



## AYLESBURY VALE DISTRICT COUNCIL Democratic Services

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26 June 2019

### DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Development Management Committee** will be held at **1.00 pm on Thursday 4 July 2019** in **The Oculus, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

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

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

### AGENDA

**1. APOLOGIES**

**2. TEMPORARY CHANGES TO MEMBERSHIP**

Any changes will be reported at the meeting.

**3. MINUTES (Pages 3 - 8)**

To approve as a correct record the Minutes of 26 April and 13 June 2019 (Copies attached as an Appendix)

**4. DECLARATION OF INTEREST**

Members to declare any interests.

**5. REPORT OF THE CORPORATE PLANNER**

**6. OVERVIEW REPORT - MAY 2019 (Pages 9 - 18)**

**7. 19/01033/APP- 14 ARCHER DRIVE, AYLESBURY - SITE VISIT REPORT (Pages 19 - 22)**

Loft Conversion with rear dormer, front dormer and front gable – Report from the Site Visit held on Tuesday 18 June 2019.

Case officer: Daniel Terry

**8. 18/03976/APP - CARPENTERS ARMS PH, HORTON ROAD, SLAPTON (Pages 23 - 68)**

Proposed change of use of public house (Class A4) to single residential dwelling (Class C3).

Case officer: Daniel Terry

**9. 19/00980/APP - 160 HIGH STREET NORTH, STEWKLEY (Pages 69 - 78)**

Erection of first-floor side & two-storey rear extension

Case officer: Alice Culver

**10. 19/01498/APP - 22 STATION ROAD, STOKE MANDEVILLE (Pages 79 - 86)**

Single storey rear extension and new attached garage

Case officer: Alex Armour

**11. 17/03101/APP - WOODLANDS BARN, CRAFTON LODGE ROAD, CRAFTON (Pages 87 - 110)**

Conversion of stable block to dwelling with erection of front porch

Case officer: Tom O'Kane

**12. SITE VISIT ARRANGEMENTS**

**13. HUMAN RIGHTS ACT (Pages 111 - 112)**

## DEVELOPMENT MANAGEMENT COMMITTEE

13 JUNE 2019

**PRESENT:** Councillor T Mills (Chairman); Councillors A Bond (Vice-Chairman), J Brandis, M Collins, P Cooper, N Glover, S Morgan, M Rand, Sir Beville Stanier Bt, D Town and P Strachan (ex-Officio). Councillor J Blake attended also.

**APOLOGY:** Councillor R Khan

### 1. MINUTES

RESOLVED –

That the Minutes of the ordinary and annual meetings held on 15 May, 2019, be approved as correct records.

### 2. DECLARATION OF INTEREST

**Councillor Mills** declared a personal and prejudicial interest for Application 18/03475/APP as he had already expressed a personal opinion, and left the Chamber whilst this application was discussed.

**Councillor Bond** declared a personal interest for Applications 19/00498/APP and 19/00499/ALB as Chairman of the Whitchurch Parish Council.

**Councillor Mrs Brandis** did not vote on Application 19/00498/APP as she had not been in attendance at the previous meeting when it had been discussed.

**Councillor Mrs Glover** declared a personal interest for Applications 19/00498/APP and 19/00499/ALB as the County Councillor for the Division that included Whitchurch.

**Councillor Rand** declared a personal interest for Application 19/00694/APP, as he had been present at the Parish Council meeting when it had been discussed, although he had not stated or formed an opinion.

**Councillor Strachan** declared a personal interest for Application 18/02510/APP, as he intended to read a statement but not vote on the item.

### 3. QUARTERLY PERFORMANCE REPORT - QUARTER 4

Members received a report which detailed workload and performance review for the Quarter January – March 2019. The report focussed on the following areas:

- Applications received and determined (which formed the basis for performance measured against the Government performance target NI157.
- NI157 – Speed of determination of applications.
- Appeals against refusal of planning permission.
- Enforcement.
- Other workload.

RESOLVED –

That the report and update be noted.

**4. REPORT OF THE CORPORATE PLANNER**

**APPLICATIONS DETERMINED**

RESOLVED –

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

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

**5. 19/00498/APP - 6 MARKET HILL, WHITCHURCH - REPORT FOLLOWING SITE VISIT**

The Committee received a report on the site visit to 6 Market Hill, Whitchurch, HP22 4JB (re. Application No. 19/00498/APP) on 21 May 2019.

RESOLVED –

That the application be **Approved** as per the officer report.

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

RESOLVED –

That the application be **Approved** and consent be granted as per the officer report.

**7. 18/02510/APP - LAND REAR OF 11 MANOR CRESCENT, WENDOVER**

RESOLVED –

That the application be **Approved** as per the officer report and corrigendum, and subject to an amended condition 9 regarding the boundary wall.

**8. 18/03475/APP - NATIONAL WESTMINSTER BANK, 2 MARKET HILL, BUCKINGHAM**

RESOLVED –

That the application be **Approved** as per the officer report, and subject to the amended condition 3 contained in the corrigendum.

Note: Vice Chairman in the Chair for this item, as the Chairman had declared a personal and prejudicial interest and left the Chamber while the application was determined.

**9. 19/00735/APP - 61 MORETON ROAD, BUCKINGHAM**

RESOLVED –

That the application be **Approved** as per the officer report, and subject to an amended condition 8 to remove the words ‘and manoeuvring’.

**10. 19/01033/APP - 14 ARCHER DRIVE, AYLESBURY**

RESOLVED –

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

Note: The site visit to take place at 10am on 18 June, 2019. Councillors Bond, Cooper, Mills, Morgan and Town indicated that they would be attending.

**11. 19/00694/APP - 78 THE AVENUE, WORMINGHALL**

RESOLVED –

That the application be **Approved** as per the officer report, subject to a revised condition relating to materials to be submitted for approval.

**12. 19/00266/APP - 12 LAXTON ROAD, BERRYFIELDS**

RESOLVED –

That the application be **Approved** as per the officer report.

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# Public Document Pack

## Development Management Committee

26 APRIL 2019

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

**APOLOGIES:** Councillor P Strachan

### 1. MINUTES

RESOLVED –

That the Minutes of the meeting held on 4 April 2019 be approved as a correct record.

### 2. REPORT OF THE CORPORATE PLANNER

#### APPLICATIONS DETERMINED

RESOLVED –

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

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

### 3. 18/03244/APP - LUCCA, 20 HIGH STREET, WENDOVER - SITE VISIT REPORT

RESOLVED –

That the application be **Refused** for the following reason:

- The flue, by virtue of its height and design, produces excessive levels of noise and odours that are detrimental and cause harm to the amenity of neighbouring residents and uses, which would unreasonably harm the amenity of neighbour residents and uses and thus reducing the amenities currently enjoyed to a level below that which they could reasonably expect to enjoy. The benefits arising from the proposal are not considered to outweigh the significant detrimental harm to neighbouring amenity contrary to policies GP8 and GP95 of the AVDLP and to the guidance contained within the NPPF

*Note: Councillors M Collins and T Mills did not vote on this item as they were not in attendance when the item came to Committee on 4 April 2019*

### 4. 18/04304/APP - 93 WALTON WAY, AYLESBURY

RESOLVED –

That the application be **Approved**.

5. **18/00190/APP - PEAR TREE HOUSE, QUEEN CATHERINE ROAD, MIDDLE CLAYDON**

RESOLVED –

That the application be **Approved**.



## **Overview Report:**

### *Introduction*

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

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

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

### The Development Plan

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

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

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

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

### National Planning Policy Framework

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

### Foot notes:

6: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 6<sup>2</sup>); and areas at risk of flooding or coastal change.

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

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

And subject to transitional arrangement set out in Annex 1

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

- 1.19 Local guidance relevant to the consideration of this application is contained in the following documents :
- Affordable Housing Supplementary Planning Document (November 2007)
  - Supplementary Planning Guidance on Sport and Leisure Facilities (August 2004)
  - Sport and Leisure Facilities SPG Companion Document Ready Reckoner (August 2005)
  - Five year housing land supply position statement (April 2019)
  - Affordable Housing Policy Interim Position Statement (June 2014)
- 1.20 Those documents which have been the subject of public consultation and the formal adoption of the Council can be afforded significant weight insofar as they remain consistent with the policies of the NPPF.

#### *Housing supply*

- 1.21 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 1.22 Paragraph 60 requires that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 1.23 Where the Council cannot demonstrate a 5 year housing land supply (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, there is a presumption in favour of sustainable development in line with paragraph 11 of the NPPF. The absence of an NPPF compliant supply or delivery of housing would add to the weight attached to the benefit arising from the contribution made to the supply of housing and boosting the delivery of housing generally. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.
- 1.24 In the absence of a figure for the Full Objective Assessment of Need which will emerge through the plan making process which will also need to consider potential unmet needs from adjoining authorities not within the Housing Market Area, the council has set out its approach in the published five year housing land supply position statement which is regularly updated. It also updates the estimated delivery of sites based on the latest information. The latest Five Year Housing Land Supply Position Statement was published April 2019, based on March 2018 data, which shows that the Council can demonstrate 5.64 years worth of deliverable housing supply against its local housing need. This calculation is derived from the new standard methodology against the local housing need and definition of deliverable sites set out in the NPPF and NPPG.
- 1.25 It is acknowledged that this 5 year housing land supply calculation does not include any element of unmet need, however at this stage it would not be appropriate to do so. Whilst the unmet need figure has progressed, it has not been tested through examination and it would not be appropriate to use a 'policy on' figure for the purposes of calculating a 5 year housing land supply for Aylesbury until the "policy on" figures and general policy approach has been examined and found sound. There are no up-to-date housing supply policies in AVDLP and therefore we still have to take into account the presumption in favour of sustainable development and apply the planning balance exercise in paragraph 11 of the NPPF. For neighbourhood plans which are considered up to date the starting point for determining such applications is to consider in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraph 14 of the NPPF as set out above is also relevant.

#### *Neighbourhood Planning*

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

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

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

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

### *Prematurity*

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

### *Conclusion on policy framework*

- 1.33 In considering each individual report, Members are asked to bear in mind that AVDLP (and any ‘made’ Neighbourhood Plans as applicable) constitutes the development plan. The emerging VALP will gather increasing weight as it moves forward but has not yet reached a stage at which it could be afforded any weight in decision-taking nor at which a refusal on grounds of prematurity

could be justified. The Council can currently demonstrate a 5 year supply of housing land based on the latest housing land supply calculation.

- 1.34 Therefore, the Council's position is that full weight should be given to housing supply and other policies set out in any made Neighbourhood Plan Decisions should be taken in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and the NPPF as a whole, including paragraph 11 and 14.
- 1.35 Where a Neighbourhood Plan is not in place, decisions for housing developments should be taken in accordance with paragraph 11 of the NPPF, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole and where necessary each report advises Members on the planning balance.

