) due to the subsidies to rent.
- 4.5 The pub remained empty until May 2018 when Lekk Ltd became the new tenant. Lekk Ltd vacated the premises in the early part of January 2019. Insofar as the total sales for Lekk Limited are concerned, the financial information which has previously been supplied to the Council, confirms that from the books and records that were kept for 34.66 weeks of being open, it amounted to £51,155.00 or £1,474.75 per week of sales. This does not correlate with the information provided by the former tenant to the Council in which it was stated that the pub was generating an income in the region of £10,000 per week. Further submission of details include Appendix C (of the applicants submission) which shows that Lekk Ltd who traded as Carpenters Arms, has since gone into administration. It is also stated that monies owing to the applicant amount to £11,558.40 as of 27th March 2019. In this respect, insolvency practitioner Wilson Field have been formally appointed to deal with any creditors who are owed outstanding monies.
- 4.6 In the Statement of Affairs produced for Lekk Ltd by the administrator, it is confirmed in paragraph 3.5 that the location of the business means it relies heavily upon local residents to enable the continuation of trade and their recommendations to potential customers from outside the area. The statement further says at paragraph 3.6 that to increase local custom, wine tasting evenings were held with villagers choosing their preferred wine list. Despite taking orders, custom was minimal. In addition, themed nights, games nights and quiz nights were also held. Again, these events did not prove popular with the local residents that the pub was so heavily reliant on.
- 4.7 The applicant considers therefore, that the two previous tenants of the property being made insolvent, in addition to the points set out above is a clear indication that the public house is not viable. Notwithstanding the objections made to this planning application, the applicant, a previous tenant and the District Valuer are of the opinion that there is insufficient local support for the Carpenters Arms to continue trading as a public house.
- 4.8 With the additional information set out above, the District Valuer was again contacted for comment. The District Valuer confirms that, whilst the years of accounts are not detailed, they do further support their view that the public house is not viable within that use class. Members will note from paragraph 7.4 in the attached report, that the District Valuer considered the decision to be marginal, but that they did not disagree

with the view that the Carpenters Arms is not viable as a public house. The additional information submitted is considered to further this argument.

- 4.9 In paragraph 9.20 of the officer report, it was stated that the evidence available demonstrated the property had been marketed up until December 2017. However, an updated letter from Fleurets has now been provided which confirms Fleurets received an instruction to end the marketing on 8th March 2018, which commenced a month's notice period. The property was then formally removed from the market on 5th April 2018, which means the property has been marketed for a total of 14 months. The additional information submitted confirms that there were no viewings of the pub over this time, or offers made, despite a reduction in the original asking price. There was also no interest in a tenancy. The comparison between this period of time and that stated in the previous officer report, is not considered to materially affect the comments received from the DVS, who are of the opinion that the public house is not viable within that use.

Case Officer: Daniel Terry

18/03976/APP



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| REFERENCE NO | PARISH/WARD | DATE RECEIVED |
|--|--|---------------|
| 18/03976/APP | Newton Longville | 07/11/18 |
| PROPOSED CHANGE OF USE OF PUBLIC HOUSE (CLASS A4) TO SINGLE RESIDENTIAL DWELLING (CLASS C3). | The Local Member(s) for this area is/are: - Councillor Peter Cooper | |
| CARPENTERS ARMS PUBLIC HOUSE, HORTON ROAD, LU7 9DB | | |
| MR ALAN DUGARD | | |
| STREET ATLAS PAGE NO.91 | | |

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, having regard to national and local policies, the proposed change of use from a public house (Class A4) to a dwellinghouse (Class C3) would be acceptable on the basis of whether the continued use of the public house is viable

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

- **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**

d) Impact on residential amenities

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

CONCLUSION AND RECOMMENDATION

- 1.1 The application has been evaluated against the extant Development Plan (the Slapton Parish Neighbourhood Plan and the Aylesbury Vale District Local Plan) and the NPPF (February 2019) and the report has assessed the application against the planning principles of the NPPF and whether the proposals deliver sustainable development. In this instance, there is an extant Development Plan and so paragraph 11(d) of the NPPF is not engaged. Furthermore, 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.
- 1.2 The proposal for a change of use from a public house to a residential dwelling has been assessed against policies GP.32 and GP.93 of the AVDLP which seek to resist the loss of local services and facilities, including public houses, where there is a demonstrable need for such local facilities/services.
- 1.3 The local planning authority (LPA) previously refused a planning application at this site (ref: 18/00426/APP) for the same type of development as a result of a tenant occupying the premises and doubts as to the unviability of the public house within that use class. Since that application was determined, the tenant has now vacated the premises and although giving the required three months notice to the landlord (applicant), left almost a month early. The tenant has confirmed that the condition of the building together with the 'takings' which declined in the three months leading up to November 2018, were the reason why the tenancy was terminated.
- 1.4 Notwithstanding the previously refused application at this site, it is now considered, having weighed all material considerations, that the public house is not viable, which has been demonstrated by the most recent occupation of the public house. It is considered that there is now a demonstrable argument put forward by the applicant that the pub is not viable which is supported by an independent appraisal (by the District Valuer). Further consideration has been given to the interests of securing the long-term future of the grade II listed building and the proposal is therefore considered to comply with policies GP.32 and GP.93 of the AVDLP. In accordance with paragraph 11(c) of the NPPF it is concluded that the proposal would accord with an up-to-date development plan and should therefore be approved.
- 1.5 Furthermore, it is accepted that the development would make a contribution to the housing

land supply albeit it is tempered due to the scale of development that is proposed and in the context that the Authority can demonstrate a 5 years housing supply. There would also be economic benefits in terms of the construction of the development itself, although this would likely require a further application.

