



AYLESBURY VALE DISTRICT COUNCIL Democratic Services

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11 December 2019

DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Development Management Committee** will be held at **1.00 pm on Thursday 19 December 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. DECLARATION OF INTEREST

Members to declare any interests.

4. OVERVIEW REPORT - DECEMBER 2019 (Pages 3 - 12)

5. 19/01900/APP - 16A CRAFTON LODGE ROAD, CRAFTON (Pages 13 - 26)

Retention of the existing barn (to include alterations and re-positioning from that approved under 13/00373/APP) along with the use of the barn for dog day care and ancillary accommodation, use of part of the dwelling (Little Chapel Stables) for dog boarding and the mixed use of land for agricultural, equestrian, grazing and the exercising of dogs

Case officer: Janet Mullen (jmullen@aylesburyvaledc.gov.uk)

6. 18/03719/APP - THE GARAGE, THE GREEN, WINGRAVE (Pages 27 - 48)

Change of Use to new dwelling, internal and external alterations, erection of single storey rear extension and boundary fence.

Case officer: Will Docherty (wdocherty@aylesburyvaledc.gov.uk)

7. 18/02054/ALB - THE GARAGE, THE GREEN, WINGRAVE (Pages 49 - 58)

Single storey rear extension, internal and external alterations and erection of boundary fence (Part Retrospective)

Case officer: Will Docherty (wdocherty@aylesburyvaledc.gov.uk)

8. 19/01233/APP - LAND REAR/ADJ. TO FAIRHAVEN, MAIN STREET, PADBURY (Pages 59 - 72)

Erection of agricultural building.

Case officer: Will Docherty (wdocherty@aylesburyvaledc.gov.uk)

9. 18/01385/AOP - LAND AT SCOTTS FARM, SCOTTS FARM CLOSE, MAIDS MORETON (Pages 73 - 100)

Outline application with access to be considered and all other matters reserved for the erection of 12 dwellings including access and associated works.

Case officer: Danika Hird (dhird@aylesburyvaledc.gov.uk)

10. 19/03076/APP - 21 CHURCHWAY, HADDENHAM (Pages 101 - 108)

Internal rearrangements and changes to ceiling, windows, walls and doorways. Part demolition of existing single storey rear extension, demolition of existing garage and outbuilding. Removal of lintel, and small wall above over gateway. Part two storey part single storey rear extension. Erection of new detached garage. Change fenestration and remove tile hanging to previous extension and re-render the previous extension.

Case officer: Adam Thomas (athomas@aylesburyvaledc.gov.uk)

11. 19/03077/ALB - 21 CHURCHWAY, HADDENHAM (Pages 109 - 114)

Internal rearrangements and changes to ceiling, windows, walls and doorways. Part demolition of existing single storey rear extension, demolition of existing garage and outbuilding. Removal of lintel, and small wall above over gateway. Part two storey part single storey rear extension. Erection of new detached garage. Change fenestration and remove tile hanging to previous extension and re-render the previous extension.

Case officer: Adam Thomas (athomas@aylesburyvaledc.gov.uk)

12. SITE VISIT ARRANGEMENTS

13. HUMAN RIGHTS ACT (Pages 115 - 116)

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. The individual reports will address the position on housing policy as applied to the specific application on a case by case basis.
- 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 be given some weight in planning decisions given the stage it is at, and the evidence that sits behind it can be given weight. This will be highlighted in individual reports. 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 can be given some weight in planning decisions given the stage it is at, and the evidence that sits behind it can be given weight. 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