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

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

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

- 1.37 Members will need to assess whether the development would will support the aims of securing economic growth and productivity , but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 83 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses.
- 1.38 Members will also need to consider whether each development proposal provides for a mix of housing based on current and future demographic trends, markets and community needs, of an appropriate size, type and tenure including the provision of affordable housing. Key to the consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land. Further advice is given on affordable housing provision, including the requirement for 10% of the homes to be available for affordable home ownership on major housing development proposals. The definition of affordable is set out in Appendix 2. The new Housing Delivery Test (HDT) applies from the day following publication of the HDT results in November 2018. A transitional arrangement is set out in paragraph 215 and 216 phasing the % threshold where delivery is below of housing required over

3 years increasing from 25% November 2018, to 45% November 2019 and 75% November 2020.

### **Promote sustainable transport**

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

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

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

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

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

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

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

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

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

### **Achieving well designed places**

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

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

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

### **S106 / Developer Contributions**

- 1.55 Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests



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

### **Overall planning balance**

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

### **Conclusions**

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

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## **COMMITTEE SITE VISIT**    App No. 19/01033/APP

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**Proposal:** Loft Conversion with rear dormer, front dormer and front gable

**Address:** 14 Archer Drive Aylesbury Buckinghamshire HP20 1EP

**At the previous Committee Meeting:**            **13th June 2019**

**Officers Recommendation:**                    **Approval**

**Late Items:**

None.

**Public Speakers:**

The Committee was addressed by:

Mr Paul Baker (Objector) -

- Mr Baker clarified that the main concern was the dormer at the rear of the building, and not the alterations to the front of the house as he lives in Shepherd Close to the rear of the application site.
- Mr Baker highlighted paragraph 9.7 of the officer report, in particular the reference to the dormer being described as a large box-like dormer. Reference was also made to the comments on whether the rear dormer would be visible from the street and from the rear gardens of neighbouring properties.
- Reference was made to the photographs supplied by Mr Baker prior to the committee meeting on the 14<sup>th</sup> June. These photographs show the view of the rear elevation of 14 Archer Drive from the ground and first floor windows of dwellings in Shepherd Close.
- The dormer was considered to be intrusive and reference was made to the originally proposed scheme which included a larger quantity of glazing.
- Whilst it was acknowledged the dormer has been reduced in size, it is still considered substantial and conflicts with and destroys the roof form.

Following questions from Members, the following points were made:

- This would be the only property in the area with a rear dormer.
- Following the suggestion from a Member that obscure glass could be used, the objector clarified that it would be an improvement but the dormer itself would still be intrusive.

Note: Mariusz Nicholson (Objector) was registered to speak but was not in attendance.

**Site Visit:** 18 June 2019 At: 10:00am

**Those Attending:** Members: Cllrs Mills, Bond, Copper, Town and Morgan

Local Member: Alison Harrison, Mary Stamp and Julie Ward

Apologies: None.

Officers: Nicola Wheatcroft, Alice Culver and Jack Spence

### **Features inspected:**

Members initially viewed the site from the north east of the application site, along Archer Drive, members proceeded to enter the application site walking along the northern boundary of the dwelling into the rear garden. Members viewed the rear elevation of the host dwelling, and attention was drawn to the previous extensions. Attention was drawn to the existing openings located on the rear elevation of the dwelling and the distances between the application site and neighbouring dwellings.

Members then proceeded to walk along Archer Drive to the southern side, towards Shepherd Close. Members viewed the application site from Shepherd Close, noting that the roof slope of the host dwelling is visible from this location. Members continued to walk along Shepherd Close and entered the rear garden of No.25. Attention was drawn to the location of the rear dormer window and the proposed materials. Attention was also drawn to the location of trees in the neighbouring dwellings' rear gardens. Members proceeded to exit the rear garden of No.25 and walk along Shepherd Close, to the north of Archer Drive and viewed the application site from Lawrence Close. Members noted design and character of the local area and the view points of the proposed development.

### **Discussion:**

Members noted that the site inspection was useful as it assisted members with a greater understanding of the proposal and the character and appearance of the local area. All members noted that the proposed alterations to the front of the dwelling could be seen to complement the character and appearance of the surrounding area. Two members noted that the proposed front dormer window would be located at second floor level and would therefore be different to the examples in the immediate area.

Members noted the building form of the surrounding area, in which the buildings are built relatively close together. All members suggested that views of the proposed rear dormer window would still be achieved from various different viewpoints, namely along Shepherd Close and Lawrence Close. One member noted that the proposed rear dormer would be visible from a small gap and therefore these views may be glimpsed

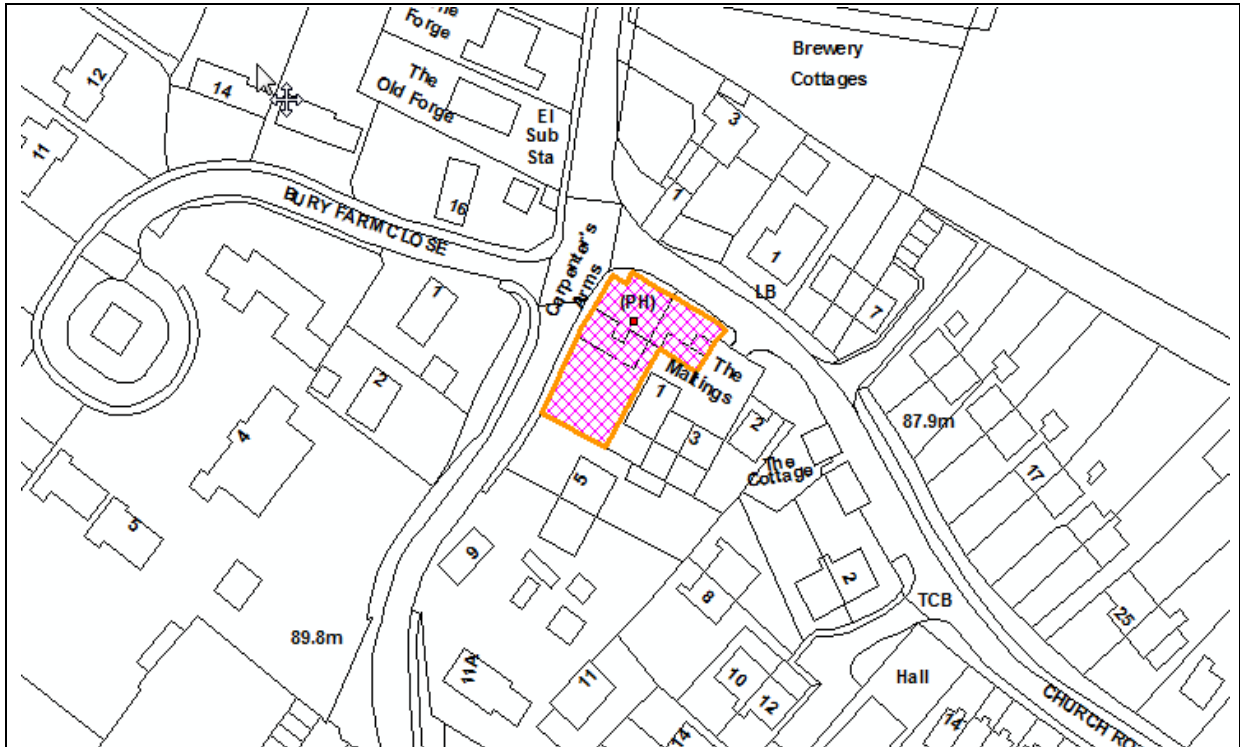
views.

All members raised a concern regarding the overlooking from the proposed rear dormer allowing further views into the rear gardens and into the rear rooms of the neighbouring dwellings. One member noted the potential to obscurely glaze the openings on the rear dormer. All members raised a concern regarding conflict with policy GP8 of the Aylesbury Vale District Local Plan.

Members also raised concerns regarding the design of the rear dormer window, suggesting that this does not integrate well into the host dwelling. Members commented on the local area and the design of the street scene, all members considered that the proposed rear dormer window could be seen to be out of character with the area. One member noted that the rear dormer window would be at odds with the character and quality of the surrounding buildings, another member noted that the rear dormer window would change the street scene. All members commented on the architectural design of the host dwelling and the surrounding area, noting that the proposed dormer window would not reflect the same design characteristics. One member noted guidance contained within the NPPF. Furthermore, one member mentioned the materials to be used, the timber cladding could be seen to be out of character for the area.

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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 14<sup>th</sup> 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 5<sup>th</sup> 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.

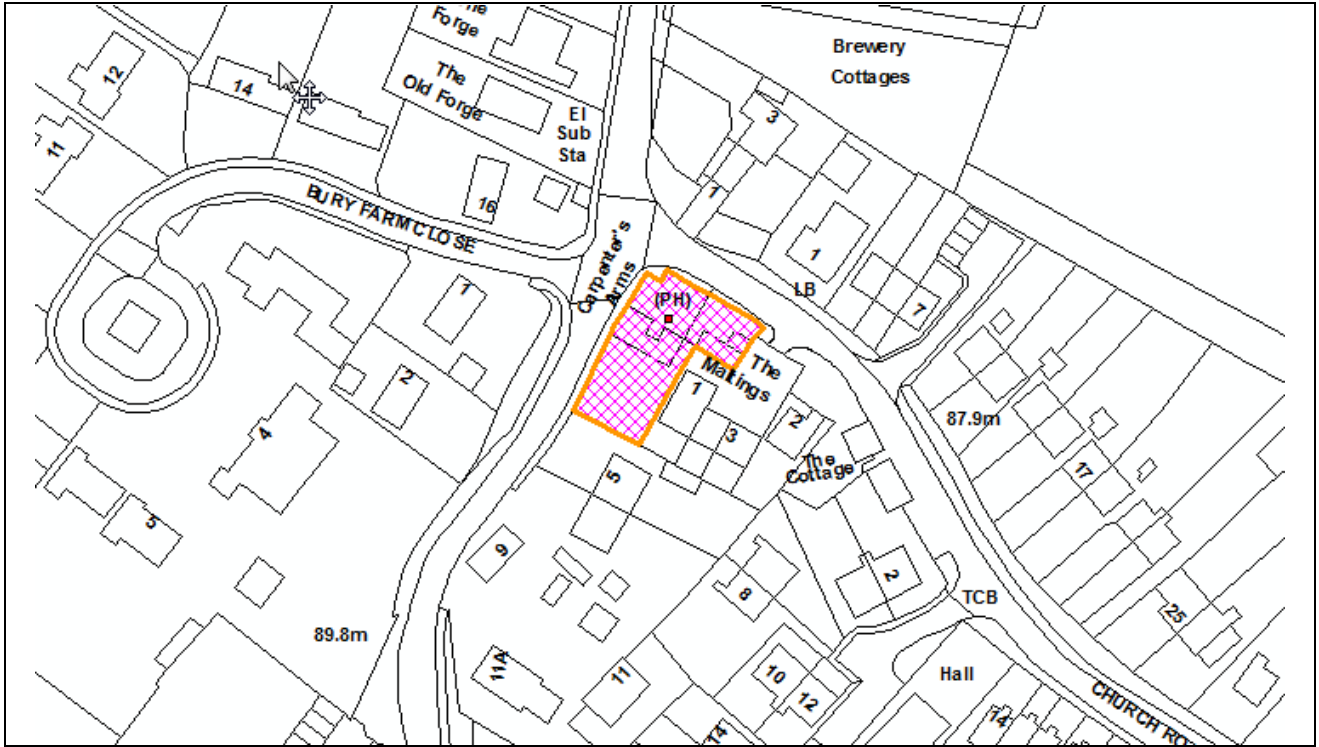
- 4.4 Mr C was a sole trader and not a limited company and so he was governed by the tax rules and regulations set out under HMRC by way of a self assessment which is not publicly available. The tenant would not normally be required to provide details of their turnover to the freeholder during their 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 8<sup>th</sup> March 2018, which commenced a month's notice period. The property was then formally removed from the market on 5<sup>th</sup> 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 17<sup>th</sup> 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 3<sup>rd</sup> 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-date<sup>7</sup>, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### Foot notes:

