



AYLESBURY VALE DISTRICT COUNCIL

Democratic Services

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19 November 2019

DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Development Management Committee** will be held at **1.00 pm on Friday 29 November 2019** in **The Oculus, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

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

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

AGENDA

1. APOLOGIES

2. TEMPORARY CHANGES TO MEMBERSHIP

Any changes will be reported at the meeting.

3. MINUTES (Pages 3 - 4)

To approve as a correct record the Minutes of 7 November 2019 (Copy attached as an Appendix)

4. DECLARATION OF INTEREST

Members to declare any interests.

5. OVERVIEW REPORT - NOVEMBER 2019 (Pages 5 - 14)

6. 19/02912/APP - FOSCOTE HILL FARM, FOSCOTE ROAD, MAIDS MORETON (Pages 15 - 42)

Relocation of a farm business to include temporary residential accommodation for a period of five years and construction of agricultural buildings

Case Officer: Bibi Motuel (bmotuel@aylesburyvaledc.gov.uk)

7. 19/01147/APP - THE COACH HOUSE, WHARF HOUSE, STRATFORD ROAD, BUCKINGHAM (Pages 43 - 52)



Infill of front display window and side opening, insertion of rooflights and window replacement plus alteration to internal walls.

Case officer: Brian O'Donovan (bodonovan@aylesburyvaledc.gov.uk)

8. SITE VISIT ARRANGEMENTS

9. HUMAN RIGHTS ACT (Pages 53 - 54)

DEVELOPMENT MANAGEMENT COMMITTEE

7 NOVEMBER 2019

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

APOLOGIES: Councillors S Morgan, Sir Beville Stanier Bt and P Strachan.

1. MINUTES

RESOLVED –

That the Minutes of the meeting held on 27 September 2019 be approved as a correct record.

2. QUARTERLY PERFORMANCE REPORT - QUARTER 2

Members received a report which detailed workload and performance review for the Quarter July – September 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.

3. 19/01900/APP - 16A CRAFTON LODGE ROAD, CRAFTON

RESOLVED –

That the application be **Withdrawn**, and be brought back to a future Committee meeting.

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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 were 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. Further to this AVDC has provided the VALP Inspector with its suggestions for the Modifications to the Plan and he will consider these over the

next few weeks. The Inspector set out the timetable for the formal publication of the Modifications and the accompanying consultation. Following further discussions with the Inspector the council has published for consultations the Main Modifications, which have been agreed with the Inspector, on 6 November 2019. The period for making representation runs until 17 December 2019. The adoption of the Vale of Aylesbury Local Plan is planned to be early 2020.

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

National Planning Policy Framework

- 1.8 The most up to date national policy is set out in the revised NPPF published in February 2019 superseding the earlier July 2018 version. At the heart of the NPPF is the presumption in favour of sustainable development (paragraph 11) in both plan-making and decision-taking.
- 1.9 The NPPF states at paragraph 8 that there are three objectives to sustainable development: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 1.10 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.(paragraph 9).
- 1.11 The Government's view of what "sustainable development" means in practice is to be found in paragraphs 7 to 211 of the NPPF. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 1.12 The presumption in favour of sustainable development in decision-taking is explained at paragraph 11 of the NPPF. Plans and decisions should apply a presumption in favour of sustainable development.
For **decision-taking** this means:,
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Foot notes:

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

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

- 1.13 In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - d) the local planning authority's housing delivery was at least 45% of that required⁹ over the previous three years.

And subject to transitional arrangement set out in Annex 1

- 1.14 Local planning authorities are charged with identifying a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (paragraphs 67-70) .
- 1.15 The NPPF sets out the means to delivering sustainable development. The following sections and their policies are also relevant to the consideration of all proposals:
- Building a strong competitive economy
 - Promoting sustainable transport
 - Delivering a sufficient supply homes
 - Achieving well designed places
 - Making efficient use of land
 - Promoting healthy and safe communities
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
 - Meeting the challenge of climate change and flooding
 - Supporting high quality communications
- 1.16 The NPPF sets out that transport issues should be considered from the earliest stages including the impact of development on the network, opportunities from transport infrastructure, promoting walking, cycling and public transport, environmental impacts of traffic and transport infrastructure, patterns of movement. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. (Paragraphs 102-103)

- 1.17 Paragraph 177 of the NPPF states “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”
- 1.18 The Planning Practice Guidance (PPG) has not yet been fully updated to reflect the new NPPF.

Local Supplementary Documents & Guidance

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

Housing supply

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

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

Neighbourhood Planning

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

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

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

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

Prematurity

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

Conclusion on policy framework

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

Whether the proposals would constitute a sustainable form of development

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

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

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

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

Promote sustainable transport

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

Conserving and enhancing the natural environment

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

Conserving and enhancing the historic environment

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

Promoting healthy and safe communities.

1.47 Decisions should aim to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.

1.48 It will therefore be necessary to consider how each scheme addresses these issues.

Making effective use of land

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

Achieving well designed places

1.50 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

1.51 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

1.52 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Members will need to consider whether these issues have been dealt with satisfactorily.

Meeting the challenge of climate change

1.53 Developments will need to demonstrate resilience to climate change and support the delivery of renewable and low carbon energy.

1.54 This will not only involve considerations in terms of design and construction but also the locational factors which influence such factors. Development should be steered away from vulnerable areas such as those subject to flood risk whilst ensuring that it adequately and appropriately deals with any impacts arising.

S106 / Developer Contributions

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

Overall planning balance

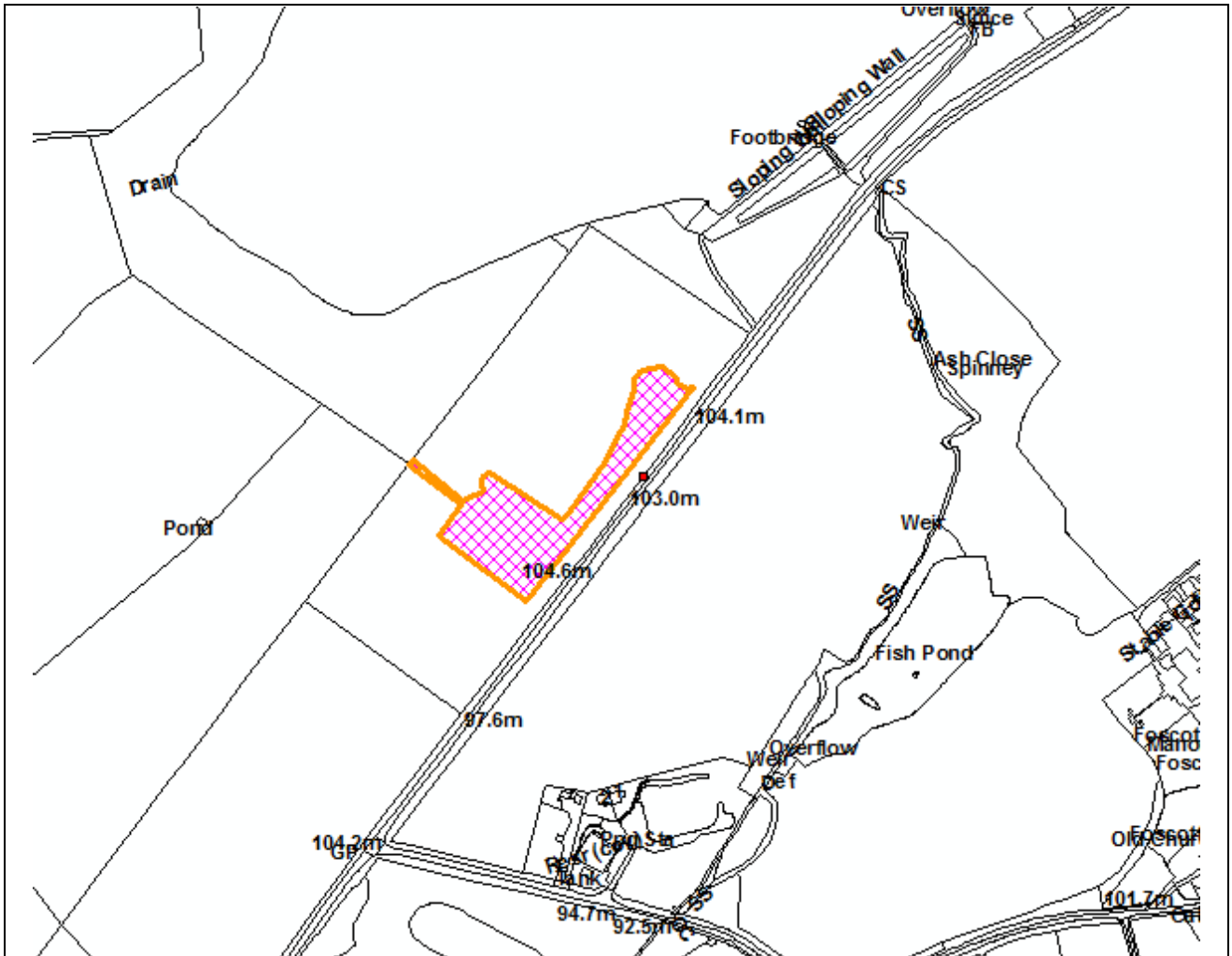
- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