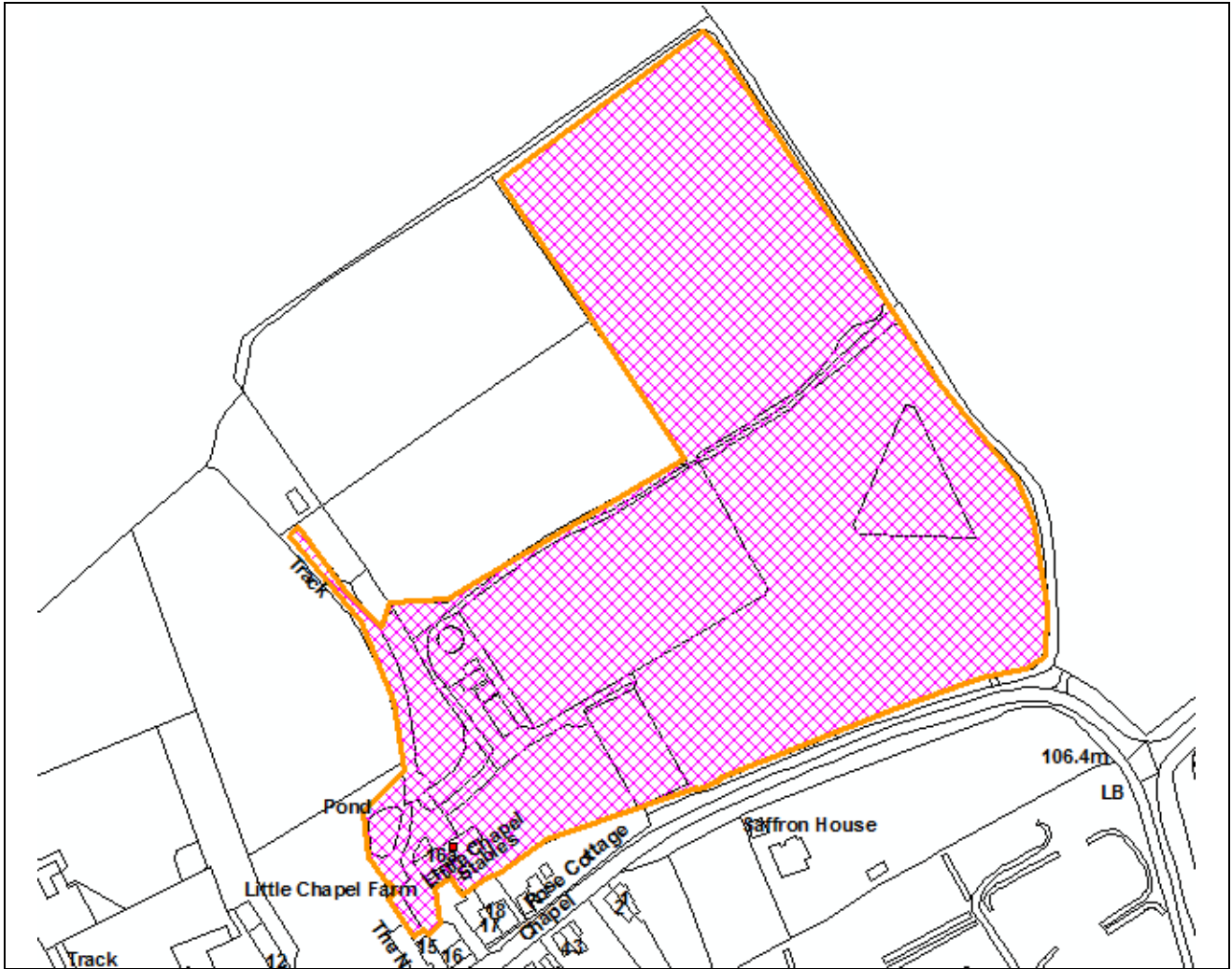
- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

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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19/01900/APP	
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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/01900/APP	MENTMORE The Local Member(s) for this area is/are: - Councillor P Cooper	20/05/19
<p>RETENTION OF THE EXISTING BARN (TO INCLUDE ALTERATIONS AND RE-POSITIONING FROM THAT APPROVED UNDER 13/00373/APP) ALONG WITH THE USE OF THE BARN FOR DOG DAY CARE AND ANCILLARY ACCOMMODATION, USE OF PART OF THE DWELLING (LITTLE CHAPEL STABLES) FOR DOG BOARDING AND THE MIXED USE OF LAND FOR AGRICULTURAL, EQUESTRIAN, GRAZING AND THE EXERCISING OF DOGS</p> <p>16A CRAFTON LODGE ROAD, CRAFTON LU7 0QL</p> <p>MR & MRS PURNELL</p> <p>STREET ATLAS PAGE NO.89</p>		