6: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 6<sup>3</sup>), and areas at risk of flooding or coastal change.

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

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

And subject to transitional arrangement set out in Annex 1

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

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

### *Housing supply*

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

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

### *Neighbourhood Planning*

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

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

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

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

### *Prematurity*

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

### Conclusion on policy framework

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

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

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

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

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



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

### **Promote sustainable transport**

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

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

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

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

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

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

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

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

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

### **Achieving well designed places**

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

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

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

### **S106 / Developer Contributions**

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

### **Overall planning balance**

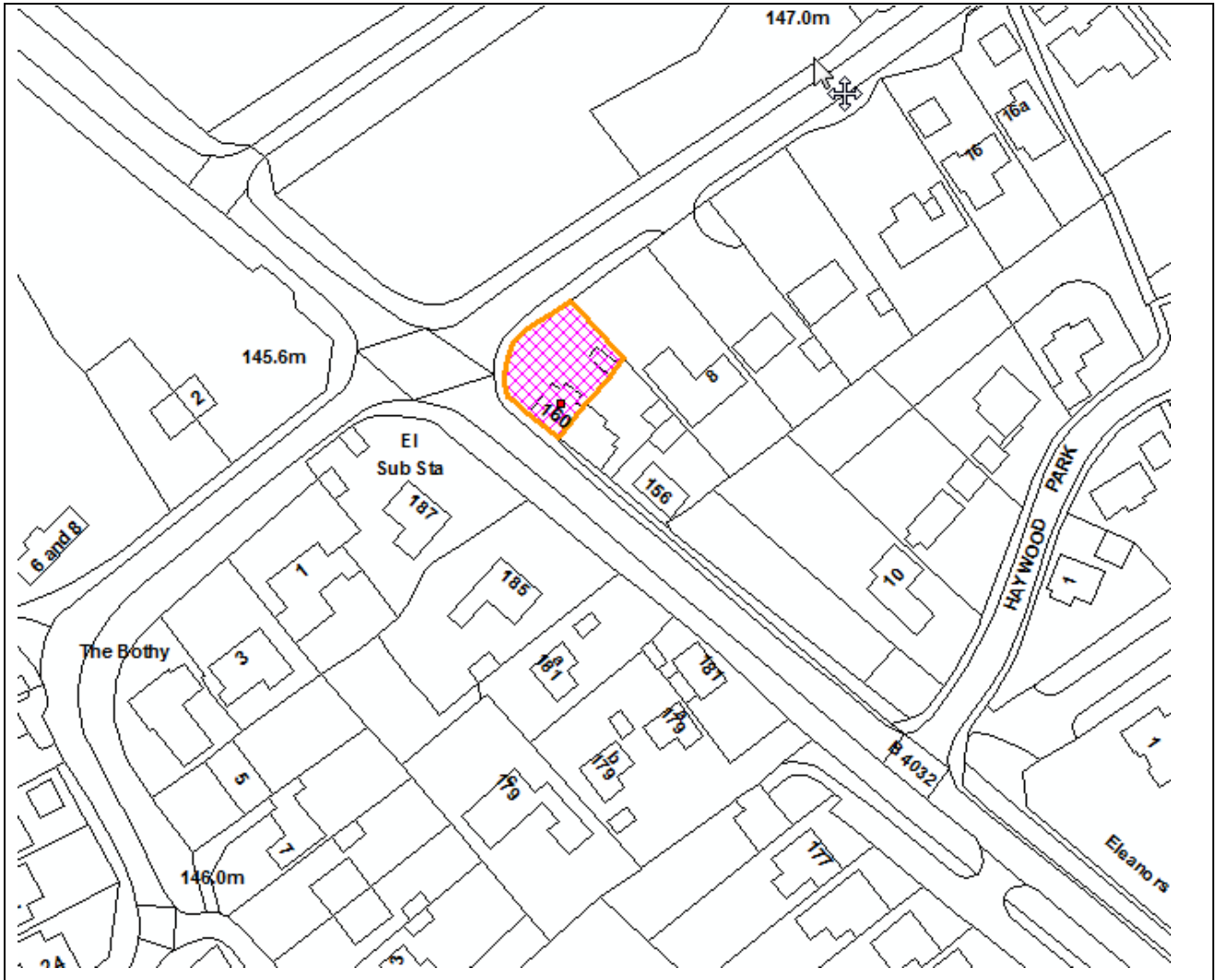
- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

### **Conclusions**

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

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19/00980/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
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19/00980/APP	STEWKLEY	08/03/19
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ERECTION OF FIRST-FLOOR SIDE & TWO-STOREY REAR EXTENSION

The Local Member(s) for this area is/are: -

160 HIGH STREET NORTH LU7 0EP

Councillor Mrs J Blake

MR TERRY AND MRS GEMMA O'REILLY

STREET ATLAS PAGE NO. 68

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

- a) Impact on appearance and character of the dwelling-house, street scene and wider area
- b) Impact on residential amenity
- c) Impact on highways & parking

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

#### Conclusion and recommendation

1.1 The proposal is considered to be of a scale and form that respects the character and appearance of the existing dwelling and would not appear to overwhelm the host dwelling nor the plot itself. The extensions would not significantly impinge on the amenity of the neighbouring dwellings and is in accordance with the Design Guide on Residential Extensions and accords with policies GP8, GP9 and GP35 of the AVDLP and the NPPF. In addition, the proposal would also satisfy the Councils SPG Parking Guidelines and policy GP24 of the AVDLP.

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

**Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The materials to be used for the external surfaces, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building. Please also see note no. 5.
3. The development hereby permitted shall only be carried out in accordance with drawing No. RM 18/105.1B submitted under cover of agents email dated 03 May 2019 received by the Local Planning Authority on the 03 May 2019
4. No openings other than those shown on the approved drawing No. RM 18/105.1B shall be inserted at first floor level of the southeast elevation of the two storey rear extension hereby permitted.
5. The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

**Reasons:**

1. To comply with Town and Country Planning Act and Section 51 of Planning and Compulsory Purchase Act.
2. To ensure a satisfactory appearance to the development and to comply with policy GP9 and GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.
3. For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the National Planning Policy Framework.
4. To preserve the amenities of the occupants of the adjacent dwelling and to comply with GP8 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework
5. To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with policy GP24 of the AVDLP and the National Planning Policy Framework.

**INFORMATIVES**

1. It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.

2. It is an offence under 8151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
3. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under 8137 of the Highways Act 1980.

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

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, the agent was informed of the issues arising from the proposal and given the opportunity to submit amendments in order to address those issues prior to determination. The agent responded by submitting amended plans which were found to be acceptable so the application has been approved.

## **2.0 INTRODUCTION**

- 2.1 Stewkley Parish Council raised material planning objections to the scheme and indicated that they wish to speak at committee. Stewkley Parish Council raised concerns regarding the mass and scale of the proposed extension, which leads to the overdevelopment of the site. The Parish Council also raised concerns regarding the negative impact on the neighbouring dwelling due to the proximity of the extension, and the materials to be used in the scheme.
- 2.2 It is considered that the proposed two storey rear extension and first floor side extension, although the ridge height of the first floor side extension has not been set down, the extensions still appear visually subservient to the host dwelling and would continue to respect the original character and appearance of the host dwelling. In addition, the host dwelling sits within a relatively spacious plot and therefore the additional 3m rear extension and first floor side extension would not lead to the over development of the site. The extensions would not appear cramped within the plot, nor would they overwhelm the host dwelling. In relation to residential amenity, the proposals would accord with the guidance set out in the AVDC Design Guide and would result in no detrimental loss of light, loss of



outlook or overlooking or loss of privacy to the neighbouring property. In regards to materials, the scheme would be carried out to match the host dwelling, thereby integrating well. This can be secured by way of a condition.

- 2.3 The proposal is therefore considered to accord with the AVDC Design Guide on residential extensions, Policies GP8, GP9, GP35 and GP24 of the Aylesbury Vale District Local Plan and the Councils parking guidelines.

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

- 3.1 The application site relates to a semi-detached dwelling located on the eastern side of High Street North, Stewkley. The application site is located in a corner plot, with residential dwellings located along Bletchley Road to the north east.
- 3.2 The property is constructed of red brick, with a single storey lean too element to the western side of the dwelling. The dwelling also currently includes a single storey rear element.
- 3.3 The site is accessed from the highway from the southern boundary, leading to an area of hardstanding which runs along the side of the dwelling. The site benefits from a detached single garage located to the north east of the site.

### **4.0 PROPOSAL**

- 4.1 This application seeks planning permission for the erection of a first-floor side and two-storey rear extension.
- 4.2 The proposed first floor side extension will be located directly on top of the existing single storey side projection and has been designed with a matching eaves and ridge height to the host dwelling.
- 4.3 The proposed two storey rear extension will project 3m from the rear of the dwelling with a width of 5.8m. The proposed rear extension has been designed with a hipped roof.
- 4.4 The number of bedrooms will be increased as a result of the scheme, leading to a three bedroom dwelling. The extensions will be finished in materials to match existing.