Conclusions

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

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19/02912/APP	
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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/02912/APP	MAIDS MORETON The Local Member(s) for this area is/are: - Councillor Warren Whyte	06/08/19
RELOCATION OF A FARM BUSINESS TO INCLUDE TEMPORARY RESIDENTIAL ACCOMMODATION FOR A PERIOD OF FIVE YEARS AND CONSTRUCTION OF AGRICULTURAL BUILDINGS FOSCOTE HILL FARM FOSCOTE ROAD MK18 1QQ MR TIM BUCKINGHAM STREET ATLAS PAGE NO. 42		

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 that seek to resist isolated new dwellings in the countryside, there is an essential need for a rural worker's dwelling at the site.
- c) Whether the proposal would constitute sustainable form of development having regard to:
 - Delivering a sufficient supply of homes
 - Building a strong competitive economy
 - Promoting healthy and safe communities
 - Promoting sustainable transport
 - Supporting high quality communications
 - Making effective use of land
 - Achieving well designed places
 - Meeting the challenge of climate change and flooding
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
- d) Impact on residential amenities

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

2.0 CONCLUSION AND RECOMMENDATION

- 2.1 The application has been evaluated against the Development Plan and the National Planning Policy Framework (NPPF). Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this 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 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.
- 2.2 The proposed development does not fully address all strands of sustainable development, as the proposed development, including a temporary dwelling, in an isolated location is not sustainable in terms of transport. However, in this instance, the principle of development is considered acceptable, as it is accepted that the countryside is an appropriate location for agricultural activity, and there is an essential need for a full time rural worker on site to maintain the successful operation of the business in compliance with paragraph 79 of the NPPF. It is accepted that there would be economic benefits in terms of the construction of the development itself and those associated with the economic activity of the agricultural business to be established on the site to which limited positive weight should be attached. As a temporary dwelling, the development would not make a permanent contribution to housing land supply.
- 2.3 It is acknowledged that there would be limited level of landscape harm following the development of this site which should therefore be attributed limited negative weight in the planning balance.
- 2.4 Compliance with some of the other planning objectives of the NPPF have been demonstrated in terms of the highway impact and parking provision, promoting healthy communities, the design of the development, agricultural land, biodiversity, trees and hedgerows, flood risk, historic environment, and on residential amenity. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally.
- 2.5 Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and the supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, it is considered that the adverse impacts would not significantly or demonstrably outweigh the benefits of the proposal. It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply RE03 -To comply with the requirements of Section 91 (1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
 2. The temporary rural worker's dwelling hereby permitted shall be removed and the land reinstated to its former condition (in accordance with a scheme which shall

have first been approved in writing by the Local Planning Authority) on or before 29/11/2022.

Reason: Reason: To enable the Local Planning Authority to review the position in the light of circumstances prevailing at the end of the period and to comply with policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

3. The occupation of the temporary rural worker's dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture, or in forestry (as defined in Section 336 of the Town and Country Planning Act 1990), or forestry, or a widow or widower of such a person and to any resident dependants.

Reason: The site is within an area where permission for a dwelling unconnected with or not required in the essential interests of agriculture or forestry would not normally be permitted and because permission is granted having regard to the special circumstances of the case and to comply with National Planning Policy Framework.

4. The mobile home hereby permitted shall not be occupied until the livestock building shown on drawing no. 119590-011C received on 11.10.2019 has been erected and made available for use by livestock.

Reason: The site is within an area where permission for a dwelling unconnected with or not required in the essential interests of agriculture or forestry would not normally be permitted and because permission is granted having regard to the special circumstances of the case and to comply with National Planning Policy Framework.

5. The development shall be implemented in accordance with the with the agreed mitigation/compensation/enhancement plan from CSA dated July 2019. Any variation to the approved plan shall be agreed in writing with the local planning authority before such change is made..

Reason: To comply with the requirements of the National Planning Policy Framework, ODPM 05/2006, The Conservation of Habitats and Species Regulations 2017 (as amended), and the Wildlife and Countryside Act 1981 (as amended).

6. No other part of the development shall be occupied until the new means of access has been sited and laid out in general accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Agricultural 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 guidance contained in the NPPF.

7. No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 151 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of

any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

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 guidance contained in the NPPF.

8. No part of the development shall be occupied until an area has been laid out within the site for vehicles associated with the residential unit to park and turn in accordance with the approved plans and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway and to comply with the guidance contained in the NPPF.

9. Prior to the first use of the northern most access as shown on drawing no. 119590-013A hereby approved, details demonstrating how the southern access as shown on drawing no. 119590-015, shall be stopped up, prohibiting vehicular access, shall be submitted to and approved in writing by the Local Planning Authority. The approved access shall be retained in perpetuity.

Reason: In order to minimise danger, obstruction and inconvenience to the users of the highway and of the development and to accord with the NPPF.

10. The materials to be used in the development shall be as indicated on the approved plans and application form.

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

11. No development shall take place on the livestock and storage buildings hereby permitted other than groundworks and foundations until full details of landscape works including details of trees, hedges and shrubs within and adjacent to the site to be retained, have been submitted to and approved in writing by the Local Planning Authority. 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 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 the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

12. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced

in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: In the interests of visual amenities of the locality and to accord with Aylesbury Vale District Local Plan policies GP38, GP39 and GP40 and advice in the National Planning Policy Framework.

Informatives:

1. The applicant is advised that the off site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement 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 minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:-

Highways Development Management

6th Floor, New County Offices

Walton Street, Aylesbury,

Buckinghamshire

HP201UY

Telephone 01296 382416 or Email: dm@buckscc.gov.uk

2. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
3. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
4. The AVDC Ecologist can be contacted at ecology@aylesburyvaledc.gov.uk

5. WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

AVDC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- 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, AVDC has considered the details as submitted which were considered acceptable.

3.0 INTRODUCTION

- 3.1 The application needs to be determined by committee as both Maids Moreton Parish Council and Foscoote Parish Meeting have raised material planning objections. Only Foscoote Parish Meeting have confirmed that they will be willing to speak at the Committee meeting.
- 3.2 Maids Moreton Parish Council have objected on the grounds that the site is very close to Foscoote Reservoir which is a SSSI and this could be affected by the proposal, including from slurry. They have also stated that the proposed buildings will be visually intrusive.
- 3.3 Foscoote Parish Meeting objected on a number of grounds, including landscape impact, size of the mobile home, the proposed access, lack of an agricultural appraisal to review, impact on a large housing site to the west and lack of slurry waste disposal. They also requested that any permission be made personal to the applicant.
- 3.4 These matters are all dealt with in the report. In summary response, Natural England were consulted and raised no concerns with regard to impacts on the SSSI. The AVDC Landscape Officer has raised no objections on the landscape impacts of the proposal. The County Highways Officer has not objected to the proposed access. The Rural Consultant is satisfied that the applicant's agricultural appraisal demonstrates there is a functional need for the proposal. It is considered that there would be no material impact on any neighbours, including the future occupiers of the 170 dwelling development for which a resolution has been taken to support the application subject to the completion of a Section 106 agreement on land to the south west of the site. It is not considered that a personal permission would be justifiable.

4.0 SITE LOCATION AND DESCRIPTION

- 4.1 The site consists of a parcel of land of 0.86 hectares (ha) in size, located on the North West side of Foscoote Road, in a countryside farmland area about 600m to the North East of Maids Moreton. It comprises part of Foscoote Hill Farm, which consists of five open fields surrounded by hedges with a total area of about 18ha. To the north east is Foxcote Reservoir, which is a Site of Special Scientific Interest (SSSI). There are fields to the west, south and east. The nearest dwellings are Maids Moreton House and Gardeners Cottage about 500m to the west, Foscoote Manor and Stable Cottages about 400m to the south east and Foxmere Farm, the Old Dairy and Foscoote Wood Farm about 420m to the north east. Currently the landholding is used for agricultural purposes. The existing access into the site is from Foscoote Road in the north east part of the application site. The site slopes gently downward from the north towards the south west.

5.0 PROPOSAL

- 5.1 The application seeks full planning permission for a temporary mobile home for a period of five years and construction of agricultural buildings comprising of a livestock building, storage building, twenty mobile calf huts, hardstanding and access track.