- 1.6 Additional potential benefits from the scheme include a reduction in hard-landscaping and parking and the proposed change of use would also likely result in a significant reduction in vehicular trips to and from the site. It could also be argued that the change of use would secure the long-term upkeep and maintenance of the grade II listed building.
- 1.7 Compliance with some of the other planning principles of the NPPF have been demonstrated in terms of impact to biodiversity, flood risk and impact upon telecommunications. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm and therefore have a neutral impact.
- 1.8 Turning to the adverse matters, the proposal would result in the loss of a local facility and Slapton is recognised as a 'smaller village' within the Council's Settlement Hierarchy. The loss of one of the key facilities would therefore have a demonstrable impact upon Slapton in 'sustainability' terms. However this harm needs to be weighed against the potential benefits of the scheme which have been set out in this report.
- 1.9 It is therefore recommended that the application be **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 shall take place 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. For hard landscape works, these details shall include; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; where relevant. For soft landscape works, these details shall include new trees and trees to be retained showing their species, spread and maturity, 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. These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the

first occupation of the development or the completion of the development whichever is the sooner.

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. 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 policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

4. No windows other than those shown on the approved drawing No. BP/P079/1017/06 shall be inserted in the building hereby permitted.

Reason: To preserve the amenities of the occupants of the adjacent dwellings and to preserve the character and appearance of the grade II listed building and to comply with policy GP8 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

5. The existing signage attached to the building shall be retained in situ and shall not otherwise be altered or re-sited without prior agreement in writing of the local planning authority.

Reason: To preserve the character and appearance of the listed building and to comply with the National Planning Policy Framework.

INFORMATIVE(S):

1. The applicant or any future owner should be aware that whilst planning permission has been granted, listed building consent has not been applied for. Any occupation of the building and resultant conversion works required, will be subject to an application for listed building consent and may also require a further application for planning permission, depending on the scale of works required for conversion.
2. 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 details as submitted were found to be acceptable and so the application has been recommended for approval.

2.0 **INTRODUCTION**

2.1 The application has been brought to the development management committee as Slapton Parish Council have objected to the proposal and have said that they will speak.

2.2 The Parish Council objects to the proposal as it does not accord with the Slapton Neighbourhood Plan, the parish community strongly supports the retention of the Carpenters Arms as a public house and because there has been no material change since the previous application 18/00426/APP.

2.3 Councillor Peter Cooper supports the comments made by the Parish Council and has also stated that it is clear a negative situation has been engineered which has forced the tenant to move business to Stoke Hammond. During the tenants short stay in Slapton, the tenants business was popular and well supported, but the limitations described in the Parish Council report made it impossible for the business to survive. Councillor Cooper will speak at the committee meeting.

2.4 Local planning authority response to the call-in:

The concerns raised by the Local Member, the Parish Council and the local residents of Slapton have been carefully considered, however it should be noted that the LPA as the 'decision-taker' can only consider the relevant planning merits of the application. Having considered the previous planning application at this site, engaging with the previous tenant of the premises and having regard for the report from the DVS, it is considered that on balance, the support for the public house in terms of turnover/income is not of a sufficient volume that a business could reasonably succeed in this location. In light of this and in the interests of securing the long-term future of the grade II listed building, it is recommended that the application be approved.

3.0 **SITE LOCATION AND DESCRIPTION**

3.1 The application site lies at the centre of the Slapton Settlement (as outlined in the Slapton Neighbourhood Plan Policies Map), on a corner plot fronting Horton Road to the south and Church Road to the east. To the north lies Mill Road and to the west lies Bury Farm Close.

3.2 The Carpenters Arms provides a central bar area plus a dining area with 38 covers. In addition there is a snug bar area to the rear and a trade kitchen, a small garden to the side and parking for 12 cars. The upper floor provides ancillary residential accommodation comprising a 2-bed flat.

3.3 The Carpenters Arms and the adjacent Maltings are both Grade II Listed.

3.4 The Historic England Listing Description is as follows:

“Public house. C17, altered. First floor has timber frame with brick infill, ground floor rebuilt early C19 in red and vitreous brick. Thatched roof, half-hipped to left, hipped to right over single storey extension. Central rebuilt brick chimney. 2 storeys, 2 original bays. Left bay has 3-light barred horizontal-sliding sash to ground floor. Right bay has paired barred wooden casements and gabled C20 porch projection to right. Another C20 door to centre. Extension to right has paired similar casement. Gable to road has 2-light barred horizontal-sliding sash to first floor, canted oriel window below, and angled lean-to to left with door and barred window. Small later wing to rear forming T-plan, has slighter timber frame and tiled roof. First floor of older bays was probably once jettied.”

Date first listed: 26-Sep-1951

3.5 The Slapton Parish Neighbourhood Plan states in paragraph 2.13 that the Carpenters Arms dates back to the 16th Century and is the oldest and most picturesque building in the village, second only to the church. It is described in the SPNP by its thatched roof over a timber frame filled with red brick.

4.0 **PROPOSAL**

4.1 This application seeks full planning permission for the change of use of the Carpenters Arms Public House (Class A4) to a dwellinghouse (Class C3). The submitted documents indicate that the public house is no longer viable under a Class A4 use. The applicant therefore proposes that a change of use would allow the Listed Building to be retained in perpetuity in an adequate state of repair.