### **5.0 RELEVANT PLANNING HISTORY**

- 5.1 01/00530/APP - First floor side/rear extension (158 High St North) – APPROVED & implemented

### **6.0 PARISH/TOWN COUNCIL COMMENTS**

- 6.1 Stewkley Parish Council have objected to this application. As outlined below:
- 6.2 “The mass and scale of the proposed extension are out of proportion with the existing building, hence is an over development of the site. The two -storey extension is to the rear

and will impact negatively on the neighbouring property due to its proximity. We have concerns over the materials (e.g. bricks to match existing, windows to match existing). How will this be achieved?”.

## **7.0 CONSULTATION RESPONSES**

7.1 BCC Highways - (final comments received 24<sup>th</sup> May 2019) – Following the receipt of amended plans the revised drawing no RM18/105.1 B demonstrates that there is adequate turning area for vehicles to park and manoeuvre within the site, along with an existing garage. Therefore, no objection subject to conditions.

7.2 Buckingham and River Ouzel Drainage Board – No Comment

## **8.0 REPRESENTATIONS**

8.1 Three representations have been received, objecting to the planning application, as summarised below:

- Impact on residential amenity
- The development is overbearing and imposing
- Over-development
- The extension is an unsympathetic addition to the dwelling
- The proposal would be out of keeping with the design and character of the existing dwellings

## **9.0 EVALUATION**

9.1 The Stewkley Neighbourhood Area was approved on 04/05/2019, and the Neighbourhood Plan is currently under the pre submission consultation (Regulation 14) which ends on the 28/07/2019. Currently, the Neighbourhood Plan is in the early stages and therefore does not hold any weight in the decision making process.

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

9.2 AVDLP GP9 indicates that proposed extensions should accord with SPG advice, and should respect the appearance of the original dwelling and show respect for the setting of the dwelling and other buildings in the area. AVDLP GP35 requires that development respects and complements the physical characteristics of the site and its surroundings, the building tradition of the locality, and the scale and context of the setting, the natural qualities and features of the area and the effect of the development on important public views and skylines.

- 9.3 The application site relates to a semi-detached dwelling located on the eastern side of High Street North, Stewkley. The application site is located within a corner plot and therefore is within a fairly prominent location, particularly in views on approach to the village from the north and west. The adjoining dwelling to the east, No.158 High Street North, has benefited from a first floor side extension and single storey rear extensions. The dwelling located to the north east of the application site, along Bletchley Road, is a detached two storey dwelling. The proposal includes a first floor side extension and a two storey rear extension, due to the location of the dwelling, located on a corner plot, the extensions would be visible from the surrounding area and when travelling along High Street North and Bletchley Road.
- 9.4 The proposed first floor side extension will be located directly above an existing single storey lean too projection to the side of the dwelling. The first floor side extension has been designed with a matching eaves and ridge height to the dwelling and would be constructed in materials to match, and therefore is considered to integrate well. It is acknowledged that the AVDC Design Guide suggests that new roof ridges should generally be set down from the ridge of the main dwelling, although the proposed extension has not been designed to be set down, it is considered that in this instance this would give a more balanced appearance of the host dwelling and the extension would continue to respect the host dwelling. Furthermore, the first floor side extension would provide a more balanced appearance of the semi-detached properties, the extension represents a similar design to the first floor side extension constructed at the adjoining dwelling (No.158 High Street North).
- 9.5 The proposed two storey rear extension would project 3m from the rear of the dwelling and has been characterised with a gable roof, with matching eaves height to the original property, set down 0.3m from the ridge. The proposed rear extension would be visible from the surrounding area, when travelling along Bletchley Road to the north east of the dwelling. It is considered that the addition of the two storey rear extension would appear physically and visually subordinate to the main house and would not cause detrimental impact to the original character and appearance of the host dwelling. In addition, the extension will be finished in materials to match the original property thereby integrating well.
- 9.6 Furthermore, due to a similar first floor side extension on the adjoining dwelling, it is considered that the extensions would not appear unduly eye catching or out of place when viewed from the public realm. The north-eastern elevation would be most visible within the street-scene. However, it is considered that due to the setting in from the highway to the west of the dwelling, this elevation would not appear visually intrusive or overbearing when viewed from the immediate area.

- 9.7 Representations have been received in regards to the over development of the site. The host dwelling benefits from a relatively large plot, set in from the north western boundary of the site by 10.2m and 13.3m from the north eastern boundary. The application site includes a single detached garage located to the north east of the dwelling. It is considered that the addition of the first floor side extension, which would not increase the footprint of the dwelling, and the modest two storey rear extension, would not appear cramped within its setting nor would it overwhelm the host dwelling. Representations have also been received in regards to the proposed materials, a condition has been attached, should permission be granted, which would ensure the materials used on the extensions match the materials found on the existing dwelling.
- 9.8 In summary the proposal is considered to be of a scale and design that respects the character and appearance of the existing dwelling and does not overwhelm it. In addition is considered that the proposal would not appear overly prominent within the street-scene or the locality in general. The proposals are therefore considered to comply with GP9 & GP35 of the AVDLP, the Council's Design Guide Residential Extensions and NPPF.

**b) Impact on residential amenity**

- 9.9 AVDLP policy GP8 notes that planning permission will not normally be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents, unless the benefits of the proposal outweigh any harm to amenity.
- 9.10 The AVDC Design Guide on residential extensions suggest that in the interest of amenity the distance back from the original main rear elevation is restricted. This distance is normally no more than 3 metres in the case of a terraced house and 4 metres for a semi-detached house.
- 9.11 The application site benefits from an adjoining dwelling to the south east, No.158 High Street North and further residential dwellings to the north east, beyond the rear garden, located along Bletchley Road. Representations have been received from the occupiers of the adjoining dwelling, N.158 High Street North and No.8 Bletchley Road which is located to the north east of the dwelling, raising concerns in regards to overlooking, loss of privacy and the overbearing nature of the development.
- 9.12 The proposed two storey rear extension will include openings on the rear elevation, at both ground and first floor level. The existing arrangement includes an opening at first floor level and openings at ground floor level. It is considered that the views achieved from the openings located on the two storey rear extension would have a similar relationship to the existing openings and would not give rise to any significant further overlooking or loss of privacy to the occupiers of No.8 Bletchley road. Furthermore, due to the orientation of the dwellings, the openings on the rear elevation will face onto the frontage and the driveway

of No.8 and would not give rise to any direct overlooking into any habitable rooms or the main garden area.

- 9.13 Whilst there are no neighbouring properties located to the west of the site, it is noted that the first floor side extension (northwest elevation) does not include any further openings on the side elevation. The opening proposed on the front elevation will face onto the Highway (High Street North), beyond this residential dwellings located opposite. These residential dwellings are located 25m from the host dwelling, and therefore, located a sufficient distance to avoid any overlooking or loss of privacy.
- 9.14 In regards to the proposed two storey rear extension, the AVDC Design Guide suggest that the council will not normally grant permission for a two storey rear extension if any part of the extension protrudes beyond a 45 degree line (drawn in the horizontal plane) from the centre of the nearest window to a habitable room of a neighbouring dwelling (No.158 High Street North), on the same elevation as the rear of the extended property. The design guide also suggests that the distance back from the rear of a semi-detached dwelling should be restricted to 4m. The proposed rear extension would comply with this guidance in respect of both matters.
- 9.15 The adjoining dwelling, No.158, includes openings on the rear elevation, the closet opening located at first floor serves a bedroom and at ground floor a set of patio doors which serve a dining area. The proposed two storey rear extension has been set in 0.9m from the adjoining dwelling, it should also be noted that No.158 at ground floor level also projects 1m further to the rear than the host dwelling. The proposed two storey extension would not conflict with the 45 degree rule from the patio doors located at ground floor. The proposed extension would project past a 45 degree line from the centre of the windows at first floor level by 0.8m. However, this opening is a smaller secondary window into a first floor bedroom and the existing relationship between the host dwelling and the adjoining dwelling sees an existing marginal conflict with a 45 degree line from the same opening. The existing dwelling projects further to the rear of the site and therefore projects past a 45 degree line from the same opening by 0.2m. It is therefore considered that when compared to the existing arrangement and secondary nature of the opening there would be no significant detrimental impact in terms of loss of light to this room. It is considered necessary and appropriate to attach a condition to this permission restricting any openings at first floor level on the southeast elevation of the extension. This will ensure there is no overlooking into the rear garden area of No.158, the adjoining dwelling.
- 9.16 Representations have also been received in regards to the overbearing nature of the development. It is acknowledged that the rear extension will be visible from the rear garden of the adjoining dwelling, however, it is considered that due to the setting in of the

extension from the boundary and the limited depth of the extension this would not give rise to an oppressive environment, nor would it appear overbearing or visually intrusive.

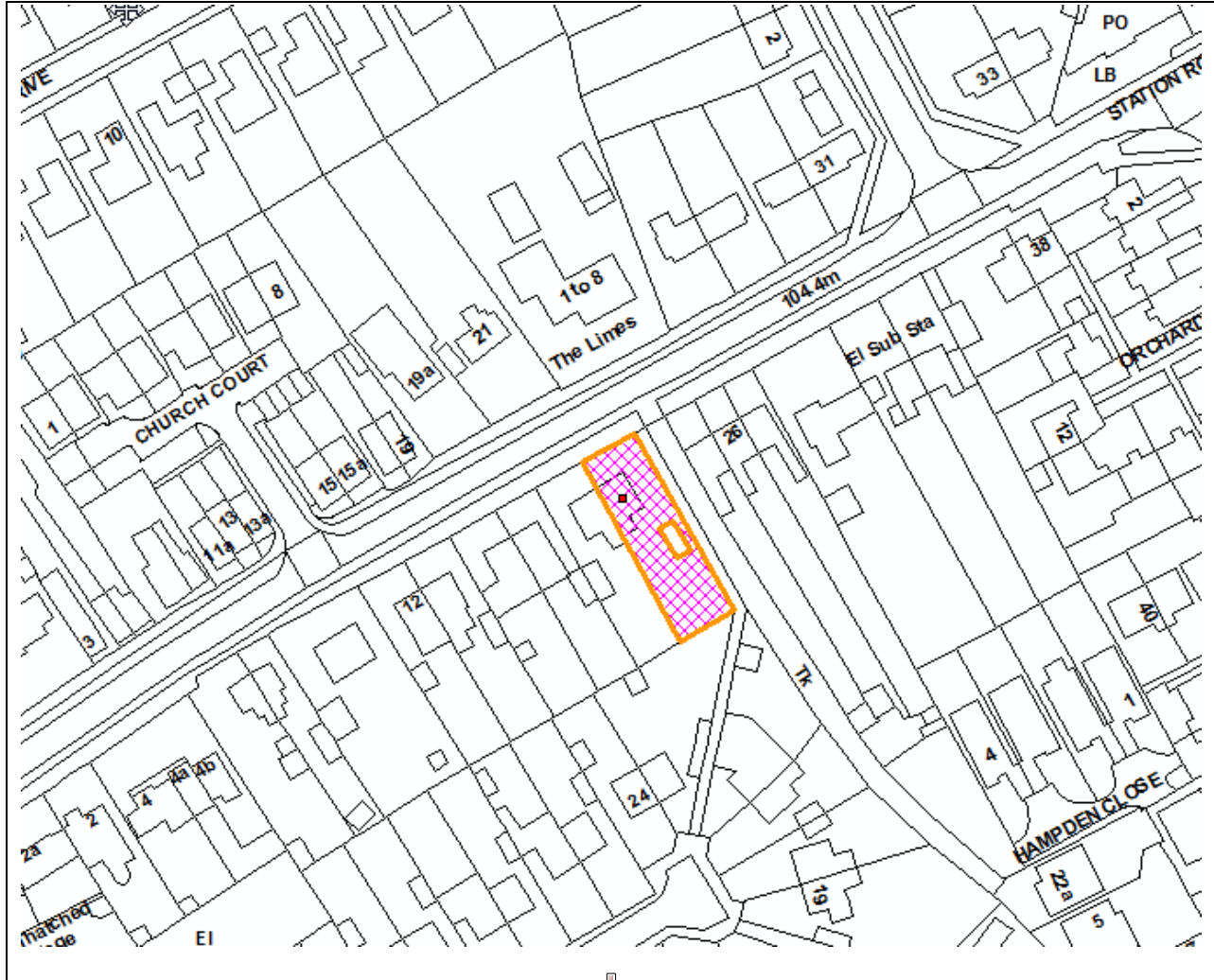
- 9.17 In summary, given the positioning of the proposal and its relationship relative to the neighbouring properties in terms of scale, position of windows and orientation it is considered that the proposal would not have an unacceptable adverse impact upon the neighbouring amenity. Therefore the proposal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