- 5.2 The temporary mobile home would measure approximately 13.8m in length, 6.8m in width with a height of about 3.4m and have a pitched roof. It would comprise two bedrooms, study, bathroom, hall and open plan living/kitchen and dining area. It would have a log cabin appearance with a verandah measuring 2.4m by 6.8m in size. The mobile home would have three windows and a door on the front elevation, three windows on the rear elevation and a window and sliding doors on the side elevation where the verandah is situated. It would be sited to the south east of the main rectangular section of the site.
- 5.3 The 20 calf huts would each measure approximately 2.7m in width, 2.2m in depth with a height of about 1.8m. They would be mobile and constructed of laminated plastic. These would be arranged in two rows of 10 and located to the north west of the site.
- 5.4 The livestock building would measure approximately 25m in width, 18m in length with an eaves height of about 4m and a total height to the ridge of about 7.3m. It would be a 3 bay building with olive green coated metal sheeting with 10 rooflights on each side roofslope. It would have 2.4m high concrete panels with Yorkshire cladding above. The northern elevation would have an open-air livestock handling and loading area with a covered central feed passage. This would be located to the west of the site.
- 5.5 The storage building would measure approximately 30m in length, 10m in width, 5m at eaves height and a total height of 6.3m. It would have 5 bays and would be constructed of Yorkshire boarding and olive green coated metal sheeting. It also have five rooflights on each of the north and south roofslope elevations with a roller shutter door at the front (south) elevation, 2.4m high concrete panels along three sides and an open end on its east elevation. This would be used for the storage of hay/straw, cattle feed for livestock bedding and agricultural equipment and machinery. This would be located to the north east of the site.
- 5.6 The access track would be constructed of permeable hardcore and the main yard area would be concrete hardstanding. It would be about 130m in length, with the main section running parallel to Foscoote Road before turning by 90 degrees and exiting onto the road at the north eastern end of the site.
- 5.7 A number of documents have accompanied this outline application including a Planning Statement, an Agricultural Appraisal; Landscape and Visual Impact Assessment; Preliminary Ecological Appraisal and Sustainable Drainage Strategy.

6.0 RELEVANT PLANNING HISTORY

- 6.1 No relevant history for this site.

7.0 PARISH COUNCILS COMMENTS

- 7.1 Maids Moreton Parish Council objects to this application on a number of grounds-

- The site is very close to Foscoote reservoir. The supporting information provided is explicit on surface water drainage but makes no mention of how the slurry will be dealt with but there will be a very substantial amount to be disposed of, including mitigation of flooding risk from exceptional rainfall intensity of any slurry pond. The site is less than 100m from the reservoir edge and the geological information in the

documentation indicates that sub-surface drainage could well percolate to the reservoir. The site level is not far above the maximum water level of the reservoir;

- The Foscoote SSSI, an important bird reserve, is also very close by and there is considerable danger of disturbance from intensive farming activities;
- The proposed buildings will be severely visually intrusive into what is currently open, dark countryside. The livestock building is 19 by 23 metres with a height of 8.35 metres. This is in addition to a very large wooden house and the calf pens. The proposed accommodation looks to be close to a permanent dwelling. The development would also result in light pollution; and
- The applicant has asked for an initial 5-year approval to accommodate the start-up period rather than the normal 3-years. There is no information available on the business plan for the enterprise which is necessary to assess the justification for this time extension.

7.2 Foscoote Parish Council objects to this application, with grounds summarised as follows:

- The proposals are immediately to the west of a large housing allocation therefore the appropriateness of this agricultural development needs to be considered;
- The proposals will have an adverse impact on the landscape of the area and on residential properties and the scale of the proposed buildings are inappropriate for the location;
- The mobile home is too large and is likely to be inhabited as a 3 bed home;
- The application relies on emerging policies that are not yet adopted;
- The visibility splays shown are not accurately plotted on a highways drawing and therefore cannot be relied upon;
- No copy of an agricultural appraisal can be reviewed to understand whether the application meets the criteria of emerging policy H3;
- There is no agricultural tie proposed in the suggested conditions, this should be rectified; and
- The application does not address slurry waste disposal from the calf huts.

On 1 November 2019, following a site meeting with the applicant, Foscoote Parish Council submitted further comments, summarised as follows:

- Access to the site is the furthest access point from the proposed yard. There is a second existing access to the site almost directly next to the yard at the southern end of the plot with improved visibility splays. We urge that the site entrance be relocated to the existing entrance at the southern end of the site.
- The Applicant has proposed a 5-year temporary use, when usually a period of only 3 years is imposed. A 3 year period should be imposed on any permission granted.
- The permission should be made personal to the Applicant which will ensure the proposals are only proceeded with if they are necessary as stated for the family business, and not for any speculative use. An agricultural tie condition should be

imposed to ensure the inhabitant of the mobile home is the rural worker required for the business on the site.

- If the Council are minded to grant planning permission, an additional condition to remove permitted development rights should also be imposed, to ensure the extent of development cannot increase from that approved. This will avoid intensification of the rural site through extensions to any approved buildings, which are already considered inappropriately large in scale.

8.0 CONSULTATION RESPONSES

- 8.1 Environmental Health: No environmental health comments in relation to this application.
- 8.2 Buckingham And River Ouzel Drainage Board has no comment to make.
- 8.3 AVDC Ecologist: No objection subject to condition.
- 8.4 Buckinghamshire County Council (Bucks CC) SuDS – the LLFA will not be providing formal comments.
- 8.5 Bucks CC Highways: No objection subject to conditions.
- 8.6 AVDC Landscape: No objection to this application.
- 8.7 AVDC Economic Development welcomes this application in providing a new business venture.
- 8.8 AVDC Tree Officer no objections subject to condition.
- 8.9 Berkshire Buckinghamshire Oxfordshire Wild Life Trust (BBOWT) objects to this application on the grounds that that it may have an adverse impact on Foscoote Reservoir and Woods Site of Special Scientific Interest (SSSI). A further comment was submitted on 14.10.19 following clarification on cattle numbers. The increase is significant and would be expected to increase risk of runoff into Foscoote Reservoir and Woods SSSI. We suggest that Natural England and Environment Agency are consulted.
- 8.10 Natural England: No objection to this application.
- 8.11 ACORUS (agricultural consultant) stated on 19.9.19 that whilst the proposal would have marginal 'functional need' for on site residential accommodation, the projected annual trading budget for the business overstates the possible financial returns of calf enterprise. Consequently, there are concerns regarding the viability and sustainability of the proposed agricultural business. Following submission of further information from applicant, ACORUS submitted (on 5.11.19) an update comment. This stated that the proposed figures (i.e. gross margin) for the calf rearing enterprise are now more realistic. It concluded that the revised appraisal as presented by the applicant/agent presents a marginal case for temporary residential accommodation at the site (the usual practice being 3 years). The case for a permanent dwelling in the future will be dependent upon the business being able to develop as planned and exceed the financial projections.

9.0 REPRESENTATIONS

- 9.1 One representation received objecting on the grounds that the site is close to Foscoote Reservoir and would have a negative impact on protected species. The objector added that

the reservoir is noted for its bird life and bats including Pipistrelle and Daubenton's. Artificial lighting negatively impacts some bat species and Daubenton's is one of these.

10.0 EVALUATION

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

- 10.1 The overview report appended to this report sets out the background information to the policy framework when making a decision on this application.

Aylesbury Vale District Local Plan (AVDLP)

- 10.2 A number of saved policies within the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP.8, GP.24, GP.35, GP.38 – GP.40, GP45 and RA.2. They all seek to ensure that development meets the three objectives of sustainable development and are otherwise consistent with the NPPF.

- 10.3 There are no saved policies in AVDLP that relate directly to built development in the countryside associated with agricultural operations. It is nevertheless the case that agriculture is the primary use over significant areas of the countryside in the District, and it is acknowledged that the erection of buildings, structures and hardstandings required in association with agricultural activities is acceptable in principle.

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

- 10.4 The overview report sets out the current position with regards to VALP. The policies to which the relevant weight needs to be considered in this case are BE2 (Design of new development), NE1 (biodiversity and geodiversity), NE4 (Landscape character and locally important landscapes), NE7 (best and most versatile agricultural land), NE8 (trees, hedgerows and woodlands), T6 (vehicle parking), S3 (settlement hierarchy and cohesive development) and BE3 (protection of the amenity of residents). The weight to be given is considered in the paragraphs below.

Neighbourhood Plan

- 10.5 There is currently no neighbourhood plan in existence for Maids Moreton. A neighbourhood plan area has been established and some initial work is being undertaken which is at a very early stage and therefore no weight can be given to the neighbourhood plan.

b) Whether, having regard to national and local policies that seek to resist new dwellings in the countryside, there is an essential need for a rural worker's dwelling at the site

- 10.6 Paragraph 78 of the National Planning Policy Framework (the Framework) states that: 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 adds that "Planning policies and decisions should avoid the development of new isolated homes in the countryside unless one or more of the following circumstances apply: a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside".