4.2 The merits of the proposal and the assessment of the building’s viability are deliberated below in this report.

5.0 **RELEVANT PLANNING HISTORY**

5.1 84/01674/AV - Retention of additional car park and boules court - Approved

5.2 93/00748/APP - Conversion of Maltings to living accommodation and extension of public house to form W.C. – Approved

5.3 93/01203/ALB – Alterations and extension - Approved

5.4 93/01211/ALB - Conversion of the Maltings into shop and living accommodation – Approved

5.5 93/01344/ALB - Demolition of toilet block to the Maltings and part demolition of highway boundary wall – Approved

- 5.6 98/00148/APP - Conversion of the Maltings into bed & breakfast accommodation – Refused
- 5.7 98/00149/ALB - Conversion of the Maltings to bed & breakfast accommodation – Listed Building Consent Granted
- 5.8 98/01703/APP - Conversion of Maltings to living accommodation & retail use & extension to public house to form W.C. (renewal of 93/0748/app) – Approved
- 5.9 18/00426/APP - Change of use of public house (Class A4) to single residential dwelling (C3) - Refused

6.0 **PARISH/TOWN COUNCIL COMMENTS**

- 6.1 The Parish Council objects to the proposal as it does not accord with the Slapton Neighbourhood Plan, the parish community strongly supports the retention of the Carpenters Arms as a public house and because there has been no material change since the previous application 18/00426/APP.
- 6.2 The Parish Council have stated that they will speak at the planning committee meeting.

7.0 **CONSULTATION RESPONSES**

- 7.1 Bucks CC Highway Engineer (summary):

“A change of use from a public house to a residential dwelling would be likely to result in fewer daily vehicle movements, resulting in a decrease in pressure on the highway network.”

- 7.2 AVDC Heritage Officer (summary):

“With the signage retained, this application is considered to preserve the special architectural features of the listed building. However, a key element of the buildings historic interest is its use as a public house. This element will clearly be harmed by the proposed change of use and therefore the viable use of the listed building as a public house needs careful consideration.”

- 7.3 Buckingham and River Ouzel Drainage Board – No comments to make.

- 7.4 District Valuation Service (DVS) (summary) –

“It is a marginal decision but on balance, with the information available, the DVS does not disagree with the view that The Carpenters Arms is not viable as a public house, primarily due to the physical limitations of the property and direct competition in the surrounding area.”

8.0 **REPRESENTATIONS**

- 8.1 Comments have been received from 32 separate persons objecting to the proposal on the following grounds (as summarised):

- Historic importance of the pub in Slapton
- The loss of the pub would result in a loss of local amenity
- Loss of the pub would lessen the quality of village life in Slapton
- Previous tenant was not given the opportunity to make the pub a success
- Slapton has already lost a shop, school and post office, this would result in the loss of another village asset
- The pub adds to the character of the village
- No need for more houses in Slapton
- One of the limited meeting places for the community
- Concerns as to whether the listed building would be suitable as a dwelling
- The most recent tenant managed to create a busy pub, so why should it close?
- The pub could be a success under the right management
- The Slapton Neighbourhood Plan has provision for new housing, as the village grows, the pub must be preserved to maintain the community, cohesion and character of the village
- Bury Farm Equestrian Centre is not an appropriate alternative as it is only licensed for those attending quine events, not the general public
- The Stag in Mentmore is closed down

9.0 EVALUATION

a) The planning policy position and the principle of conversion for residential use.

9.1 Members are referred to the Overview Report before them in respect of providing the background information to the Policy. The starting point for decision making is the development plan, 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

Neighbourhood Plan

- 9.2 In this respect, Slapton has a 'made' neighbourhood plan, adopted on the 17th July 2018. The relevant policies contained within the SPNP relevant to this application include SLP1 and SLP6. Paragraphs 1.27-1.29 of the accompanying overview report sets out the importance and purpose of neighbourhood planning.
- 9.3 Paragraph 1.2 of the 'made' Slapton Parish Neighbourhood Plan (SPNP) states that the purpose of the neighbourhood plan is to identify potential land for development and make planning policies that can be used by the District Council in the determination of planning

applications in the local area until March 2033. These policies are aimed at managing development in and around the village and across the wider Parish in the most sustainable way by protecting its rural character and encouraging proposals that will benefit the local community.

- 9.4 Chapter 5 of the SPNP outlines the vision of the Neighbourhood Plan and states that the plan will ensure that Slapton parish retains its sense of community by carefully managing change within its boundaries, by creating opportunities for employment growth which are appropriate, in scale, design and type, for this rural location; by ensuring its diverse mix of housing is preserved and by protecting its setting and surrounding countryside from anything that harms the distinctive rural character, distinctive rural character, distinctive architecture and environmental heritage.
- 9.5 Policy SLP1 of the SPNP identifies a spatial plan for the parish and outlines the Slapton settlement boundary on the proposals map. This policy states that infill development within the settlement boundary will be supported provided they accord with the design and development management policies of the neighbourhood plan. In defining the Slapton Settlement Boundary, policy SLP1 supersedes policies RA.3, RA.13 and RA.14 of the AVDLP.
- 9.6 The proposed application site falls within the Slapton settlement boundary and whilst the proposal does not comprise of an 'infill' development, the Neighbourhood Plan policy does not explicitly oppose changes of use within the settlement boundary. This is subject to other policies within the SPNP and the supporting documents such as the Slapton character appraisal.