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

- 9.18 Policy GP24 of the AVDLP seeks to maintain car parking standards appropriate to the level of development. The proposal would increase the number of bedrooms within the dwelling, leading to a three bedroom property. The application site includes an area of hardstanding to the west of the dwelling, and a detached single garage located to the north east of the site. The Highways Authority identified that the increase in bedrooms would result in a material intensification of the site. However, required additional details in regards to the layout for parking and manoeuvring within the site, given the close proximity of the site access to High Street North/Bletchley Road junction. The additional plan provided outlined the parking and manoeuvring within the site, which the Highways Authority outlines that there is adequate turning area for vehicles to park and manoeuvre within the site such that vehicles could exit the site in a forward gear. The required two parking bays can be provided within the site, and therefore, the proposal is considered to accord with GP.24 of AVDLP and NPPF and the Council's SPG Parking Guidelines.

Case Officer: Alice Culver

19/01498/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/01498/APP	STOKE MANDEVILLE The Local Member(s) for this area is/are: -	18/04/19
SINGLE STOREY REAR EXTENSION AND NEW ATTACHED GARAGE	Councillor Mrs C Paternoster  Councillor Bill Chapple	
22 STATION ROAD HP22 5UL M FITZGERALD	Councillor Mike Collins	
STREET ATLAS PAGE NO.116 B2		

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

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

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

**APPROVED** subject to the following conditions:-

#### Conditions:

1. STC5 – Standard time condition
2. US04 – Matching materials

#### Reasons:

1. RE03 – To comply with Town and Country Planning Act and Section 51 of Planning and Compulsory Purchase Act.
2. RE11 - Satisfactory appearance

#### WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, minor amendments and additional information was required to make the development acceptable; the applicant provided this information through amended plans which were found to be acceptable, and the application was determined within the timeframe agreed.



## **2.0 INTRODUCTION**

- 2.1 The application needs to be determined by Development Management Committee as the Parish Council has raised material planning objections.
- 2.2 Regarding the Parish Council's objections, it is acknowledged that the proposed single storey rear extension does represent an increase in the footprint of the original dwelling, however, it is considered that due to the relatively large size of the plot and the set back nature of the extensions the proposal would not appear cramped within its setting nor would it appear overly prominent within the street scene. Therefore, it is considered that the proposal accords with policy GP35 and GP9 of the AVDLP, the AVDC Design Guide on Residential Extensions and the NPPF.

## **3.0 SITE LOCATION AND DESCRIPTION**

- 3.1 22 Station Road is a two storey semi-detached dwellinghouse located on the south side of Station Road towards the west of Stoke Mandeville. The dwellinghouse is constructed of brick with a pebble rendered first floor with a hipped concrete-tiled roof and white uPVC windows and doors. There are existing single storey front and rear extensions featuring pitched roofs. The dwelling benefits from a timber shed and a detached garage which abuts the east boundary.
- 3.2 The rear boundaries are bordered by timber fencing of approximately 1.8m in height. The east side boundary is bordered by hedging of approximately 3m in height and, 1.8m timber fencing and the east side elevation of the detached garage.
- 3.3 There is an area of hardstanding to the side and front of the dwellinghouse and garage, providing off street parking for four vehicles.
- 3.4 To the east of the dwellinghouse lies a public footpath, connecting Station Road to Brudenell Drive to the rear of the dwellinghouse. Neighbouring dwelling-houses are of a similar character and appearance to the application site.
- 3.5 There are no relevant constraints upon the dwellinghouse.

## **4.0 PROPOSAL**

- 4.1 The application seeks planning permission for the demolition of the existing detached garage, the erection of a single storey rear extension with a connected garage. The proposed extension will measure 10.8m in width, 8.9m in depth, 2.7m to the eaves and 3.2m at the highest point. Although the proposal covers one extension, it can be understood as two components, one as an extension to the rear of the dwellinghouse and a second as the attached garage protruding beyond the side elevation. The proposed rear extension element will measure 5.5m in width, 4.4m in depth, with a maximum height of 3.2m. The proposed garage element will measure a further 5.3m in width, 8.9m in depth, 2.7m to the eaves and 3m to the highest point. Both elements will

be flat roofed. The rear extension will be characterised with a roof lantern, which will protrude 0.7m above the flat roof.

- 4.2 The proposed developments will be constructed of facing brickwork to match the existing, with openings in the rear elevation only.

## **5.0 RELEVANT PLANNING HISTORY**

- 5.1 79/01329/AV - Brick built porch and toilet – Approved

## **6.0 PARISH COUNCIL COMMENTS**

- 6.1 Stoke Mandeville Parish Council have objected to the application stating: 'Stoke Mandeville PC wishes to object to this application. The development would lead to an over development of the site and the proposed extension is far bigger than the original footprint'

## **7.0 CONSULTATION RESPONSES**

- 7.1 Buckingham and River Ouzel Internal Drainage Board – No comment.
- 7.2 Buckinghamshire County Council Highways – Satisfied that the application would have no material impact on the safety and operation of the adjoining public highway.

## **8.0 REPRESENTATIONS**

- 8.1 None received.

## **9.0 EVALUATION**

- 9.1 Stoke Mandeville Parish Council is in the process of developing a draft neighbourhood plan, this remains at an early stage and as such at this time carries no weight in the planning process.

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

- 9.2 NPPF paragraph 124 highlights that 'Achieving well designed places' is central to the purpose of the planning system and to achieving sustainable development.
- 9.3 GP.35 of AVDLP states that the design of new development proposals should respect and complement; the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historical scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines.
- 9.4 Policy GP.9 of the Aylesbury Vale District Local Plan (AVDLP) seeks to protect the character of an area and its surroundings, in regards to the potential appearance of the dwelling and other buildings in the locality and any development's potential residential impact.

- 9.5 Policy GP.9 also states that extensions should accord with the Council's Design Guide on Residential Extensions (DG). The DG states that extensions which respect the design of the original and which do not overwhelm the original building are preferred, and that the infilling of gaps between residential buildings can harm the character of the street.
- 9.6 Policy GP84 of the AVDLP states that when considering applications for development affecting a public right of way, the Council will have regard to the convenience, amenity and public enjoyment of the route and the desirability of its retention or improvement for users, including people with disabilities.
- 9.7 Although the proposed development would measure 8.9m in depth, it is not considered to overwhelm the original dwellinghouse. The proposed development would not protrude beyond the original rear elevation of the existing garage, and the element set to the rear of the dwellinghouse would protrude 4.4m beyond the rear elevation of the original dwellinghouse which is considered to be of an acceptable scale when considered in the context of the size of the site. Furthermore, despite the size of the proposed extension, it is considered the extension will remain a subservient addition to the original dwellinghouse due to the single storey nature. The dwelling sits in a relatively large and spacious plot and the site has not undergone any previous significant extensions. It is therefore considered the proposals would not result in overdevelopment of the site, there would be no detrimental cumulative impact as a result.
- 9.8 The proposed garage element would be visible from Station Road to the front, and would be built close to the eastern boundary, adjacent to the public right of way. The replacement garage would have a flat roof with a height of 3m, a height of 0.5m taller than the existing garage. Currently, the east boundary treatment is formed of hedging, timber fencing and the east side elevation of the existing garage. The proposed development would result in a greater portion of the east boundary treatment being composed of the east side elevation of the proposed development, replacing elements of the timber fencing. This impact upon the public footpath is considered acceptable, as it does not represent a prominent view point and the footpath boundary is already partially composed of the existing garage elevation. As such it is not considered that there would be any significant impact on the users of the public right of way as a result of the proposed changes.
- 9.9 The rear extension element (to the main property) would not be visible from Station Road, the rear and side boundary treatments would screen views of this element from the public footpath. It is acknowledged that the proposed replacement garage element has a significantly larger footprint than the existing garage, extending 2.5m beyond the existing side elevation and 3.1m beyond the existing front elevation of the existing garage and this will be visible from the street scene. However, the proposed garage is set back from the front elevation of the dwelling by 7.7m and 13m from the highway and therefore it is considered it would not appear overly prominent when viewed from Station Road. Furthermore, the proposed garage would not appear as an unusual feature within the street scene considering that a number of neighbouring dwellinghouses including no.16 and no.20 Station Road also feature extensions which protrude up to the side boundary.
- 9.10 The proposed extensions are to be built of materials to match the existing dwelling, and therefore it is considered they would not appear out of place in relation to the existing house or within the wider area.

9.11 In summary the proposal as a whole is considered to be of a scale and design that respects the character and appearance of the existing dwelling and does not overwhelm it. In addition is considered that the proposal would not appear overly prominent within the streetscene or the locality in general, nor would there be any significant impact on users of the adjacent public right of way. The proposals are therefore considered to comply with GP9, GP35 and GP84 of the AVDLP, the Council's Design Guide Residential Extensions and NPPF.