- 10.7 Policy H3 of VALP, which can be given moderate weight, states that a new temporary rural worker's dwelling will only be permitted if certain criteria are met. These include that there is a clearly established functional need for a full time worker to live on or near the holding, the future economic viability of the enterprise can be demonstrated, the need cannot be met by any other means and it takes the form of a caravan, wooden structure or other temporary accommodation of the minimum size to support the new rural business.
- 10.8 The site is in an isolated location in the countryside, and consequently residential approval – even on a temporary basis - is supported by the NPPF only if there is an "essential need" for someone to be present on or near the site on a permanent basis. In the absence of an "essential need", the proposal cannot be considered a sustainable form of development. In order to establish that there is a genuine essential need for a dwelling to be provided to enable a worker to be permanently resident on the site, it is necessary to consider whether there is a functional need for a worker to be present at all times, and whether there is existing accommodation available that could meet the need without the need for the erection of a new dwelling. It is also necessary to consider whether the essential need is "permanent" by considering whether it is likely to persist over the long term. This requires consideration of the question of whether the business operated on the site is financially sound and likely to remain so. This includes the issue of whether the business generates sufficient profit to fund construction of a permanent dwelling as well as providing a reasonable income for the owner(s).
- 10.9 It is recognised, however, that there are circumstances in which accommodation on or near the site is required in order to enable an agricultural or other rural business enterprise to develop and expand. Consequently, it has long been national policy to enable the growth of developing enterprises by facilitating short term permissions for temporary accommodation, normally on the basis that permission will be granted for retention of temporary accommodation for no more than three years to give the applicant the opportunity to build up the business to a level at which it can be considered sustainable in the long term.
- 10.10 In the Planning Statement, the applicant states that he operates his farming business from a tenanted farm known as Old Park Farm in Hillesden. The lease on the farm is due for renewal and he wishes to relocate his farming business to recently inherited land following the death of a family member. He seeks to relocate his existing cattle farming business to this land. Due to welfare reasons and good agricultural husbandry, a full-time worker needs to be on call 24 hours a day to care for livestock to check for illness and injuries. Therefore, it is argued that a rural worker's dwelling is required on site for a period of five years.
- 10.11 The applicant submitted an independent agricultural appraisal in support of the application in order to seek to demonstrate that the functional and financial tests in paragraph 79 of the NPPF are satisfied. The Council then requested that agricultural consultants ACORUS carry out a Paragraph 79 assessment of the proposed agricultural business. This concluded that the proposed buildings, and the use of the livestock building and calf huts for a calf rearing enterprise (i.e. rearing calves up to 4 months of age) would have marginal 'functional need' for on site residential accommodation and that the projected annual trading budget for the business overstates the possible financial returns of calf enterprise. Consequently, there are concerns regarding the viability and sustainability of the proposed agricultural business. The buildings are appropriate for the proposed agricultural business. However, ACORUS concluded that the calf rearing enterprise would not meet the requirements to justify on site residential accommodation and the 'essential

need' as per paragraph 79 of NPPF as a consequence of the financial projections of the business.

- 10.12 On 4th November 2019, the applicant submitted a revised appraisal to address the concerns from ACORUS. ACORUS then responded to this revised appraisal, stating that the proposed figures (i.e. gross margin) for the calf rearing enterprise are more realistic. Additionally, with income from the store lamb enterprise and hay sales, the proposed range of enterprises provides a surplus for the applicant to cover for his input for operating and managing the business.
- 10.13 Based on a proposal of 195-225 calves being housed at the farm at anyone time, ACORUS consider that the proposed enterprise gives rise to a marginal case for a functional need for a key worker to be housed on site. Provided the business has a continuous throughput of calves (i.e. 780 per annum), the enterprise will amount to in excess of a full time activity. Additionally, the business will have the involvement and requirement regarding the management of the store lambs over the winter period, and the management of the grassland (primarily during the summer).
- 10.14 ACORUS added that the establishment, and success of the business, will be dependent upon the calf rearing enterprise and the continuous throughput of calves. Given the revised financial figures, the previous concern regarding the viability and sustainability of the proposed agricultural business is somewhat allayed. However, the return (projected net profit) is only marginal for the applicant, with no costs included for paid labour to assist with the business. ACORUS concluded that the revised appraisal presents a marginal case for temporary residential accommodation at the site, the usual practice being 3 years.
- 10.15 The applicant has sought a 5 year permission, to account for the time associated with construction of the proposals before the business can become fully functional. However, the usual practice is to grant a 3 year permission. The case for a permanent dwelling in the future will be dependent upon the business being able to develop as planned and achieve or exceed the financial projections so that the business is fully sustainable at the end of the three year period.
- 10.16 ACORUS stated that the case for a key worker to be housed on site is based on a proposal for 195-225 calves being housed at the farm at any one time. Therefore, to ensure that the temporary mobile home element of the scheme is not implemented in isolation, a condition will be imposed to ensure that the mobile home is not occupied until the livestock building is erected and in use.
- 10.17 Foscoote Parish Council requested that any permission should be made personal to the Applicant to ensure the proposals are only proceeded with if they are necessary as stated for the family business, and not for any speculative use. They also requested that an agricultural tie condition should be imposed to ensure the inhabitant of the mobile home is the rural worker required for the business on the site. However, it is not considered that these would be reasonable conditions to impose because agricultural development in a countryside location is not unacceptable in principle, and there would be no justification for a requirement that the agricultural business in this case is operated by the applicant rather than any other individual: the impact of the development would not vary depending on the identity of the operator and it is the essential needs of the business that is being assessed and subsequently controlled. Consequently, the development would accord with one of the special circumstances listed in paragraph 79 of the Framework. As such, it is considered

that a justification for the development has been demonstrated in this case and therefore the principle of development is accepted in this case.

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

- 10.18 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 7 to 211 of the Framework. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 10.19 The NPPF comprises of a number of principles which says that planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and seek to secure high quality design. In delivering sustainable development, the NPPF has a section on conserving and enhancing the natural environment and encourages the effective use of land by reusing land that has been previously developed (brownfield land) (paragraph 118).

Sustainable location

- 10.20 Policy S1 of VALP, which has considerable weight, seeks to ensure that development is located in the most sustainable locations. Policy S2 of VALP, which has moderate weight, states that the scale and distribution of development should accord with the settlement hierarchy as set out in Table 2. It adds that other than for specific proposals and allocations, new development in the countryside should be avoided, especially where it would compromise the character of the countryside between settlements and result in a negative impact on the identity of neighbouring settlements, leading to their coalescence. The site is located about 600m to the North East of Maids Moreton, which is defined as a medium village in the Settlement Hierarchy 2017 and Table 2 of VALP. It has a moderate population size and is very well connected to a large service centre (it adjoins Buckingham). It also has an hourly or more bus service and good provision of key services. As such, Maids Moreton is a moderately sustainable location for development. However, the application site is in the open countryside, in an isolated location beyond the limits of the built-up area.
- 10.21 As a consequence, the site is within open countryside. In policy terms neither policy RA13 or RA14 are relevant as the site is neither within an existing settlement (as identified in appendix 4 of the Local Plan) nor is it immediately adjacent to an 'appendix 4' settlement). Nevertheless, it is acknowledged that agricultural businesses require a countryside location. However, in broad sustainability terms, the provision of one new dwelling in this location which falls outside the built-up area of a village is considered unsustainable in the absence of a special justification. Although the NPPF states that isolated homes in the countryside should normally be avoided, this type of development can be justified in appropriate cases where there is an essential need for a rural worker to live near their place of work. In this case, Acorus has confirmed that there is a case for temporary

residential accommodation at the site and so the development would accord with one of the special circumstances listed in paragraph 79 of the Framework. It is necessary, however, to assess the proposal against all other material considerations.

Delivering a sufficient supply of homes

- 10.22 Local planning authorities are charged with delivering a wide choice of high quality homes and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development. In supporting the Government's objective of significantly boosting the supply of homes, paragraph 61 states that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). 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.
- 10.23 The Five Year Housing Land Supply Position Statement (April 2019) sets out that the Council can demonstrate 5.64 years worth of deliverable housing supply against its local housing need. The updated overview report attached sets out the detailed clarification and background information on the HEDNA position, the new Housing Delivery Test and the approach to not include any element of unmet need.
- 10.24 The proposal is for a temporary new dwelling. Until such time that this is made permanent, this would not make any addition to the District's housing supply. As such this matter is attributed neutral weight in the planning balance.

Building a strong competitive economy

- 10.25 The Government is committed to securing and supporting sustainable economic growth and productivity in order to create jobs and prosperity but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 10.26 In regard to supporting a prosperous rural economy, the NPPF states, that:
- 83. Planning policies and decisions should enable:*
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
 - b) the development and diversification of agricultural and other land-based rural businesses;*
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*

d) 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.

- 10.27 The AVDC Economic Development team has responded, supporting the application to set up a new farming enterprise at Foscoate Hill Farm.
- 10.28 It is considered that there would be economic benefits arising provision the provision of agricultural buildings as proposed, supported by temporary residential accommodation on this site in that the growth and development of a local agricultural business would be facilitated and in terms of the construction of the development itself, its operation and the resultant increase in population contributing to the local economy. As such this matter is attributed limited positive weight in the planning balance.