Aylesbury Vale District Local Plan

- 9.7 The policy position and current housing land supply figures are addressed with the overview report that is to be read in conjunction with this Committee Report. What is of relevance however is that, given the status of policies and relevance of the Neighbourhood Plan, a weighted balance approach is not appropriate in this instance. This is the same approach taken in the previously refused application whereby policy GP.32 was considered to be up-to-date and in conformity with the NPPF and the application was found unacceptable in that instance.
- 9.8 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 GP.8, GP.24, GP32, GP.35, GP38 – GP.40 and GP93.

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

9.9 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.

9.10 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 supply

9.11 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. Importantly, work is ongoing towards calculating the LPA's housing land supply, but early indications are that the Council maintains over 5 years supply.

b) Whether, having regard to national and local policies, the proposed change of use from a public house (Class A4) to a dwellinghouse (Class C3) would be acceptable on the basis of whether the continued use of the public house is viable.

9.12 The SPNP as a whole makes reference to the application site and the importance of the public house and its contribution to the character and appearance of the village, given its

aesthetic and prominent location at the heart of the village. However, the policies within the SPNP do not preclude a change of use, subject to other policies in the SPNP, including SLP6 (Slapton Character Area 5). Thus, the Neighbourhood Plan is silent in terms of the principle for the change of use of the building. The assessment therefore focuses on the policies of the AVDLP and the extent to which these are complied with in determining the acceptability of the proposals.

- 9.13 Saved Policy GP.32 of the AVDLP states that the Council will resist proposals for the change of use of shops, post offices and public houses for which there is a demonstrable local need. In considering applications for alternative development or uses, the Council will have regard to the viability of the existing use, the presence of alternative local facilities and the community benefits of the proposed use. Where permission includes building conversions, conditions will be imposed so as not to exclude later resumption of the existing use.
- 9.14 The sub-text for this policy in paragraph 4.98 states that in rural areas, it is important to protect shops, post offices and public houses, as these fulfil a local function providing local services and reducing the need to travel. This protection is particularly important where there are no alternatives available locally. Applicants will need to satisfy the Council that the existing use is no longer viable and that a genuine attempt has been made to market the enterprise as a going concern. Where development is permitted, it would be regrettable if the building works prevented the future resumption of the former, or similar activity.
- 9.15 Saved Policy GP.93 of the AVDLP states that the Council will resist proposals for the change of use of community buildings and facilities for which there is a demonstrable local need. In considering applications for alternative development or uses, the Council will have regard to the viability of the existing use, the presence of alternative local facilities and the community benefits of the proposed use. Where permission includes building conversions, conditions will be imposed so as not to exclude the later resumption of a community use.
- 9.16 The National Planning Policy Guidance (NPPG) provides further guidance with respect to viable uses for heritage assets in paragraph 15 and states that it is important that any use is viable, not just for the owner, but also for the future conservation of the asset. It further states that if there is only one viable use, then that is the optimum viable use. Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised.
- 9.17 Paragraph 16 of the NPPG states that appropriate marketing is required to demonstrate the redundancy of a heritage asset in the circumstances set out in [paragraph 195] bullet 2 of the NPPF. The aim of such marketing is to reach all potential buyers who may be willing

to find a use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but redundancy will not have been demonstrated.

- 9.18 Taking the above policy background into account, it is considered that a proposed change of use could be acceptable, subject to the proposal demonstrating a compliance with the relevant local plan policies which is considered further against the criteria set by policies GP.32 and GP.93 in the following paragraphs.

Viability of Existing Use:

- 9.19 In coming to a view on whether the proposals comply with the first criterion set out in policy GP.32 and GP.93, officers have had regard to the viability of the existing use. The applicant has provided detailed marketing evidence to attempt to demonstrate that the public house is no longer viable. This evidence was previously challenged by the LPA on the grounds that a tenant was occupying the premises. So notwithstanding a marketing exercise had been carried out, there were doubts regarding the interest (or lack of) in the pub as a vacant building, given a trade was being carried out.
- 9.20 Turning to the marketing that has been carried out by the applicant in an attempt to sell the property, it has been demonstrated that Fleurets marketed the property between February 2017 and up until the time of submission of the previously refused application, February 2018. The initial asking price was £525,000 but was reduced to £495,000 in May 2017. In September 2017, the public house was offered on a leasehold basis but one month later was put back on the market as a freehold sale only. In this respect, no evidence has been submitted to demonstrate that the building has been marketed since December 2017.
- 9.21 The asking market rental rate was advertised as £36,000. The Valuation Office Agency (VOA) (Oxford Branch) were tasked (by AVDC) with appraising the submission of details. They were previously employed to appraise the first application and have again been instructed to further appraise the 'viability' of the public house as part of this current application. That being said, the comments received are almost identical to the comments received previously insofar as the asking price for the public house did seem to be at the higher end of values, when compared with similar pubs that have sold recently or that are currently on the market in the area. The VOA further states that the asking price may be indicative of the level of trade. Fleurets advertised the public house on their website and the sales particulars were sent to interested parties on their database. Further advertisements were placed on external websites as well as the Morning Advertiser, which is the main trade publication. The details were posted to licensed property operators registered on Fleurets database and a hardcopy mailshot was made to 132 local licensed businesses. Fleurets received very few enquiries and it is reported that no parties attended

an open viewing session in March 2017. The main concerns related to the layout of the establishment and the upkeep of the thatched roof.