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

9.12 Policy GP8 of the AVDLP sets out that that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. The NPPF sets out that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

9.13 The AVDC Design Guide on Residential Extensions states that, in the interest of amenity, the depth of rear extensions should be restricted. To semi-detached houses, the DG specifies a maximum depth of 4 metres.

9.14 The proposed garage extension element will protrude 8.9m beyond the rear elevation of the dwellinghouse and will be 0.5m taller than the existing garage, however it will not protrude beyond the original rear elevation of the existing garage therefore, it is considered that any impact upon amenity will be acceptable in this regard. Furthermore, there is a footpath located adjacent to this boundary and therefore no immediate neighbour to the east. The proposed rear extension element will also protrude 4.4m beyond the rear elevation of the existing dwellinghouse, this is 0.4m deeper than the normal maximum depth stated in the Design Guide. However, there is presently a rear extension at no.20 Station Road (to the west) and when considered in the context of this existing extension, the proposed rear extension will only protrude 2m beyond this rear elevation of No. 20 Station Road. Furthermore, the design of the proposed development is such that the maximum height of the main building would be limited to 3m. Due to this relationship and the single storey nature of the proposal, it is considered there would be no significant impact to the amenity of this neighbouring dwelling.

9.15 Openings are proposed in the rear elevation only, which would look out onto the rear garden of the property. The rear garden has a depth of approximately 16m and due to the size and shape of the plot, it is therefore considered there would be no overlooking to the dwelling to the rear as a result of the proposed extensions.

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

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

9.17 Policy GP24 of AVDLP seeks to maintain levels of car parking appropriate to the level of development. SPG1 – Parking Guidelines, requires that 2 spaces be provided for the extended 3 bedroom dwelling. The proposed development as proposed will not result in

the loss of a parking bay nor will it result in any additional bedrooms to the dwelling. There is existing hardstanding to the front of the dwelling, which would continue to adequately accommodate the 3 spaces required. Therefore the proposal is considered to accord with GP.24 of AVDLP and NPPF and the Council's SPG Parking Guidelines.

Case Officer: Alex Armour

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17/03101/APP	
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REFERENCE NO	PARISH/WARD	DATE RECEIVED
17/03101/APP	WINGRAVE	11/08/2017
CONVERSION OF STABLE BLOCK TO DWELLING WITH ERECTION OF FRONT PORCH WOODLANDS BARN CRAFTON LODGE ROAD CRAFTON MENTMORE BUCKINGHAMSHIRE MR W CROTHERS	The Local Member for this area is: -  Councillor Peter Cooper	
STREET ATLAS PAGE NO. 90		

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

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

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

- **Building a strong competitive economy**
- **Promoting sustainable transport**
- **Delivering a sufficient supply homes**
- **Achieving well designed places**
- **Making effective 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**

c) **Impact on residential amenity**

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

### 1.0 Conclusion and recommendation

1.1 The application has been considered against all relevant Development Plan policies and NPPF guidance. The application has been assessed against the overarching objectives, and on the basis of its sustainability, as set out in the NPPF. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development, which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting



permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In this instance, Policy RA11 of the AVDLP is of relevance as this sets out the Council's approach for the conversion of buildings within the countryside.

- 1.2 The proposals are considered to retain the character of the original building, particularly through the retention of the original openings, with the stable doors bolted onto the wall and only localised repair work required to the existing structure. There are four new conservation style rooflights and a front porch proposed, however it is considered that that, in accordance with the advice contained in "The Conversion of traditional Buildings" design guide, the existing traditional agrarian appearance of the buildings would be retained. Porches have traditionally been considered acceptable on residential conversions.
- 1.3 On balance, while the application site could be considered to be isolated due its location, it is not considered remote due the village of Mentmore being in close proximity., The dwelling is a conversion of an existing building (which is supported by paragraph 79 of the NPPF and does not conflict with policy RA11 of the AVDLP) adjoining an equestrian site with other buildings situated to the east along Lodge Road. Furthermore, the main housing area of Crafton is a few minutes' walk to the west with the village of Mentmore less than a five-minute drive from the application site, which contains a number of amenities. Officers do note that the occupants of the dwelling would have reliance on the motor vehicle, which does weigh negatively against the scheme, however this is tempered by the ease in which occupants could cycle to the neighbouring settlement.
- 1.4 In addition, no ecology, heritage or highway safety objections are sustained by the respective technical consultees. In addition, sufficient amenity space is provided for the future occupants and that there are no neighbouring residential properties which are prejudiced by the development. The proposals would also provide an additional dwelling in the local area, which can be served for local needs and maintain the vitality of rural communities.
- 1.5 Of note is that the site has an elapsed planning permission for the conversion of the building to residential use (05/02688/APP), in which the building was considered suitable for conversion in consideration of Policy RA.11 of the AVDLP, with no objections raised from the Heritage Officer at the time. Therefore, it is considered the development put forward in this application is acceptable in principle.

- 1.6 When considering all the relevant factors, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, it is considered that proposal accords with Policy RA11 of the AVDLP and that the benefits outlined above would significantly and demonstrably outweigh the impacts, when assessed against the policies in the NPPF as a whole.
- 1.7 As such, Officers recommend that the planning permission be **GRANTED** subject to the following conditions:

### **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

2. Notwithstanding the original drawings submitted to support this application and identified in the approved plans listed outlined in this notice, the development hereby permitted shall only be carried out in accordance with drawing No. PD01 Rev P1 Proposed Site Plan submitted under cover of agent's letter/e-mail dated 20<sup>th</sup> May 2019 received by the Local Planning Authority on 20<sup>th</sup> May 2019.

Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the National Planning Policy Framework.

3. No work permitted by this consent shall be carried out until a detailed specification including sample sections of joinery work (glazing bars, sills etc.) or working drawings (scale 1:20, 1:10, 1:5, half or full size etc.) fully detailing the new / or replacement openings (cross sections for full glazing bars, sills, heads etc.) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved specification and retained thereafter. Please also see note nos. 5 and 6.

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

4. No repair work shall take place on the building hereby permitted for conversion until samples/details of the materials proposed to be used on all of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority. Please also see note no. 5.

Reason: 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.

5. Prior to the occupation of the development, the existing access shall be upgraded and designed/constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Private Vehicular Access Within Highway Limits" 2013.

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

6. Prior to the occupation of the development, minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from both sides of the upgraded access shall be provided in accordance with the approved plans, and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access and to comply with the National Planning Policy Framework.

7. Prior to occupation of the development, space shall be laid out within the site for

parking and manoeuvring in accordance with the approved plans. This area shall be permanently maintained for this purpose

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

8. The development shall be implemented in accordance with the recommendations and mitigations detailed in section 7.2 of the Bat and Nesting Bird Survey from the ecological consultant Eco Check Consultancy Ltd. dated September 2018. Any variation to the approved plan shall be agreed in writing with the local planning authority before such change is made. The condition will be considered discharged following a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.

Reason: To comply with the requirements of the National Planning Policy Framework, ODPM 05/2006, The Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended)

9. Notwithstanding the provisions of Schedule 2 of The Town and Country Planning General Permitted Development (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, D, E, F, G H of Part 1, or Class A of Part 2, relating to works including extensions, roof alterations, porches, chimneys/flues, outbuildings, har surfaces, fencing and microwave antennae, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.

Reason: To safeguard the character and appearance of the building in accordance with policy RA.11 of the AVDLP 2004 and the National Planning Policy Framework.

### **Informatives**

1. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

2. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact the Area Manager at the following address for information.

## **2.0 INTRODUCTION**

- 2.1 The application is to be determined by Planning Committee as Mentmore Parish Council has objected to the planning application and has requested to speak at Planning Committee. Officers are recommending approval for the scheme, which is therefore contrary to the recommendations of the Mentmore Parish Council.
- 2.2 Officers would like to make Members aware of a small change in the description of development, which was considered necessary to capture all the development proposed in this application. There is a small front porch proposed on the southern elevation, which is new-build. It was considered unnecessary to re-advertise the proposal as no neighbours or consultees were disadvantaged as a result of the change in description. The proposed porch formed part of the development as originally proposed and was shown clearly on the submitted drawings. Objections raised by the Parish Council relate to the overall principle of development, rather than individual elements of the proposal.

## **3.0 SITE LOCATION AND DESCRIPTION**

- 3.1 The application site relates to an existing stable block located off Crafton Lodge Road, Crafton, Mentmore. The application site is part of a wider 1.35 hectare plot, located on the north-eastern side of Crafton, approximately one kilometre west of Mentmore. A separate timber building is located in front (south) of the stable block being converted in this application. It adjoins a large stable block and manège to the west. Open fields are located to the east and south.
- 3.2 The site consists of a redundant block of stables. The stables have a simple traditional building form with a pitched roof and are positioned parallel to the highway. The main openings are located on the southern side of the building, directed towards a courtyard area and the adjoining open fields. They are constructed in facing brickwork under a clay tiled roof.
- 3.3 A row of trees and vegetation, located along Crafton Lodge Road, partly conceals and filters views of the stables from the public realm. These trees are not subject to a TPO but are protected through Section 211 of the Town and Country Planning Act 1990 due to their siting within a Conservation Area.

- 3.4 The ground levels within the site appear relatively flat and there are no topographical features which would constrain development.
- 3.5 With regards to planning constraints, the site lies within the Crafton Conservation Area. There are no Listed Buildings adjacent to the existing stables. The Grade II\* Mentmore Towers Park and Garden is located approximately 74 metres to the east of the stables, with the medieval remains of Crafton Village located approximately 128 metres to the west of the medieval remains of Crafton Village. The site is located within Flood Zone 1

#### **4.0 PROPOSAL**

- 4.1 Planning permission is sought for the conversion of a stable block to dwelling with the erection of a front porch. The existing stable block has a length of 23.1 metres and a width of 5.17 metres with a dual pitched roof, with a height to the eaves and ridge of 2.4 and 5.45 metres.
- 4.2 The proposed porch would have a projection off the front elevation by 1.05 metres, with a width of 2.65 metres and a height of 3.7 metres with an apex roof. This is the only extension proposed as part of the conversion. A small store on the north east elevation will be removed.
- 4.3 The existing openings in the south-east elevation would be replaced with glazed doors to serve the habitable rooms. The timber stable doors would be retained adjacent to the openings. The only new openings that are proposed are four conservation style rooflights on the north-west roofslope facing Crafton Lodge Road.
- 4.4 Parking is proposed to the north-west elevation of the existing block, with parking and manoeuvring space for two vehicles.