Promoting healthy and safe communities

- 10.29 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.
- 10.30 Policies GP.86-88 and GP.94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development.
- 10.31 The site is in a relatively isolated location, beyond easy walking distance of meeting places such as the Maids Moreton Village Hall. The location away from residential land uses indicates that the noise and smells associated with agricultural activities would not result in unreasonable loss of amenity to local residents. Although the site is set away from the built-up area, there would be potential opportunities for the future occupiers of the temporary new unit to interact with the local community. As such, this proposal would not conflict with the overall aims of paragraph 91 of the NPPF. It is considered that this issue should be accorded neutral weight in the planning balance.

Promoting Sustainable Transport

- 10.32 It is usually 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 guidance in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 10.33 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.

- 10.34 Policy GP.24 of the AVDLP states that new development will be required to provide vehicular parking provision in accordance with the Council's SPG guidance. SPG1 'Parking Guidelines' sets car parking guidelines for development proposals and defines a maximum parking provision of two vehicle parking spaces for a two bedroom dwelling. Policy T6 of VALP can be given moderate weight and states that all development must provide an appropriate level of car parking in accordance with the standards set out in Appendix B of the plan.
- 10.35 In respect of transport sustainability, the site is a relatively isolated location beyond easy walking distance of the local services of Maids Moreton. It is also fairly remote from public transport services and is a location dependent on the private car for access. However, paragraph 84 of the NPPF acknowledges that sites to meet local business needs in rural areas may have to be found beyond existing settlements in locations not well served by public transport. Agricultural operations require a countryside location, and are inevitably heavily dependent on road transport. The proposed dwelling would only be supported in exceptional circumstances; as set out above it is considered that such circumstances do apply in this case.
- 10.36 The applicant proposes to use the existing northernmost access to the site, on the basis that the southern access, although nearest to the proposed buildings, has insufficient visibility and is also at the lowest part of the land, which affects access visibility and would make getting up the hill difficult in winter months.
- 10.37 Foscoote Parish Council have objected to the proposal and have stated that the site entrance should be relocated to the southern end of the site and that this has adequate visibility splays. The agent has submitted drawing no. 119590-015 showing received on 12/11/2019 demonstrates the splays of the access further south where a splay of 100m is achievable to the north and 126m is achievable to the south. Due to the positioning of the access on the lowest part of the land and the undulating nature of the road the visibility splays required by the Highways Authority cannot be achieved in either direction from the access further south.
- 10.38 In addition the agent stated in their email received on 12/11/2019 that there is insufficient visibility splays as the land from the southern access to the proposed yard is steep and navigating the track would be difficult during the winter months. Furthermore, the track required from this access would impact upon the proposed drainage swale.
- 10.39 Buckinghamshire County Council as Highways Authority has been consulted and has stated that the application site is located on Foscoote Road, which is rural in nature and subject to the national speed limit in the vicinity of the site. The site benefits from an existing field access, however this is not made up. The Highways Officer has stated that given that the site has an established use for the grazing of cattle, the proposed agricultural buildings would not be anticipated to generate a material increase in vehicle movements associated with the site. There would however be a relatively small intensification in the use of the site as a result of the residential unit which would be expected to generate in the region of 5 daily vehicle movements (two-way).
- 10.40 The Highways Officer added that the applicant has shown (on submitted drawing no. 119590-013A) that visibility splays of 2.4m x 75m can be achieved in both directions from the site access. Since then a revised drawing no 119590-01A (same drawing number) received on 12.11.2019 shows a visibility splay of 151m. The Highways Officer stated that

, in accordance with current guidance contained within Manual for Streets visibility splays of 2.4m x 151 m are required to be achieved commensurate with the speed limit in place. Having undertaken a recent site visit the Highways officer is satisfied that the required visibility splays can be achieved in both directions from the proposed site access, to be secured by Condition. No highway objection is raised to the location of the proposed access.

- 10.41 With regard to the proposed access, this is 6m in width which the Highways Officer considers to be adequate to serve the development with safety and convenience. However, the application does not propose to make any alterations to the existing site access. It would be required for the current access to be constructed to the standard of an agricultural access to ensure mud and debris is not tracked onto the public highway and to allow for the safe and convenient use of the access. Any gates would also need to be set back 13m to allow an agricultural vehicle to pull clear of the highway.
- 10.42 As the northernmost access to the site has inadequate visibility, it would be necessary to include a condition to prevent both this and the southern access remaining operational and being used.
- 10.43 With regard to parking, the Planning Statement states that two car parking spaces would be provided adjacent to the mobile home for the applicant to park their personal vehicles. A swept path analysis shows that there is adequate space within the site for an 11m rigid vehicle to manoeuvre within the site. Therefore, there is adequate space within the site to accommodate two parking spaces and manoeuvring for vehicles associated with the farm business and the residential unit. The Highways Officer therefore has no objection to the proposed development subject to conditions and informatives being included in any planning consent granted.
- 10.44 As such, it is considered that the proposals are in compliance with Policy GP.24 of the AVDLP, SPG1, policy T6 of VALP and the NPPF. Neutral weight is attributed to this matter in the planning balance.

Supporting high quality communications

- 10.45 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
- 10.46 Given the nature and location of the proposed development, 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, and this factor is afforded neutral weight in the planning balance.

Making effective use of land

- 10.47 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.

- 10.48 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should take into account the importance of the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 10.49 The erection of agricultural buildings on this farm holding is intended to make more efficient use of the land and would enhance local economic activity. Consequently, the development of agricultural activity on this site is an efficient and productive use of land.
- 10.50 As a dwelling to accommodate a worker on an existing rural enterprise site, issues regarding plot densities are not considered relevant to the assessment of the application. A layout plan has been provided, and this shows a log cabin style mobile home on a modest sized plot. Therefore, the development would make an effective use of the land which is to be allocated to the dwelling, leaving the surrounding areas available for use by the rural enterprise. This factor is afforded neutral weight in the planning balance.

Achieving well designed places

- 10.51 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.52 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.
- 10.53 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.
- 10.54 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.

- 10.55 Policy GP.35 of the AVDLP requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP.45 is also relevant, with any new development required to provide a safe and secure environment for future occupiers of the site.

Policy BE2 of VALP can be given moderate weight and states that all new development proposals shall respect and complement the following criteria:

- a. The physical characteristics of the site and its surroundings including the scale and context of the site and its setting
 - b. The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials
 - c. The natural qualities and features of the area, and
 - d. The effect on important public views and skylines.
- 10.51 The proposal seeks permission for a temporary mobile home, two agricultural buildings and 20 calf huts. Policy E9 of VALP, which has moderate weight, states that new agricultural buildings will be permitted where the development is necessary for the purposes of agriculture on the site, its size is commensurate with the needs of the holding, there are no existing buildings on the unit that can be reused and the use of the building would not unreasonably harm the amenity of nearby residents. It adds that the scale, siting, design, appearance and construction of the buildings and associated hardstandings should be appropriate for the proposed use and sited close to existing buildings and designed to minimise adverse impact on landscape character, residential amenity and reflect the operational requirements of the holding.

The Temporary Dwelling:

- 10.52 The temporary dwelling would be modest in size and form with a simple, log cabin design. Although the design is not exceptional in terms of quality, it would have a traditional appearance, with timber walls and a pitched roof. As an isolated structure of domestic appearance, it would fail to make a positive contribution to its surroundings. However, it would be small and close to other buildings. It would therefore be visually contained and read in conjunction with the other buildings proposed. The residential curtilage has been restricted to a modest sized area around the dwelling. It is a wooden structure of the minimum size to support the new rural business, in accordance with Policy H3 (n) of VALP. As a temporary structure, it could be easily removed from the site.

The Agricultural Buildings

- 10.53 The two agricultural buildings would be relatively large in size. The livestock building would measure approximately 25m by 18m in length with a total height of 7.3m. This would be located to the west of the site. The storage building would measure approximately 30m by 10m in width with a total height of 6.3m. This would be located to the north east of the site.
- 10.54 Both buildings would be constructed of olive green coated metal sheeting, concrete panels with Yorkshire cladding above. In their form and design, these buildings would be

appropriate to a rural location and for the proposed agricultural purpose. They would be located close to the road and as the buildings would be sited on lower lying ground, it is not considered that there would be a significant visual impact.

- 10.55 Overall, it is considered that the dwelling due to its siting and design would not have a harmful impact upon the rural setting and landscape character. The agricultural buildings would have an appropriate design, similar in size and appearance to other barns in the area. As such, it is considered that these would accord with emerging Policy E9 of VALP.

Meeting the challenge of climate change and flooding

- 10.56 Developments will need to demonstrate resilience to climate change and support the delivery of renewable and low carbon energy.
- 10.57 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.
- 10.58 Paragraph 163 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere. Policy I4 of VALP, which has moderate weight, states that
- 10.59 The site is located within Flood Zone 1 and the development would therefore be at low risk of flooding. The site is also at low risk of surface water flooding. The applicant has submitted a Sustainable Drainage Strategy that demonstrates that run-off will be restricted to greenfield run-off rate before discharging to the ditch to the south west of the proposed development. There will also be a new swale to the south west to provide attenuation in the event of a 1 in 100 year storm event. Therefore, the proposed development would be resilient to climate change and flooding and it would not increase flood risk elsewhere in accordance with NPPF. This matter should therefore be afforded neutral weight in the planning balance.