- 9.22 The applicant has stated in a cover letter that when the building was purchased in 2006, refurbishment was needed to preserve the building given its listed status and this cost was in the region of £100,000. It is stated that, despite the refurbishment, the business still required financial support which occurred up until 2012 at which point the decision was taken to sell the property. There was no uptake however a new tenant occupied the property at a charge of £600.00 per week. After subsidising this tenant for circa 5 years, the property was again marketed as demonstrated by the documents submitted alongside this planning application.
- 9.23 It is further argued by the applicant that this cumulative loss has resulted in a need to change the use of the building to ensure the long term future and viability of the Grade II listed building. Furthermore, the landlord/applicant claims to have paid for insurances and repairs, one such repair being to the thatched roof which cost £23,000. These are costs which should typically be paid by the tenant of the property. It is stated that the total costs in supporting the public house to stay open, prior to the submission of the previous application in February 2018 exceeds £170,000.
- 9.24 It should be noted that no evidence (besides the aforementioned marketing information) has been submitted to demonstrate the costs and/or loss to the applicant. It is also noted that no accounts or trade information has been provided, however the VOA are able to rely on their own records.

Appraisal from the Valuation Office Authority (VOA) District Valuer:

- 9.25 The VOA concluded in their report that the property has been suitably marketed by a recognised licenced property agent for a suitable length of time. The initial high asking price was reduced after 3 months indicating a serious intention to sell as a freehold pub and although the final asking price is high, it is not totally out of line with market value. To conclude the 'marketing' aspect of the assessment, it is considered that the submission does satisfactorily comply with elements of the supporting policy text (4.98) to policy GP.32 of the AVDLP.
- 9.26 The VOA report recognises that there are other factors which may affect the viability of the public house and officers recognise these in coming to a view on viability.
- 9.27 The VOA reports that the freehold of the property was purchased by Interguide Group Ltd in 2006 following closure by the Vale Brewery Ltd in 2005. They refurbished the property and ran the operation until 2012 when it was let on a management tenancy until its closure in October 2017. The VOA notes that whilst actual trade figures or accounts have not been provided, their own records indicate that there was a consistent and steady level of trade

between 2014 and 2016 at a level of FMT (Fair Maintainable Trade) that would be expected for a pub of this character and size. The recent trade has actually been at a higher level than was being achieved in the 2000's. The report acknowledges that whilst the Carpenters Arms is predominantly a wet pub, around 25% of total trade in the past has been through food trade. In this regard, the VOA report concludes that trade has been steady and consistent and whilst accounts have not been provided, it is recognised that a historic thatched pub of this nature will have higher outgoings and repairs which will impact upon the profitability of the operation. The applicant claims that throughout the 12 year ownership of the property, the rent owing from tenants has often had to be subsidised.

9.28 The VOA report accepts that there was no interest in the property from recognised pub operators and that there are evident limitations to the property which result in there being higher outgoings for repairs, heating, insurance and wastage. Notwithstanding this, the report acknowledges that there are thatched pubs in small villages which are successful and evidently viable, such as in Weedon and Aston Abbots. The VOA report acknowledges that the decision of AVDC to remove the property in October 2017 as an Asset of Community Value (ACV) on the grounds that it was not being sufficiently used by the community may be a factor in the reported lack of interest from recognised pub operators. Finally, the report comments that the lack of local support for the public house, as evidenced by online reviews, goes some way in explaining the difficulties that the public house has faced in recent times. The lack of perceived support for the public house must be considered in light of the 32 letters of objection received as part of the public consultation exercise, with the majority of responders opposing the proposed loss of the public house. This number is considerably less than the 98 separate objections received in the previous application for a change of use. It was highlighted in the previous officer report that the number of objections represented approximately 20% of the Parish area whilst in this instance, the number of objections represents approximately 6% of the Parish residents.

9.29 Notwithstanding the above, it is considered that the VOA advice acknowledges there is not a strong case to demonstrate that the continued use of the public house is unviable. Therefore officers need to consider whether there is sufficient doubt in favour of sustaining the existing use, in viability terms. Officers have taken into account the VOA advice in weighing up the viability case, which whilst they note this is marginal in the VOA's view they continue to acknowledge that on balance with the information available they do not disagree with the view that the property is not viable as a public house for the limitations set out above.

Consideration of 3rd party evidence:

- 9.30 In arriving on a conclusion as to whether the public house is viable, the LPA should take account of all information available to the decision-maker. In refusing the previous application at this site, the case officer concluded that, on balance, the pub could have been demonstrably viable given that a tenant was occupying the premises and paying around (or marginally above) market rent. Further correspondence with that tenant has been entered into as part of the assessment of this application. That tenant has confirmed in writing to the LPA that the level of business at the pub does not allow for a sustainable business. It is stated by the most recent tenant, that the rent is approximately double that of the previous tenants before him. However importantly, the previous tenant states that even if the rent were reduced by 50%, the 'takings' would only match the rent and therefore not allow for a level of profit to be made where the public house could be purchased in the future.
- 9.31 The VOA report also acknowledges that the previous tenant left the premises early and monies are still owing in respect of rent which is a further loss endured by the applicant.
- 9.32 Notwithstanding the above, it has been noted in several forms of correspondence that the previous tenant spent reasonable sums of money in ensuring the up-keep of the building and securing improvements to the interior condition in order to attract customers. It was stated by the previous tenant that when the pub re-opened under his tenancy, the pub was generating an income in the region of £10,000 per month, but no evidence of this has been provided.
- 9.33 The VOA were made aware of the above circumstances subsequently to their initial report but responded by stating, even if market rent is being paid to occupy the pub, the pub itself has been heavily subsidised for many years and this would likely remain the situation moving forward. In this instance, the VOA have concluded the same as before, in that they do not disagree with the view that The Carpenters Arms is not viable as a public house.