#### **5.0 RELEVANT PLANNING HISTORY**

05/02197/APP – Conversion of agricultural building to dwelling – Refused (Insufficient information relating to appropriate measures to minimise the interference and avoidance of harm to the protected species and their habitats found on site).

05/02688/APP – Conversion of agricultural building to dwelling – Approved. *Members should be aware that the scheme proposed in 05/02688/APP is similar in internal layout and appearance to that proposed in this application, albeit a porch was not proposed in 05/02688/APP. Officers considered that the building was considered appropriate for*

*conversion in consideration of Policy RA.11 of the AVDLP. No objections were raised by the Heritage Officer.*

08/11579/DIS2 - Discharge of Condition 5 regarding details of all screen and boundary walls, fences and any other means of enclosures relating to planning permission 05/02688/APP – Partly satisfies

08/11656/DIS1 - Discharge of Condition 4 - bat survey with reference to planning permission 05/02688/APP – Partly Satisfies

## **6.0 PARISH/TOWN COUNCIL COMMENTS**

6.1 Mentmore Parish Council - The Parish Council objects to the application on the grounds that this development is within the Crafton Conservation Area which recognises that Crafton is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The Parish Council consider that the application is lacking in proper detail which will ensure that the character and appearance will be appropriately preserved. Mentmore Parish Council would like to have sight of a detailed Design and Access Statement before we could support this application.

*Comments: Officers made the Parish Council aware that a Design and Access Statement was submitted – however the Parish Council wished for their objection to be upheld.*

## **7.0 CONSULTATION RESPONSES**

### AVDC Building Control Officer

7.1 Building Control officers reviewed the report by Kirsop & Company, Chartered Building Surveyors, dated 20th September 2017, ref: N:\12954\Structural\Inspection report, V1 which relates to the structural aspects of the barn and its suitability for conversion. With regards to the report, Officers are of the opinion that there is sufficient structure to allow for a conversion of the barn / stable block to a domestic situation.

### AVDC Ecologist

7.2 Following initial objections to the scheme, the Ecologist noted in their final comments of 8<sup>th</sup> November 2018 that they had no objections subject to a condition relating to implementing the scheme in accordance with recommendations and mitigations from the submitted ecological assessment which supported the application.

### AVDC Historic Buildings Officer

- 7.3 The Historic Buildings Officer noted in their original comments of 1<sup>st</sup> November 2017 that while the application is considered acceptable in heritage terms, as it will cause minimal harm to the significance of the identified heritage assets. Officers queried whether the Historic Buildings Officer meant 'minimal harm' or 'no harm' given the lack of objections on heritage grounds in the past, in which the former requires an assessment under Paragraph 196 of the NPPF on whether the public benefit of the scheme outweighs the harm. The Historic Buildings Officer reviewed these comments on this basis and provided additional comments on 17<sup>th</sup> May 2019 which stated that the proposal would have no harm and would preserve the character of the Conservation Area. A condition on fenestration previously recommended by the Historic Buildings Officer in their 1<sup>st</sup> November 2017 comments will still be recommended on the decision notice.

### BCC Highways

- 7.4 No objections to the proposal from a highway perspective, subject to conditions relating to upgrading of existing access, implementation of visibility splays and parking to be implemented prior to occupation.

## **8.0 REPRESENTATIONS**

- 8.1 None received

## **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 changes 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.
- 9.2 The site is not located in an area that has designated or emerging Neighbourhood Plan



- 9.3 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, GP.35, GP38 – GP.40, GP.45, GP.86-GP.88.
- 9.4 The application site is located in the open countryside, outside a defined settlement. Policy RA11 of the AVDLP advises that outside settlements, the Council will endorse the re-use of buildings subject to a number of criteria to form dwellings if a commercial re-use of the building is proven to be unviable or unsuccessful. However, this policy pre-dates the National Planning Policy Framework (the Framework) which does not require an economic use to be considered first before a residential use. Consequently, this aspect of Policy RA11 is not entirely consistent with the Framework.

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

- 9.5 The most up to date national policy is set out in the NPPF published in July 2018. At the heart of the NPPF is the presumption in favour of sustainable development (paragraph 11) in both plan-making and decision-taking.
- 9.6 The NPPF states at paragraph 8 identifies 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).
- 9.7 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).
- 9.8 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.

9.9 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.

9.10 For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.11 Policy RA11 also requires that buildings to be converted are of permanent and substantial construction, do not involve major reconstruction or significant extensions and should respect the character of the building and its setting. These aims closely align with the overarching objectives of the Framework, 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). Furthermore, the NPPF advises that planning decisions should contribute to the natural and local environment by amongst matters recognising the intrinsic character and beauty of the countryside and should therefore be afforded material weight in the assessment of this application. Similarly, they are broadly consistent with one of the special circumstances cited in paragraph 79 of the Framework, that where development would re-use redundant or disused buildings and enhance its immediate setting.

9.12 Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support local services. Paragraph 79 states that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the

identified circumstances apply which includes inter alia where the development would re-use redundant or disused buildings and enhance its immediate setting.

- 9.13 In consideration of the Braintree DC v SSCLG [2018] EWCA Civ. 610, the context of the site is important in the assessment of this application against Paragraph 79 as to whether the site is considered an isolated dwelling. The proposed unit would be a conversion of an existing block, adjacent to an existing stable block to the south and an existing block to the west. The nearby village of Mentmore is a five-minute drive from the site.
- 9.14 Therefore, on balance and in consideration of the decision Braintree DC v SSCLG [2018] EWCA Civ. 610, the dwelling could be considered isolated as it is not located within the built up area of Mentmore. However, despite its location; it is not considered to be remote as the nearest settlement with amenities (Mentmore) could be accessed comfortably by bicycle. . The building is also considered to be of permanent and substantial construction to permit conversion without requiring significant rebuild. Furthermore, the proposals with the advice contained in "The Conversion of traditional Buildings" design guide, as much of the existing traditional agrarian appearance of the buildings would be retained.
- 9.15 With regard to the requirement in Policy RA.11 for a commercial use to be considered first; no information has been provided by the applicant relating to this. The NPPF imposes no presumption in favour of commercial re-use (para 79), and appeal decisions have accepted that this part of the policy does not accord with the NPPF. In view of this, it is considered that a residential conversion is acceptable in principle.
- 9.16 Turning to the second part of policy RA.11 relating to the extent of rebuilding, extension and alterations, the majority of the conversion can be achieved without substantial re-building of the main bodies of the buildings. The Design Guide expands further on what is acceptable in the context of RA.11 stating that conversion schemes should be true conversion schemes retaining the existing structure without significant re-building or extension. Re-building should be avoided, as much of the original structure should be retained as possible.
- 9.17 The application was supported with a Structural Inspection Report provided by Kirsop (dated 19<sup>th</sup> July 2017). The Structural Inspection Report notes that there are a number of localised repairs are proposed to the following areas:
- Ground bearing floor slab: the structurally sound however and is adequate to receive an insulation and screed finish required for conversion to light load residential use.

- Existing external walls: Provision of additional support is recommended to the bulged panel of brickwork on the North west elevation, in order to stabilise and prevent any future movement of the wall. It is understood that due to the nature of the solid wall construction, it can receive internal insulation and finishes, and therefore suitable for conversion to residential use.
- Internal masonry walls: The robust nature of the wall is considered is considered to receive only lightweight construction over to extend up to the underside of the ridge and internal finishes, and therefore suitable for conversion to residential use.
- Roof: It is understood that the roof is structurally sound but localised repairs, preservative spray treatment and strengthening works are recommended to the existing roof frame, fully in accordance with Structural Engineers design and details. An "aged" metal strapping detail sympathetic to the age of the building, to tie the truss members and the perimeter walls could be a possible solution.

9.18 Officers do note some internal alterations which remove some of the partitions of the horse boxes to accommodate the internal arrangements, with some new walls included particularly to accommodate the hallway to link the bedrooms to the main dwelling. However, Officers consider that these are necessary for the functioning of the unit as a dwelling.

9.19 The Council's Building Control Team have concurred with the findings of the structural inspection report in that the building is of sufficient structure to allow for a conversion of the barn / stable block to a domestic situation. Officers do not consider that the findings of the structural inspection report are no longer relevant, having regards to the time that has elapsed following submission of the application.

9.20 The Settlement Hierarchy Assessment for the Vale of Aylesbury Local Plan to accompany Proposed Submission Plan September 2017 notes that Mentmore is defined as a 'Smaller Village' in the 'Settlement Hierarchy Assessment for the Vale of Aylesbury Local Plan to accompany Proposed Submission Plan September 2017' – which formed part of the evidence base for the draft VALP 2013 - 2033. These settlements typically have a population of between 200 – 700 and are fourth in the hierarchy of settlements within the District (out of five). It is of note that Crafton does not appear as a settlement assessed and considered in the settlement hierarchy.

9.21 'Smaller villages' have been considered as not sufficiently sustainable to accommodate further significant development because of the limited or no services or facilities. However, the document notes that a small level of development is unlikely to lead to any environmental harm as there is already built form and will contribute towards providing

locally needed homes for families to remain in the same communities and contribute to vitality.

- 9.22 The proposed dwelling is located outside of the settlement boundaries of both Crafton and Mentmore. However the development is small scale, conversion of an existing building which is considered of permanent and substantial construction, unlikely to lead to unacceptable environmental harm (as discussed further in this report) and is considered that the dwelling would provide local need housing. The future occupiers would likely rely on Mentmore for its services and the scale of development proposed would not undermine the Councils housing strategy moving forward.
- 9.23 The proposal does not conflict with RA11 of the AVDLP, the Design Guide on Conversion of Traditional Buildings and the NPPF. As such, this should be afforded significant weight in the planning balance.
- 9.24 It is recommended that a planning condition is imposed, restricting the provision of further development or works under the General Permitted Development (England) Order 2015 (as amended). The removal of permitted development rights would ensure the rural character of the existing building is preserved, in accordance with the National Planning Policy Framework.

#### *Building a strong competitive economy*

- 9.25 The Government is committed to securing and supporting sustainable economic growth and productivity, with this also achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 9.26 There would be limited economic benefits in terms of the construction of the development itself and the resultant increase in population contributing to the local economy. Therefore, the proposals are considered to be in accordance with Paragraph 80 of the NPPF.

#### *Promoting sustainable transport*

- 9.27 The NPPF sets out that transport issues should be considered from the earliest stages, and should include 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).