Conserving and enhancing the natural environment

- 10.60 Consideration is given to 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. The following sections of the report consider the proposal in terms of impact on landscape, agricultural land, trees and hedgerows and biodiversity.
- 10.61 Section 15 of the NPPF states planning policies and decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

- 10.62 Policies GP.35 of the AVDLP and BE2 of VALP (moderate weight) are material (para 10.50 refers). Policy GP.38 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. NE4 of VALP (moderate weight) states that development must recognise the individual character and distinctiveness of particular landscape character areas set out in the Landscape Character Assessment (LCA), their sensitivity to change and contribution to a sense of place. Development should consider the characteristics of the landscape character area by meeting all of the following criteria:
- a. minimise impact on visual amenity
 - b. be located to avoid the loss of important on-site views and off-site views towards important landscape features
 - c. respect local character and distinctiveness in terms of settlement form and field pattern, topography and ecological value
 - d. Carefully consider spacing, height, scale, plot shape and size, elevations, roofline and pitch, overall colour palette, texture and boundary treatment (walls, hedges, fences and gates)
 - e. minimise the impact of lighting to avoid blurring the distinction between urban and rural areas, and in areas which are intrinsically dark and to avoid light pollution to the night sky
 - f. ensure that the development is not visually prominent in the landscape, and
 - g. not generate an unacceptable level and/or frequency of noise in areas relatively undisturbed by noise and valued for their recreational or amenity value

Landscape and Visual Impact

- 10.63 The site is not covered by any statutory landscape designations. However, Foxcote Reservoir and Wood SSSI is located about 60m to the north east at its closest point (to the access track) and about 130m from the proposed buildings. In the Aylesbury Vale Landscape Character Assessment (2008), the site lies within the LCA 2.5 Foxcote Valley, described as a small, secluded valley in pastoral use. In the vicinity of the reservoir, the character is more open, with small woodlands/copses and views towards Maids Moreton.
- 10.64 The application seeks to install a temporary rural worker's dwelling, a storage building, a livestock building, twenty calf huts with associated hardstanding and access track in a relatively isolated location in the countryside. However, the temporary dwelling has a single storey height and is modest in size. The two agricultural buildings would be larger in scale, up to about 8.5m in height but would be constructed of materials in muted colours that would allow them to blend into the landscape.
- 10.65 The applicant submitted a Landscape and Visual Appraisal report with the application. This states that as a result of the well-wooded area and topographical undulation of the landscape, the site is well contained with few possible views beyond the near vicinity. It concludes that the proposed scheme can be accommodated without giving rise to more than negligible adverse landscape and visual effects.
- 10.66 Maids Moreton Parish Council objected to the application, stating that the proposed buildings would be severely visually intrusive into an open dark countryside. It added that the development would cause light pollution. Foscombe Parish Council also objected, stating that the proposals would have an adverse impact on the landscape. However, the AVDC

Landscape Officer raised no objection to the application on the grounds that there would be no significant visual impact.

- 10.67 Whilst visible from the public highway, the group of buildings, including the temporary dwelling, would be largely obscured by the row of trees/hedgerow that runs along the boundary with the road. As stated above, the other structures are considered appropriate in terms of their scale and design for their proposed purpose. As such whilst there would be some impact on the landscape, this would not be significant.
- 10.68 Consequently, from a landscape and visual impact standpoint, the erection of the dwelling would respect the landscape character of the area, consistent with policies GP35 of AVDLP and NE4 of VALP and there would be negligible harm to the wider landscape character. Thus, the development conserves and enhances the natural environment and accords with Saved Policies GP35 and GP38 of the AVDLP. This matter should be attributed limited negative weight in the planning balance.

Agricultural Land

- 10.69 Paragraph 170 of the NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land (Grades 1, 2 and 3a) and, where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
- 10.70 Policy NE7 of VALP (moderate weight) seeks to protect the best and most versatile agricultural land for the longer term.
- 10.71 The site does comprise land that is in use for agriculture, although it is not best and most versatile land (ALC Post 1988 survey). However, a functional need has been demonstrated for a temporary farmworker's dwelling to be created on the site and given the scale of the landholding, it is not considered that the loss of this modest area of land would be significant. The proposal complies with policy NE7 of VALP. This is afforded neutral weight in the planning balance.

Trees and hedgerows

- 10.72 Policy GP38 of AVDLP seeks to conserve and enhance the natural environment by securing 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 GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 10.73 Policy NE8 (moderate weight) of VALP seeks to ensure that development enhances and expands the District's tree and woodland resource.
- 10.74 The application form states that there are no trees or hedges on the site. The LVA submitted with the application states that new planting is proposed on the north eastern and south western boundaries of the site. The AVDC Tree Officer was consulted and raised no objection, but added that a condition should be attached to secure details of the proposed tree and hedge planting.

10.75 The proposal complies with development plan policies. This matter is also afforded neutral weight in the planning balance.

Biodiversity/Ecology

10.76 Paragraph 170 of the NPPF requires new development to minimise impacts on and providing net gains for biodiversity.

10.77 Policy NE1 (moderate weight) of VALP sets out measures to ensure that new development achieves a net gain in biodiversity.

10.78 The application was accompanied by a Preliminary Ecological Appraisal (dated July 2019). This noted that the site lies adjacent to the Foxcote Reservoir SSSI which is likely to be vulnerable to disturbance impacts, although given the proposed uses there would be no rise in recreational pressure at the SSSI. The study concluded that there would not be any significant construction or operation impacts on the SSSI. With regard to habitats and fauna, the PEA concluded that the site is dominated by grazed pasture of low ecological value. Therefore, the loss of some grassland to buildings and hardstanding would not constitute a significant ecological impact. No hedgerow habitat is anticipated to be removed. There is a mature ash tree with bat roosting potential about 40m from the existing access point. Risks to reptiles are considered to be minimal.

10.79 The proposals include a number of ecological enhancements and mitigation, including a bat box, starling boxes, a little owl box on a suitable tree off site and a nest box on a suitable tree.

10.80 Maids Moreton Parish Council and Berks, Bucks, Oxon Wildlife Trust (BBOWT) raised concerns over disturbance from farm activities on the Foxcote SSSI, which is a bird reserve, including from runoff pollution from slurry. Natural England were consulted and raised no objection, adding that the proposed development would not have significant adverse effects on the SSSI. In response to the concerns raised, the applicant has provided a detailed description of the proposed drainage arrangements and impacts. In summary:

- It is proposed to attenuate the runoff from the site in a swale and discharge it at greenfield rates to a field drain/ditch located to the south west of the site.
- Roof runoff from the livestock building and the storage building would be directed via downpipes to a surface water sewer within the site.
- Runoff from the hardstandings will be collected in drains located along the south western boundary and along the north eastern face of the livestock building.
- Runoff from all roofs and hardstandings will be directed to a swale located to the south west of the livestock building.
- As there is a fairly steep fall from north to south, the swale has been located along the contour to reduce the amount of regrading required to keep it flat. However, some building up of the southern bank will be necessary to ensure the required volume is available in the swale.
- Agricultural practice will ensure the surface water runoff will not be contaminated prior to discharging to the swale and in turn to the drain/ditch and ultimately the SSSI.

- The dry bedded straw in the livestock building will be taken away from the site on higher ground (to the south) when the cattle are mucked out. The straw which is removed will be in solid form, not slurry/liquid form. There will be no slurry pond. The calf huts are mobile and the straw will be swept out and taken offsite. In addition, calves and cattle would be housed under cover. Roof run off from these areas will be directed to the onsite drainage system.
- The farmyard manure and used straw will be taken 250m to the field to the south west of the proposed livestock building, where it will be stacked on level ground and allowed to compost.
- Overland surface water flow routes from the field and the area where the stack is located is naturally towards the north east and towards the drainage ditch. Water in the drainage ditch is then directed to the south east, away from the SSSI and the reservoir. It is anticipated that most rainfall would remain on the site. However, in an extreme rainfall scenario, runoff would be directed away from the SSSI and reservoir, not towards these areas.
- No field stack or manure stack will be located within 10m of a watercourse or field drain. A 10m buffer zone would be left un-spread around the field margin to protect against nitrate pollution.
- The field nearest to Foxcote Reservoir, to the north of the proposed development, will not be used to store or spread farmyard manure.
- Foxcote Reservoir will have been constructed with an impermeable lining. As previously stated, runoff would follow the natural topography and be directed to the east, away from the reservoir. It would be extremely unlikely that runoff would flow in the direction of the reservoir or SSSI, and it would not be able to enter the reservoir due to the impermeable liner.
- The access track to the proposed development will be constructed using permeable hardcore.