Alternative establishments:

- 9.34 In coming to a view on whether the proposals comply with the second criterion set out in policy GP.32 and GP.93, officers have had regard to the presence of alternative local facilities in the area.
- 9.35 With regard to alternative establishments (for the purposes of this assessment referred to as local competition), the following establishments and their distinguishable qualities were identified as being within a 3 mile radius of the Carpenters Arms:
- The Grove Lock, Grove – Fullers managed food pub on the canal
 - The Stag, Mentmore – Dining pub/restaurant

- The Old Swan, Cheddington – Thatched destination food pub with 70 covers and 30 parking spaces and large garden
- The Swan, Northall – Large car park and garden
- The Village Swan, Ivinghoe Aston – Large car park
- The Three Horseshoes, Cheddington – Large car park

9.36 It has been highlighted by numerous objectors that the planning permission for Bury Farm Equestrian Village (also owned by the applicant), located on the edge of Slapton, restricts the use of the licensed restaurant to customers/users of the equestrian village and not therefore to serve the general public.

9.37 It has also been brought to the attention by a small number of objectors that The Stag in Mentmore has closed down although there does not appear to be any reports in local media of this.

9.38 Taking the above into account, it is recognised that there are other existing facilities that provide similar services to the existing public house use, in the area, although these are not within Slapton itself, and therefore Slapton residents may frequent these nearest facilities by private transport, rather than walking/cycling. It is considered that the proposed loss of the public house could therefore result in an increase need to travel to the other nearest facilities which goes against the explanatory text to policy GP.32.

Community Benefits of the Proposed Use:

9.39 In coming to a view on whether the proposals comply with the third criterion set out in policy GP.32 and GP.93, officers have had regard to the potential community benefits of the proposed use. It is considered that the change of use of the public house to residential would have a limited community benefit (given that there is accommodation provided above the public house as existing). The occupation of this building for residential purposes would contribute to the local economy and further public benefits would arise from the safeguarding of a historic building. It is however acknowledged any benefits are tempered given the current community benefit provided by the established public house that lies in the heart of the village, which would otherwise be in use and serving a local need.

Conclusions:

9.40 Policy GP.32 states that the Council will resist proposals for the change of use of shops, post offices and public houses for which there is a demonstrable local need. In considering applications for alternative development or uses the Council will have regard to the viability of the existing use, the presence of alternative local facilities and the community benefits of the proposed use. In rural areas it is important to protect shops, post offices and public

houses as these fulfil a local function providing local services and reducing the need to travel. This protection is particularly important where there are no alternatives available locally.

- 9.41 The LPA previously considered that the argument put forward by the applicant was not substantially weighted in favour of an approval as a direct result of doubts and ambiguity regarding the viability of the public house. As part of this submission, the LPA has given consideration to the same set of evidence submitted but also to account for the occupancy and latterly vacation of the premises by the previous tenant. As such, it has now been concluded, albeit marginally, that the pub is not viable within that use class and that resultantly, the change of use should be supported by officers as the proposal complies with policies GP.32 and GP.93 of the AVDLP and also to secure the long term future of the public house. It is concluded that the loss of economic and social benefits to the local community would be outweighed by the potential benefits of the scheme and would further comply with the guidance of the NPPF.

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

- 9.42 The most up to date national policy is set out in the NPPF published in February 2019. At the heart of the NPPF is the presumption in favour of sustainable development (paragraph 11) in both plan-making and decision-taking. 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.
- 9.43 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.
- 9.44 Policy RA.11 supports the conversion and re-use of buildings in the countryside, however this refers to areas outside the built-up area of settlements. As the application site falls within the Slapton Settlement Boundary, policy RA.11 is not engaged in this instance.
- 9.45 In terms of its broader location, Slapton is defined as a 'Smaller Village' in the Settlement Hierarchy Assessment (September 2017). Smaller villages are characterised as typically

having an average population of 463 and have between 2 and 5 of the 11 key services. In this instance, Slapton has a population of 528 and 4 of the key services (3.5 miles to service centre being Leighton Buzzard, 2 public houses one of which is the subject of this application and the other being Grove Lock, a village hall and a recreation ground). On this basis, and for the purposes of this assessment, it is recognised that Slapton is in principle not a sufficiently sustainable location to accommodate further significant development because of the limited services however a small level of development is unlikely to lead to any environmental harm as there is already built form and small scale development will contribute towards providing locally needed homes for families to remain in the same communities and to contribute to vitality.

- 9.46 The proposed dwelling would result from the change of use of the existing public house which lies within the settlement boundary of Slapton as demonstrated in the SPNP Policies Map. Given the nature of the proposal and the limited works that would be required to facilitate a change of use to a dwelling, the proposal is considered to constitute a 'small scale' development, for the purposes of this assessment.

Delivering a sufficient supply of homes

- 9.47 In respect of affordable housing the scheme does not meet the thresholds for securing such provision on site as outlined in AVDLP policy GP2 which refers to the provision of 25 dwellings or more or a site area of 1 ha or more. The proposal comprises the change of use of the building which comprises a public house with ancillary residential accommodation above to a single two bed dwellinghouse. The provision of a single dwelling would make a modest addition to the housing stock.
- 9.48 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 would be a benefit to which positive weight should be given, owing to the scale of development and its relatively limited contribution.
- 9.49 Paragraphs 77-79 of the NPPF (2018) are particularly relevant to this application for rural housing. Paragraph 78 states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 9.50 Paragraph 79 relates to isolated homes in the countryside and states that an exception to this would be if the development would represent the optimum viable use of a heritage asset. In this instance, the application site is within the Slapton settlement boundary and so would not be considered an isolated dwelling.