1.0 The Key Issues in determining this application are:-

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

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

CONCLUSION AND RECOMMENDATION

- 1.1 The application has been evaluated against the Development Plan, which comprises of Aylesbury Vale District Local Plan (AVDLP) and the NPPF and the Authority has assessed the application against the planning principles of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF planning permission should be granted 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.

- 1.2 It is considered that the proposal results in economic benefits in association with both the dog boarding and dog day care businesses which weigh in favour of the development. In addition, the existing barn, proposed to be retained as built (rather than in accordance with the previously approved plans) is considered to result in a form of development where any impact in relation to the character and appearance of the site, immediate area and wider countryside are not so significant as to warrant refusal on this basis. The structure and the use of the site (as whole for all elements of the business) are considered to have a neutral impact on the character and setting of Crafton Conservation Area and nearby Scheduled Ancient Monument (to the south of Crafton Lodge Road) and special regard has been had (in line with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990) in this context.
- 1.3 In addition, the use of the first floor of the retained barn as ancillary bedroom space in association with the residential dwelling of 16A Crafton Lodge Road has been considered, however the barn is separate from the residential curtilage of the main dwelling and whilst the provision of additional accommodation is limited in scale and there may be a reliance on the main dwelling in terms of cooking and other living space, the use is separate from the residence, removed from the residential curtilage of the main dwelling and would therefore not be ancillary in nature. As such, the use of conditions have been included and worded to make clear that residential accommodation is not acceptable.
- 1.4 Concerns relating to noise and highway implications have been considered by the Environmental Health team and Bucks County Council Highways, both of whom have raised no objections to these matters.
- 1.5 Compliance with some of the other objectives of the NPPF have been demonstrated or could be achieved in terms of making effective use of land, trees & hedgerows, biodiversity, contamination, promoting sustainable transport, parking, promoting healthy communities, achieving well-designed places, meeting the challenge of flooding, supporting high quality communication and 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.
- 1.6 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 supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, the adverse impacts outlined above, caused by the proposal are considered not to significantly and demonstrably outweigh the benefits of the scheme nor are there clear reasons for refusing the development.
- 1.7 It is therefore recommended that the application be **APPROVED** subject to the following conditions:-
1. The land and building highlighted in blue on the approved block plan (titled SJ462-02), received by the local planning authority on 23rd October 2019, shall not be used for any purpose other than for as a dog day care facility between the hours of 0700 am and 1800 pm on Mondays to Fridays, and at no time on Saturdays, Sundays and Bank Holidays.
Reason: To safeguard the private residential amenity of neighbouring residents (GP8 of the Aylesbury Vale District Local Plan and Policy BE3 of the emerging Vale of Aylesbury Local Plan) and to comply with the National Planning Policy Framework.
 2. No more than 11 dogs shall be kept at any one time within the land and building highlighted blue on the approved block plan (titled SJ462-02), received by the local planning authority on 23rd October 2019.
Reason: To safeguard the private residential amenity of neighbouring residents (GP8 of the Aylesbury Vale District Local Plan and Policy BE3 of the emerging Vale of Aylesbury

Local Plan) and to comply with the National Planning Policy Framework.