10.87 The AVDC Ecologist was consulted and commented that there is no objection to this application. The survey, recommendations and enhancement measures contained in the PEA are considered to be acceptable. No further surveys are needed and no European Protected Species licence is required. The Method statement sets out how works can be carried out in a manner that reduces the impacts to flora and fauna identified on site. These will need to be applied along with the ecological enhancement measures set out in section 5.9. In doing so the applicant will be compliant with NPPF policy relating to net ecological gains and can accord with policy NE1 of VALP subject to the imposition of condition(s).

10.88 Thus overall, with suitable mitigation, the proposal would not have an adverse impact on biodiversity and there would be a net gain and it would therefore accord with the Framework in this respect. Neutral weight should be attached to this matter in the overall balance.

Contamination

10.89 A further consideration in the NPPF in relation to the need to conserve and enhance the natural environment is contamination, and the guidance states in paragraph 178 that

planning decisions should ensure that the site is suitable for its new use taking account of ground conditions.

- 10.90 Details of the applicant's proposed measures to deal with potential contamination of land and watercourses have been dealt with in paragraphs 10.82 – 10.86 above. The existing land use of the site is for agricultural purposes and therefore it is not expected that there would be any contamination present that would require remediation. On this basis it is considered that currently this matter should be afforded neutral weight in the planning balance.

Conserving and enhancing the historic environment

- 10.91 The National Planning Policy Framework (NPPF) recognises the effect of an application on the significance of a heritage asset is a material planning consideration.
- 10.92 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification. Paragraph 189 extends this provision to non-designated heritage assets with an archaeological interest.
- 10.93 In this instance the site is not within a Conservation Area. There are no heritage assets on this site or nearby which would be adversely affected, with the nearest heritage asset (a Grade II listed building at Foscombe Manor) over 400m away.
- 10.94 The Planning Statement states that an archaeology pre-application was submitted to Bucks County Council and this concluded that the nature of the proposed works is such that they are not likely to significantly harm to the archaeological significance of any assets. They advised they would have no objection to the proposed development and would not consider it necessary to apply a condition to safeguard archaeological interest.
- 10.95 On this basis the development would accord with the NPPF and this matter should be afforded neutral weight in the planning balance.

d) Impact on residential amenities

- 10.96 The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal. Policy BE3 of VALP (considerable weight) seeks to protect the amenity of existing residents and achieve a satisfactory level of amenity for future residents.
- 10.97 The site is located in the open countryside with the nearest dwellings (Foscombe Manor and Stable Cottages) about 400m to the south east. Other dwellings nearby include Maids Moreton House and Gardeners Cottage (about 500m to the west) and Foxmere Farm, the

Old Dairy and Foxcote Wood Farm (about 420m to the north east). Given these distances, there would be no material impact on these neighbours.

10.98 No objections have been received from Environmental Health in respect of this proposal.

10.99 Foscoate Parish Council objected on the grounds that the proposals are immediately to the west of a large housing allocation in the emerging Local Plan (for 170 dwellings). This relates to a proposal (16/00151/AOP) on the north eastern edge of Maids Moreton for which a resolution has been taken to support the application subject to the completion of a Section 106 agreement. This development would be about 450m from the application site and given this distance, there would be no material impact on these future occupants (or vice versa).

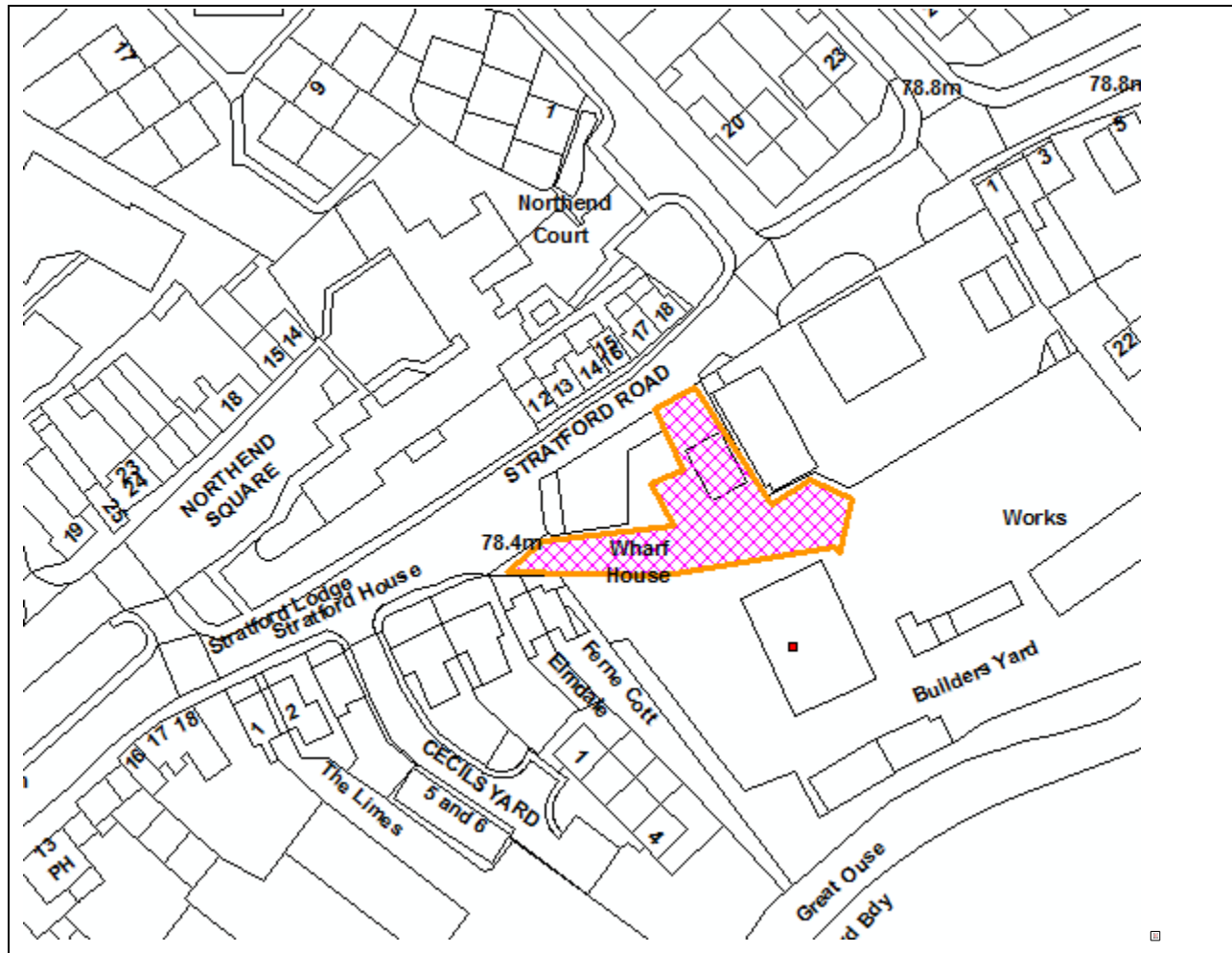
10.100 Therefore the proposal would accord with Policy GP8 of the AVDLP and policy BE3 of VALP which requires that development should not unreasonably harm the amenity of neighbouring residents. The proposal is not considered to give rise to adverse impacts in terms of residential amenity and that the matter should be afforded neutral weight in the planning balance.

Case Officer: Bibi Motuel

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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/01147/APP	Buckingham The Local Member(s) for this area is/are: -	28/03/19
INFILL OF FRONT DISPLAY WINDOW AND SIDE OPENING, INSERTION OF ROOFLIGHTS AND WINDOW REPLACEMENT PLUS ALTERATIONS TO INTERNAL WALLS THE COACH HOUSE WHARF HOUSE MK181TD MR ALWAY	Councillor S Cole Councillor T Mills	
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1.0 The Key Issues in determining this application are:-

- a) Impact on appearance and character of the host building, street scene and wider area**
- b) Impact on amenity of host building and surrounding properties**

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

Conclusion and recommendation

- 1.1 The proposal is considered to be of scale and form that respects the appearance of the existing building. The proposed proportions and materials to be used in relation to the fenestration alterations and additions would respect the existing characteristics of the host property and surrounding area. In addition it is considered that the proposal would not appear overly prominent within the street-scene or locality in general. The proposal would not have a detrimental impact upon the amenity of surrounding properties, nor on

future occupiers of the host building. Thus, the proposals are considered to comply with saved Policies GP8 and GP35 of the AVDLP and the NPPF.

- 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.

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

2. The materials to be used in the development shall be as specified on the submitted application form. Please also see note on the back of this notice.

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

3. The windows at ground floor and first floor level in the south-western flank elevation of the application property hereby permitted shall not be glazed or re-glazed other than with obscured glass to a minimum of level 3 and non opening unless the parts of the window that can be opened are more than 1.7m above internal floor level. The windows shall be retained as such thereafter.