Build a strong, competitive economy

- 9.51 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. Part (d) in particular states that the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 9.52 Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 9.53 Whilst the proposal would appear to contribute towards the long term viability of the building, ensuring its up-keep for the foreseeable future, the proposed change of use would result in the loss of a significant local amenity/facility for the residents of Slapton and would likely result in a loss to the local economy through the change of use.

Promoting healthy and safe communities

- 9.54 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.).
- 9.55 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.
- 9.56 In this instance, the provision of a single dwelling would not require contributions to be made in respect of the above facility provision.

Promoting sustainable transport

- 9.57 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. It is the case that Slapton is a small settlement with a restricted bus services such that travel by car is likely to be the normal mode of transport. Nevertheless, whilst the bus services are infrequent, Slapton has better connections to the main settlements (in this case Leighton Buzzard and Dunstable/Luton) when compared with some other smaller settlements.
- 9.58 In terms of access arrangements, the highways engineer has been consulted and states that there are no comments to make in respect of the access as it already exists to serve the public house. It is however noted that the change of use to a dwelling would result in less vehicular trips than would be expected from the existing use. In any case, the application site lies in the middle of the settlement boundary so the access and suitability of location would not be dissimilar from surrounding developments. It is therefore concluded that safe and suitable access to the site can be achieved for all users in accordance with paragraph 108 of the NPPF (2019).
- 9.59 With regard to parking provision, the application form confirms that the proposals will result in the provision of a two bed-dwellinghouse. It is considered the provision of a single car space would therefore be required to comply with the Councils SPG. However, as noted from the appraisal by the District Valuer and from the site visit carried out, the existing property benefits from 12 off-street parking spaces. If retained in its entirety, the parking area would exceed the maximum parking requirement and the introduction of additional soft landscaping would therefore be sought, which could be secured by condition.

Supporting high quality communications

- 9.60 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. Given the location of the proposed development, and bearing in mind that they would be in the most part reusing an existing building, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development. It is therefore considered that the proposal would accord with the guidance set out in the NPPF.

Making effective use of land

- 9.61 Paragraph 117 of the NPPF states 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. Footnote 44 states that the aforementioned does not apply where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.

- 9.62 Paragraph 122 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account: the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; local market conditions and viability; the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; the desirability of maintaining an areas prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places.
- 9.63 In this instance, the proposed dwelling would be created by re-using/converting previously developed land and buildings (as defined in Annex 2) but the principle of on-site accommodation has already been established in any case as accommodation exists above the main public house service areas.

Achieving well designed places

- 9.64 Policy SLP6 of the SPNP refers to design and states that proposals for development will be supported if they conform to the design principles relevant to the character area in which they are located. In this instance, the application site lies within an area identified as Slapton Character Area 5 (Village Centre). This states that development proposals should not harm the contribution that the Carpenters Arms and Brewery Cottages make in defining the centre of the village; care should be taken to preserve the visual dominance of both existing buildings particularly when viewed from the south along Horton Road. Any development proposals that stand forward of the current building line of the adjacent bungalows on Horton Road, rise above the Carpenters Arms or Brewery Cottages, or obscure the view of the Maltings beyond the car-park will be resisted.
- 9.65 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. The Council's adopted supplementary planning guidance in the form of the 'New Buildings in the Countryside' Design Guide is also relevant in respect of new dwellings resulting from a change of use.

- 9.66 This policy is in general conformity with the NPPF (2019) which states in paragraph 124 that 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. Paragraph 126 states that visual tools such as design guides and codes provide a framework for creating distinctive places, with a consistent and high quality standard of design. It is further stated that decision making should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; sympathetic to local character and history et al.
- 9.67 In this respect, it is noted that no external works are proposed to the building and the Heritage Officer has insisted that the signage be retained by way of planning condition, to ensure the character and appearance of the building is retained. Further soft landscaping has been mentioned above in this report but it will be important to ensure that potential landscaping does not obscure the view of Maltings as mentioned in the neighbourhood plan.
- 9.68 The 'New Houses in Towns and Villages' Design Guide states that car parking should preferably be set behind buildings or screened from public view. New and existing walls, trees, hedges and shrubs should be used to screen and improve the appearance of parking and turning areas. Car parking needs to be convenient but should not be allowed to detract from the setting of houses. As such, a landscaping condition could ensure an improved visual amenity and promote compliance with SLP6 of the SPNP, the Design Guide, the AVDLP & the NPPF.
- 9.69 On the basis that no external works are proposed, it is considered that the proposal would have an acceptable impact on the visual amenities of the site, wider area and neighbouring amenities in general, in accordance with policy SLP6 of the SPNP, policy GP35 of the AVDLP and the advice contained within the 'New Houses in Towns and Villages' Design Guide and the NPPF.

Meeting the challenge of climate change and flooding

- 9.70 Paragraph 148 of the NPPF (2018) states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

- 9.71 Specifically with regard to flood risk, it is stated that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 9.72 The application site falls within Flood Zone 1 and is therefore considered to be at very low risk of flooding and in addition, no external works are proposed as part of the change of use application.