3. Except for agricultural and equestrian use, the mixed use hereby permitted on the land highlighted in green on the approved block plan (titled SJ462-02), received by the local planning authority on 23rd October 2019, shall not be used for the exercise and play of dogs associated with the dog day care use hereby permitted on the land highlighted in blue on the approved block plan except between the hours of 0700 am and 1800 pm on Mondays to Fridays, and at no time on Saturdays, Sundays and Bank Holidays.
Reason: To safeguard the private residential amenity of neighbouring residents (GP8 of the Aylesbury Vale District Local Plan and Policy BE3 of the emerging Vale of Aylesbury Local Plan) and to comply with the National Planning Policy Framework.
4. No more than four boarding dogs shall be kept at any time within the dwelling and curtilage of the property known as Little Chapel Stables, highlighted in yellow on the approved block plan (titled SJ462-02), received by the local planning authority on 23rd October 2019, and at no time shall be used with a dog day care use.
Reason: To ensure that inappropriate uses do not take place in this locality to accord with policies GP8 and Policy BE3 of the emerging Vale of Aylesbury Local Plan and GP35 of the Aylesbury Vale District Local Plan and to comply with the National Planning Policy Framework.
5. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out within three months of the date of the permission of the development hereby permitted and that area shall not thereafter be used for any other purpose.
Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with GP24 of the Aylesbury Vale District Local Plan and to comply with the National Planning Policy Framework.
6. Notwithstanding the submitted details, all areas that remain unshaded on the approved block plan (titled SJ462-02) received by the local planning authority on 23rd October 2019, shall remain unaffected by the development hereby permitted, with the existing authorised uses and remain unchanged.
Reason: To provide clarity regarding the terms of the planning consent.

2.0 INTRODUCTION

- 2.1 As a starting point, the application needs to be determined by committee as the Mentmore Parish Council has raised material planning objections in respect of noise, residential; amenity and the impact on the Conservation Area and confirms that it will speak at the Committee meeting.
- 2.2 Further to the above, the application was first considered at committee, dated 5th September 2019, however was subsequently deferred to clarify the extent of what was being sought through the application in order to ensure Councillors, officers and the public were clear and fully appraised of the proposal.
- 2.3 Regarding the concerns raised by the Parish Council, the impact of noise, highways and impact on the character and appearance of heritage assets has been considered by the appropriate consultees, issues have previously been investigated regarding noise, and no objections have been forthcoming. The report below responds to the material considerations as raised by the Parish Council and residents who have concerns regarding the development.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The application relates to 16A Crafton Lodge Road, a detached former stables block that

has been converted into a dwelling, an isolated one and a ½ storey barn building located to the north of this dwelling and the associated land which is given over to grass land for the grazing of horses, sheep and more recently for use as a run for dogs in association with the dog day care business. In addition there is a retained stable building to the east of the barn the subject of this application, however this is unaltered by this proposal and does not form part of the application.

- 3.2 The site is accessed via a shared driveway off the main road and there is a gates access within the shared parking and turning area through a 5 bar gate. There is further parking for the host dwelling to the south of the building and there is a stable to the east with paddock land beyond.
- 3.3 The application site is within an Area of Attractive Landscape and within the Crafton Conservation Area. To the south of the application site and on the other side of Crafton Lodge Road is a Scheduled Ancient Monument.

4.0 PROPOSAL

The application seeks retrospective consent for four elements:

- retention of the dark stained timber barn building (including alterations to the barn from the approved scheme) with a tiled roof and in the location defined on the site plan and as built,
- the use of the barn building as a dog day care business and ancillary residential accommodation at first floor
- use of the main dwelling and associated curtilage in association with a dog boarding business
- The mixed use of land for agricultural, equestrian, grazing and the exercising of dogs.
- Related to the four elements to be considered, proposals relating to parking and access arrangements accompany the application.