- 9.28 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, taking account of the policies in the NPPF. Decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 9.29 The site is located approximately 1 mile from the centre of Mentmore, which contains a public house, church, community centre and sports club. This is approximately 5 minutes' drive from the application site. Pedestrian access to the site is not possible via footpath, with pedestrians requiring walking on road or on verge. The reliance of the use of the motor vehicle is likely, given the location of the proposed dwelling, which does weigh negatively against the scheme. However it is considered this negative aspect of the scheme is tempered by Mentmore being accessible by cycle.
- 9.30 The Highways Officer has not objected to the proposals on highway safety grounds and has recommended a number of conditions relating to upgrading of existing access, implementation of visibility splays and parking to be implemented prior to occupation.
- 9.31 As such, subject to conditions, it is considered that the proposals are in a sustainable location and no highway safety issues would arise. It is considered that the proposals are in accordance with Paragraphs 102, 103 and 109 of the NPPF. As such, some negative weight should be attributed to this matter, however this is quite minimal given that the proposal complies with RA11 of the AVDLP and that Mentmore would easily be accessible by bicycle.

*Deliver a sufficient supply of homes*

- 9.32 In respect of affordable housing, the scheme does not meet the thresholds for securing such provision on site, as outlined in AVDLP Policy GP.2, which refers to the provision of 25 dwellings or more or a site area of 1ha or more. The provision of additional dwellings would add to the local housing stock and contribute towards the Authority's housing need.

9.33 Due to the scale of the proposed development, it is considered that the housing can be delivered without delay and thus contributing to housing land supply, with this benefit maintained in the reserved matters application, in accordance with NPPF advice. This is afforded a limited degree of positive weight in favour of the development proposal.

*Achieving well-designed places*

9.34 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.

9.35 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).

9.36 Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria such as whether the development will function and add to the overall quality of the area, is visually attractive in terms of built form, layout and landscaping and sympathetic to the local character and history of the area.

9.37 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.

9.38 The Council's adopted Supplementary Planning Guidance in the form of Design Guide 2 for the Conversion of Traditional Farm Buildings allows for new dwellings to be created by

the conversion of an existing structure of permanent and substantial construction, subject to there being no major extension or reconstruction.

9.39 Design Guide 2 notes that:

*“Too many doors and windows, the insertion of dormers, roof lights and chimneys and the alteration or removal of roof trusses will devalue the character of traditional farm buildings and that of the environment.”*

9.40 The proposed conservation style skylights on the northern roof slope are considered acceptable, given that they are well screened from the road through the existing foliage and trees. They are also restricted to one corner of the building, as opposed to spread across the roofscape. Therefore, the majority of the existing roofscape would remain unaltered (except for localised repair works).

9.41 Localised repair works, including fixing bulging brickwork on the North West elevation and repairs to the roof, are considered to improve the existing appearance of the converted building. It is of note from site visit that there was likely to have been some aesthetic repairs to the building as there are variations in the brick used. However, to ensure that the character of the building is retained, officers will condition the requirement to provide samples/details of external materials which will be used in the repair work.

9.42 Furthermore, the resultant dwelling would make use of the existing openings, with the stable doors attached to the wall adjacent to these openings, which would reflect the original use of the building as a stable block.

9.43 The proposed porch would provide a covered entrance for the resultant dwelling. Given its size, and its limited enclosure (more akin to a canopy), it is considered subservient to the wider building and therefore does not detract from the wider building. Indeed, the introduction of such porches/canopies are not uncommon on buildings as such as this and, given the sympathetic approach to retaining existing openings with stable doors pinned back ensures that the building is read in its original context. To ensure that the alterations are undertaken in a sensitive way, it is recommended that that the proposed materials and appearance are covered by planning condition.

9.44 As such, subject to conditions on materials the proposals are considered in accordance with policy GP.35 of the AVDLP and Paragraph 127 of the NPPF which weighs in favour of the proposal being acceptable.



*Making effective use of land*

- 9.45 Section 11 of the NPPF requires planning decisions to promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.
- 9.46 Paragraph 122 of the NPPF relates to achieving appropriate densities states, that in supporting development that makes efficient use of land, it should take into account the importance of the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating development.
- 9.47 The proposals would seek the conversion of an existing building with the only increase in footprint proposed through the porch. As such, the proposals would respect the agrarian and open nature of the wider site and not lead to overdevelopment of the plot.
- 9.48 As such, the proposals are considered to be in accordance with Paragraph 122 of the NPPF.

*Promoting healthy and safe communities*

- 9.49 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.
- 9.50 Policies GP.86-88 and GP.94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.).
- 9.51 Tariff-style s106 contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. Financial contributions were not sought as part of the outline application as it was considered that the floorspace of the development did not meet the threshold for requiring financial contributions in respect of leisure, recreation or education. There have been no significant, material amendments to the floorspace/ layout of the proposed development that would warrant financial contributions being sought as part of this reserved matters application.
- 9.52 Therefore, the proposals are not considered to contravene GP.86-88 and GP.94 of the Local Plan and the NPPF.

Conserving and enhancing the natural environment

- 9.53 In terms of consideration of impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Regard must be had as to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible, and preventing any adverse effects of pollution, as required by the NPPF.
- 9.54 Section 15 of the NPPF states planning policies and decision should contribute to and enhance the natural and local environment, by protecting and enhancing valued landscapes, sites of biodiversity or geological value and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 9.55 Policy GP.35 of the AVDLP 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. This policy is considered to be consistent with the NPPF.
- 9.56 Policy GP.38 of the AVDLP states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible. Policies GP.39 and GP.40 seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 9.57 Policy RA.8 of the AVDLP states, that development proposals in areas such as Areas of Attractive Landscape should respect their landscape character. Development that adversely affects this character will not be permitted, unless appropriate mitigation is provided.
- 9.58 The proposals have been supported by some landscape details. It is not considered that the conversion of the stable block to a dwelling itself would lead to any adverse impacts on the character and appearance of the area, however the delineation of residential curtilage in this case has the risk of introducing domestic paraphernalia which could have an impact

on the landscape character of this area. No trees or foliage around the site is likely to be compromised by the conversion or by the proposed porch on the southern elevation.

- 9.59 The agent provided additional information on the extent of the fencing and the use of shingle parking for the driveway, which would be a permeable surface and of a sympathetic material given the existing loose gravel and stone access road. New 1.40 metre high post and rail fencing would be located to the south and western boundary of the proposed residential curtilage (which would match existing). The use of post and rail fencing minimises visual intrusion and would fully enclose the property and remove the possibility of horses from the large manège and the stables to west from roaming into the applicant's land. A post and rail sliding gate would be used proposed to access the proposed parking area.
- 9.60 The applicant has also proposed to change the gate to the main shared access from to a 1.80 metre sliding gate. This is outside of this application; however Officers would like to make Members aware that the applicant could replace this gate without the requirement for planning permission, using Permitted Development Rights afforded to them through Schedule 2 Part 2 Class A of the General Permitted Development Order 2015.
- 9.61 Officers consider that in principle, the proposals comply with policies GP.38, GP.39, GP.40 and RA.8 of the AVDLP and paragraph 170 of the NPPF. It is considered that the details submitted are sufficient and no further details are considered necessary, given that post and rail fencing and shingle parking are the only proposed changes to the landscape and is considered sympathetic.

*Conserving and enhancing the historic environment*

- 9.62 The policies of the AVDLP relating to listed buildings are not 'saved' and so this element of the proposal is assessed against the content of the NPPF. The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration.
- 9.63 NPPF Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.64 The Historic Buildings Officer noted in their original comments of 1<sup>st</sup> November 2017 that the proposals will cause 'minimal' harm to the significance of the identified heritage assets, however no objection was stated to the overall principle of the development. However the Historic Building Officer revised their comments, given Planning Officers considered that

the original comments from 1<sup>st</sup> November 2017 conflicted with their own conclusions and the previous assessments made on similar schemes for this site. The Historic Buildings Officer therefore responded on 17<sup>th</sup> May 2019 with revised comments noting that there is no harm to the setting of the Conservation Area and that the proposals would preserve its setting.

9.65 However given the objections from the Parish Council, Officers consider that even if the scheme had been considered to have 'minimal harm' (which meant the application would have been assessed against Paragraph 196 of the NPPF), the proposed public benefit of the provision of a single dwelling house outweigh the minimal harm associated with the conversion and extension of the building. It is considered that the proposed porch would be obscured from the street scene and there are no Listed Buildings within or adjacent to the site. It is considered that the public benefit of the proposals through bringing a disused building back into use, the additional dwelling to the local supply and the associated repair works to this building outweigh any harm to the Conservation Area. Therefore, in this situation, the proposals would still be compliance with Paragraph 196 of the NPPF.

9.66 Therefore, it is considered that the scheme does not contravene Paragraph 196 of the NPPF as it has not been considered to cause any harm to the Conservation Area and would continue to preserve its setting. Even if the scheme had been considered minimal harm, this would consider to be acceptable noting that the public benefits would outweigh its harm (therefore this would be in compliance with Paragraph 196 of the NPPF).

*Meeting the challenge of climate change and flooding*

9.67 Paragraph 163 of the NPPF states that applications for some minor development and changes of use should not be subject to the sequential or exception tests; but should still meet the requirements for site-specific flood risk assessments set out in Footnote 50.

9.68 Footnote 50 of the NPPF 2019 notes that a site-specific flood risk assessment should be provided for sites in in Flood Zones 2 and 3. Flood Zone 1 for sites of 1 hectare or more; where land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

9.69 The buildings converted as well as the adjacent curtilage are located within Flood Zone 1.

9.70 As such, subject to conditions, the proposals are considered in accordance with Paragraph 163 and Footnote 50 of the NPPF 2019. This matter should therefore be afforded neutral

weight when considering the proposal given that the building is being converted with minimal increase in footprint within Flood Zone 1.

High Quality Communications

- 9.71 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
- 9.72 Given the location of the proposed development, and bearing in mind that they would be in the most reusing 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.
- 9.73 It is therefore considered that the proposal would accord with the guidance set out in the NPPF, and this factor is afforded neutral weight in the planning balance.

**c) Impact on residential amenity**

- 9.74 The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.75 AVDLP Policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.
- 9.76 GP.95 states that regard will be had to the protection of the amenities of nearby occupiers. Development likely to exacerbate any adverse effects of existing uses will not be permitted.
- 9.77 The lawful use of the adjacent building to the west of the application site is a stable, with no neighbouring residential units adjoining the site. Therefore, the proposals are considered to not have an impact on the amenity of nearby residential dwellings.
- 9.78 The future occupants are also considered to have sufficient private amenity space.
- 9.79 Therefore, the development is considered in accordance with Policies GP.8 and GP.95 of the AVDLP and Paragraph 127 of the NPPF.

Case Officer: Thomas O'Kane

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

### DETERMINATION OF PLANNING APPLICATIONS

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

### HUMAN RIGHTS ACT 1998

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

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

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

### SECTION 17 CRIME AND DISORDER ACT 1998

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

### EQUALITY ACT 2010

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

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