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

INFORMATIVES

1. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

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

WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, the application was considered to be acceptable as submitted and no further assistance was required.

2.0 INTRODUCTION

- 2.1 Buckingham Town Council have raised objections to the proposal and wish to speak at Planning Committee. The objection to the proposal relates to the loss of light to the application building due to the elevational changes. The Town Council have also raised concerns over the loss of light to this building as it was intended to be an office building.
- 2.2 In response to the Town Council's comments the planning department consider that the works proposed would not have an unacceptable impact upon the amenity of the application building and would instead enhance the visual appearance and amenity to the building. It should also be noted that the application does not include a proposed change of use from the existing storage use to offices and thus, this cannot be considered within the scope of this report.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The application site relates to a detached two storey commercial property which fronts the public highway fronting the public highway, Stratford Road. The building is a two storey property whilst the other buildings within the immediate vicinity vary in height and typology. The application building includes gable features to the front and rear elevations with pitched roof included to both flank elevations. The existing materials

include red facing brick, tiles, timber casement windows and a traditional timber style shopfront to the northern elevation.

- 3.2 Whilst the site fronts Stratford Road, it is not publically accessible by either pedestrian or vehicle to the north of the south. The host property is located within the commercial estate of Wharf House Yard and can be accessed from the south and west of the property with an area of hardstanding for parking immediately adjacent to the west elevation. The application property is currently vacant however it was previously in use as a storage facility for a plant hire company.
- 3.3 The application building s located within the commercial development of Wharf House Yard, with commercial properties directly to the south, Buckingham BP Petrol station directly to the east and mixed use building to the west (residential/commercial). The host property is set-back from Stratford Road, with residential properties located to the northern side of Stratford Road.
- 3.4 The application site is not located within a Conservation Area, nor is the application building Listed.

4.0 PROPOSAL

- 4.1 The application seeks full planning permission for the alterations to the existing fenestration, insertion of additional fenestration and elevation changes.
- 4.2 The existing shopfront to the northern elevation is proposed to be removed. It is to be replaced by two timber casement windows to the match the existing windows to the property and contrasting red stock brickwork.
- 4.3 To the south-western elevation of the host property, it is proposed to remove the existing roller shutter and to replace with timber casement window to match existing and with brickwork to match existing. It is also proposed to insert two timber casement windows to the first floor western flank elevation and two conservation roof-lights to the western roof-slope.
- 4.4 It should be noted that no alterations are proposed to the eastern or southern flank of the host property.

5.0 RELEVANT PLANNING HISTORY

- 5.1 18/01744/APP - Change of use and conversion and extension to form 4 dwelling including and associated bin store – Application Withdrawn

6.0 PARISH/TOWN COUNCIL COMMENTS

6.1 Buckingham Town Council have objected to this application.

6.2 The original objection comments from Buckingham Town Council on 17.04.19 are as follows:

“Members’ response was agreed before the application had been advertised in the neighbourhood. If, after the statutory notices have been posted, neighbours make comment and possibly raise valid planning reasons not obvious to Members viewing from the public domain, they reserve the right to amend their response

Members felt that piecemeal development of the Yard should be postponed until a design proposal for the whole Yard was drafted and agreed. This was the last sizeable area close to the town centre and thus had commercial, economic and social importance. A large workshop had been vacant for some time.

The proposal to lose the shop window facing on to the main road was therefore felt to be both premature and detrimental to the street scene. Members had no objections to the internal improvements which would allow two businesses to operate independently from the same building, but would prefer a comprehensive plan for the Yard complying with BNDP Policy EE2 and would resist any change of use from employment.”

6.3 Following the agent’s response to the original Town Council comments, further comments were received from the Town Council on 31.07.19. These comments are as follows:

“Members noted the applicant’s response to their previous comments, which had not included any reference to pedestrian access, but would still prefer a comprehensive plan for the Yard complying with BNDP Policy EE2. They reiterated that they would resist any change of use from employment.”

- 6.4 As the proposal did not include a change of use Officers queried the comments with the Town Council and the following comments were received from the Town Council on 01.11.19:

“Members agreed to drop the reference to a design scheme for the whole Yard, but maintained their opposition to the changes to the building on the grounds of lack of natural light to what were to be office premises.”

7.0 CONSULTATION RESPONSES

- 7.1 BCC Archaeology Officer – No objection as the nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of the asset(s).
- 7.2 Buckingham and River Ouzel Drainage Board – No Comment
- 7.3 SUDS – No comments
- 7.4 Environment Agency – No comment

8.0 REPRESENTATIONS

- 8.1 None received.

9.0 EVALUATION

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

- 9.1 Policy GP.35 requires that developments respect and complement 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 effect of the development on important public views and skylines.
- 9.2 The NPPF at paragraph 8 states that one of the overarching principles of the planning system is a social objective, including fostering a well-designed and safe built environment. 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 The Buckingham Neighbourhood Plan (October 2015) does not have any policies which are applicable to this proposed development type.

- 9.4 The proposed development would see the removal of the traditional style shop front to the north of the existing property and it is to be replaced with traditional timber casement windows
- 9.5 The proposed development would be visible in the street scene to the north of the application site on Stratford Road and from the west of the application site in the commercial estate of Wharf House Yard.
- 9.6 Whilst the removal of a shopfront may be regrettable in many instances, with regard to this application it would see an improvement to the buildings aesthetic. The application building is currently vacant and the shopfront does not make a visually positive contribution to the street-scene in its current condition. It should be noted that the application building is located outside of the Buckingham town centre shopping area. The shopfront to the north of the application building is not publically accessible from Stratford Road and the building is accessed from within the commercial estate of Wharf House Yard. Thus, the proposed shopfront is not a typical characteristic within the street-scene and its loss would not create a negative impact as may occur on a parade of commercial units. The proposed replacement window and brickwork to the north of the building would respect the host property, would be appropriately proportioned and would improve the visuals to this elevation.
- 9.7 In relation to the western elevation of the host property; this side of the property is located within Wharf House Yard and there is hardstanding to the west of this elevation which allows for car parking to the host property. It is considered that the removal of the existing roller shutters and insertion of three casement windows and brickwork to match existing would not have a detrimental impact upon the host property. This would create some visual interest to what is currently quite a bare elevation. To the immediate west of this elevation are residential properties and it is considered that the proposed alterations to the western elevation would respect the surrounding characteristics.
- 9.8 The proposal is considered to be of scale and form that respects the appearance of the existing building. The proposed proportions and materials to be used in relation the fenestration alterations and additions would be respect the existing characteristics of the host property and surrounding area. In addition it is considered that the proposal would not appear overly prominent within the street-scene or locality in general. Thus, the proposals are considered to comply with saved Policies GP8 and GP35 of the AVDLP and the NPPF.

b) Impact on amenity of host building and surrounding properties

- 9.1 Policy GP8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal.
- 9.2 Paragraph 127(f) of the NPPF states that planning decisions should ensure that developments create safe, inclusive and accessible places with a high standards of amenity for existing and future users.
- 9.3 The proposal would see the removal of the existing shopfront and replacement with two casement windows. Given that there is currently clear glazed fenestration at the ground floor level of the northern elevation this alteration would constitute a continuation of the existing outlook to the property and thus, there are no concerns over potential impacts upon properties to the north of the site
- 9.4 In relation to the proposed insertion of fenestration, in the form of three casement windows, to the western elevation, it should be noted that these windows are to be sited approx. 11m away from the closest windows to the front elevation of residential properties to the west. Given the proximity of these windows to the residential properties to the west, a condition is to be included to ensure that these windows are to be obscure glazed and fixed shut below 1.7m to protect the privacy of occupiers of neighbouring residents.
- 9.5 Due to the position of the proposed roof-lights, there are no concerns over their potential impacts in relation to overlooking.
- 9.6 In relation to concerns raised by the Town Council “on the grounds of lack of natural light to what were to be office premises” it should be noted that the application can only be assessed on the basis of what has been submitted to the Local Planning Authority. The application site is a vacant unit which was previously in use as a storage facility for a plant hire company. The proposal does not include any change of use from the existing use class as storage; it is not proposed to change the use of the premises to offices. Notwithstanding this, the alterations would be acceptable with regard to the amount of light the host property would receive. Whilst the loss of the shopfront would see a reduction in the amount of clear glazed fenestration to the northern elevation, the insertion of two well proportioned windows would be an adequate replacement. It should

also be noted that as this elevation is north facing it does not receive any direct sunlight. The proposal would also see the insertion of three windows and two roof-lights to the western elevation and roof-slope of the host property, where there is currently only roller shutters. Whilst, these windows are to be conditioned to be obscure-glazed they would enable significantly more natural light to enter the premises than the current arrangements. Thus, there are no concerns over natural light being provided to the host property.

- 9.7 No neighbouring properties, nor the host property, will be unduly affected as a result of this proposed development and the proposal would accord with policies GP8 and GP9 of AVDLP.

Case Officer: Brian O Donovan

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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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