Conserving and enhancing the natural environment

- 9.73 Regard must be had as to how the proposed development contributes to (inter alia) 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 (2018) in paragraph 170. In addition, GP.35 requires new development to respect and complement the physical characteristics of the site and 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. It is also reinforced by the Council's 'New Buildings in the Countryside' Design Guide which encourages new development to recognise and respect landscape and local character.
- 9.74 Policy SLP6 of the SPNP relates to 'design' and whilst this policy does not prescribe natural landscape characters and appearance, it does state that proposal for development will be supported if they conform to the design principles relevant to the character area within which they are located. In this instance, the Carpenters Arms is located within Character Area 5 as identified on the SPNP Proposals Map.
- 9.75 The application site comprises of entirely 'brownfield' land and the proposal involves the change of use of an existing building. As such, it is considered that the impact upon the natural environment would be inconsequential.
- Habitats and Biodiversity
- 9.76 Paragraph 175 of the NPPF sets out 4 principles LPA's should apply when determining planning applications which seek to prevent significant harm to biodiversity unless adequate mitigation or exceptions apply, otherwise permission should be refused. Conversely, development whose primary objective is to conserve or enhance biodiversity should be supported. There would be an absence of harm to arise as a result of the proposed development on biodiversity.

Conserving and enhancing the historic environment

- 9.77 The SPNP, as already assessed above, makes reference to the heritage assets within the village and settlement boundary but save for policy SLP6, does not prescribe how heritage matters should be assessed. The policies in the AVDLP with regard to Listed Buildings have not been saved. This aspect is therefore assessed against the content of the NPPF.
- 9.78 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.79 Paragraph 195 states that where a proposed development would lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.
- 9.80 Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. In this instance, the heritage assets being considered are the Carpenters Arms and the adjoining Maltings to the east which are both Grade II Listed Buildings.
- 9.81 The Council's Heritage Officer has been consulted and states that with the signage retained, this application is considered to preserve the special architectural features of the listed building. However, a key element of the buildings historic interest is its use as a public house. The conversion works would inevitably affect this character as a result of the proposed change of use, but it is not considered that any material harm would result, that the application could be refused on those grounds. The viable use of the listed building as a public house therefore needs to be carefully considered.
- 9.82 It is noted that the District Valuer did not carry out a site visit and this is a concern of the heritage officer, however given that the significance and character of the building could be retained through appropriate planning conditions, it would not appear reasonable to refuse the planning application on heritage grounds and detailed consideration has been given to the viability of the public house within that use as part of the determination of this application.

- 9.83 Therefore an assessment can only be made on the details submitted and as no internal or external alterations have been shown on the submitted plans, this is the basis on which the Heritage Officer has provided comment and which officers have based this assessment on. In summary the proposed change of use would not adversely affect the setting of the listed building or nearby listed building and, as such, is in accordance with Section 66 of the Planning (Listed Building & Conservation Area) Act (1990) and the guidance as set out in NPPF (2019).
- 9.84 Special regard has been given 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 is accepted is a higher duty. It has been concluded that the setting of the listed buildings would be preserved and so the proposal accords with section 66 of the Act. In addition, no harm would be caused to the significance of any heritage assets, in NPPF terms, and as such the proposal accords with guidance contained within the NPPF.

(c) Impact on residential amenity

- 9.85 Policy GP.8 of AVDLP seeks to protect the residential amenity of nearby residents, whilst paragraph 127 of the NPPF states that decisions should 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.
- 9.86 As no external works are proposed, it would appear only appropriate in this instance to consider relevant factors resulting from the proposed change of use to a dwelling. However as the existing building falls within a Class A4 use (public house) it is reasonable to suggest that an operating public house would return a level of noise that is greater than could be expected compared with a single family dwellinghouse. Similarly the number of traffic movements would be expected to be fewer resulting in less potential for traffic conflicts within the immediate locality. Noise levels within the premises and outside would be anticipated to be lower as a result of the change of use.
- 9.87 As such, it is considered that the proposal would provide some benefits in terms of reduced noise and disturbances from the continued use as a public house for the immediately adjacent existing neighbouring properties. Therefore, as there would be no adverse implications on nearby residents, as a result of the change of use, the proposals are considered to comply with policy GP8 of the AVDLP and the development would protect residential amenities.

CORRIGENDUM to DMC COMMITTEE 14.3.19

18/03976/APP - SLAPTON

Proposed change of use of public house (Class A4)
to single residential dwelling (Class C3).
Carpenters Arms Ph Horton Road Slapton
Buckinghamshire LU7 9DB

ADDITIONAL REPRESENTATION

One additional objector has made representations to this application. The comments reiterate those made by other objectors which are included in the report.

CORRECTION TO REPORT

At the top of page 2, the Parish/Ward is shown as Newton Longville. This is incorrect and should read Slapton.

Overview Report: March 2019

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 (June 2018)
 - Affordable Housing Policy Interim Position Statement (June 2014)
- 1.20 Those documents which have been the subject of public consultation and the formal adoption of the Council can be afforded significant weight insofar as they remain consistent with the policies of the NPPF.

Housing supply

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

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

Neighbourhood Planning

- 1.27 Paragraph 29 and 30 states: Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies¹⁶.
- 1.28 Paragraph 30 states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.
- 1.29 The Neighbourhood Planning Act 2017 (the “Act”) came into force on 19 July 2017 and makes two provisions which are relevant:

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

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

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

Prematurity

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

Conclusion on policy framework

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

Whether the proposals would constitute a sustainable form of development

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

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

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

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

Promote sustainable transport

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

Conserving and enhancing the natural environment

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

Conserving and enhancing the historic environment

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

Promoting healthy and safe communities.

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

Making effective use of land

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

Achieving well designed places

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

Meeting the challenge of climate change

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

S106 / Developer Contributions

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

Overall planning balance

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

Conclusions

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