- 4.1 The application was originally brought before the committee on the 5th September 2019 but was deferred pending further clarification regarding the extent of the works required to be regularised.
- 4.2 The barn was originally granted permission under planning reference 13/00373/APP with a condition that the building only be used for agricultural purposes. Permission is sought retrospectively for the change of use of the barn to use in connection with a dog day care business that has been in operation since 2016 following the erection of the barn. The day care business is limited in size by the presence of a license for a maximum of 11 dogs.
- 4.3 The barn was built to the width and depth as approved but with a 5.7m ridge height and an eaves height of 2.25m as opposed to the approved 5m ridge height and 2m eaves height. has also been located slightly further to the north than approved to avoid a cess pit
- 4.4 The building has been altered externally comprising the replacement of the timber doors to the south west side with full height timber effect upvc glazed doors, the window in the north west elevation being off set, both windows in flank elevations being upvc framed and the addition of three non conservation rooflights in the north east roof slope.
- 4.5 Permission is also sought for the continued use of the main dwelling and the associated garden in connection with a dog boarding business. The business has operated since 2008 and has a licence to accommodate up to a maximum of 4 dogs. These dogs mix with the applicants own dogs (uncontrolled by the licence). This element of the proposal could be considered under the Certificate of Lawfulness procedure but the applicant was advised by planning enforcement to seek planning permission for all three elements under one application, thereby regularising the use of the site as a whole.

4.6 In addition to the above, an area of land to rear of the property and barn is also used primarily for agricultural and equine grazing purposes (equine being non-commercial in nature), and for the exercising of dogs, associated with the day care business only, during the day (Monday to Friday) so that they do not need to be taken off site. The application also seeks to regularise this within the planning consent.

5.0 RELEVANT PLANNING HISTORY

- 82/00916/AV - Establishment of riding school – Approved.
- 89/00812/APP - Demolition of farm buildings erection of one dwelling – Approved.
- 96/02294/APP - Conversion of a stable block to a dwelling - Refused
- 97/00344/APP - Retention of 5 l. p. g. tanks – Refused.
- 97/01171/APP - Agricultural building – Refused.
- 97/01578/APP - Agricultural building – Refused.
- 97/02153/APP - Installation of one LPG underground storage tank – Approved.
- 98/00143/APP - Conversion of stables to dwelling – Refused.
- 98/00858/APP - Conversion of stables to dwelling – Approved.
- 98/02359/APP - Change of use of agricultural building to use as stables (Little Crafton Farm) – Approved.
- 13/00373/APP - Erection of agricultural storage building with associated hardstanding – Approved.
- 15/04110/APP - Erection of replacement porch to rear – Approved.
- 02/02521/APP - Erection of greenhouse – Approved.
- 19/01769/APP - New vehicular access road - Pending

6.0 PARISH/TOWN COUNCIL COMMENTS

At a meeting of the Parish Council on 19th June 2019 it was resolved to OBJECT to the application on the following grounds.

Noise and Residential Amenity: The location is close to residential dwellings, within the Crafton Conservation area and the noise and disturbance this business causes is unwarranted. This is represented by the objections filed by parishioners. At the very least an adequate cordon sanitaire of 75 metres should be conditioned to protect residents.

Traffic; This business brings extra traffic along a single track road which is unsuitable given its location inside the Crafton conservation area, again this has been covered extensively in parishioners objections.

The title of the application is misleading as the retention of a barn is in fact the retention of a barn converted without permission to a dwelling. We wonder why this isn't two separate applications, one for the conversion of the barn to a dwelling and the other for the dog boarding business. We are confident that should this application be made conventionally, as two separate planning issues and not as a retrospective application, it would be refused.

We now see it is clearly used as a dwelling. We are also concerned that in connection with 19/01769/APP this is an attempt to split this property into separate dwellings. This and its potential use as a dwelling should be controlled by condition.

Should the officer be minded to approve this application we request to speak at committee.

7.0 CONSULTATION RESPONSES

- 7.1 Rights of Way Officer – Notes that a public footpath runs to the west of the application site and has concerns regarding the parking arrangements that could potentially obstruct the footpath. A parking plan has been provided and, in conjunction with the Highway Officer, it is recommended that a condition be included that the parking spaces be laid out and permanently maintained.
- 7.2 Highways – Following receipt of a traffic survey, noted that although the highway network approaching the site is narrow and would not accommodate simultaneous two way vehicle flow, given the lightly trafficked nature of the road, it is not thought that a refusal on highway grounds would be sustainable.
- 7.3 Heritage – No concerns over the new position or increased height of the barn and the change of use is outside the normal heritage remit. However, concerns have been raised that the UPVC windows and non conservation rooflights are not considered sensitive to the character of the Conservation Area.
- 7.4 Economic Development – Welcomes the application to continue the use of the building as dog boarding and day care stating that the application agrees with AVDLP 2004, policy RA11 with the reuse of a permanent structure for non residential purposes. It also is supported by NPPF paragraph 83 for the sustainable growth for all types of business in rural areas but would like more information on the number of staff.
- 7.5 Archaeology – The nature of the works are unlikely to significantly harm the archaeological significance of the nearby Schedule Ancient Monument. No objection.
- 7.6 Environmental Health – Given the separation between the unit and the nearest residential properties, no objection.
- 7.7 Buckingham & River Ouzel Drainage Board – The site is outside the boards district and therefore no comment.

8.0 REPRESENTATIONS

- 8.1 Seven letters of objection have been received from the occupiers of dwellings within the hamlet who oppose the application on the grounds of:
- Noise of barking dogs while being dropped off and pick up would impact on the neighbours
 - Extra vehicular movements, especially at peak time, would cause a hazard to other road users
 - Use of the site and barn for dog care purposed is inappropriate within the Conservation Area and adjacent to the Scheduled Ancient Monument
 - Close proximity of the use in relation to the neighbouring dwelling inappropriate resulting in a noise nuisance. Has rooms close to where dogs can roam freely
 - Inappropriate for a business to operate within such a small rural hamlet and would set a precedent.
 - The alteration to the barn could lead to the change of use to a residential unit
 - The wooden fence screening from the public footpath unsuitable and unacceptable in this location
- 8.2 The occupier of Rose Cottage have advised that they share a rear boundary with the application site and that dogs roam freely on open land adjacent to the boundary which is only 5m away from the rear elevation of Rose Cottage. However, the plans provided show although there is a large area of land belonging to the applicant adjoining the rear garden of Rose Cottage, this land is use for the residential dog care business and not associated with the dog day care business.

- 8.3 In response to the letters of objection, the applicants agents submitted an additional letter, responding to a number of points raised by objectors, however a further letter from a neighbour highlighted concern that the letter did not provide further clarity.

9.0 EVALUATION

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

- 9.1 Policy GP35 of AVDLP requires that new development should respect and complement the physical characteristics of the site and surroundings, existing development in the locality and the natural and historic features of the site. Advice contained within the NPPF seeks to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing building and well-designed new buildings and to promote the development and diversification of agricultural and other land-based rural businesses.

The retention of the existing barn (as built) and use of the ground floor as a dog day care facility and first floor for ancillary staff break out area and for residential purposes.

- 9.2 The barn building has been constructed to the west of an existing stable building to a taller size than that approved so as to incorporate a first floor and rooflights in the north east facing roofslope. There are no views of this elevation of the building due to a line of mature trees between the building and a stable block.
- 9.3 The barn that is subject to retrospective planning application is set away to the west of the public footpath. The boundary between the barn and the footpath is defined by a 2m high close boarded fence.
- 9.4 The materials used in the construction of the barn comprise dark stained timber weatherboarding to the elevations set under a clay tiled pitched roof and facing towards the public footpath there are double opening upvc timber effect doors with a small window in the north west side elevations. There is a small window and door in the south east side elevation and one small window in the north west side elevation, both of which are permitted and which do not appear overly prominent in the context of the application site.
- 9.5 Policy RA8 of the AVDLP relates to proposals within an Area of Attractive Landscape and advises that development that adversely affects the character of the area will not be permitted unless appropriate mitigation measures can be secured and the Council will impose conditions or seek planning obligations to ensure the mitigation of any harm caused to the landscape interest.
- 9.6 Whilst the proposed building was not constructed in accordance with the approved details (13/00373/APP) and alterations to fenestration have taken place including the introduction of roof lights windows, it is considered that the building has been constructed from appropriate materials for the rural area and does not appear visually intrusive within the AAL, therefore the revised building is considered acceptable and accords with policy GP35 and RA8 of the AVDLP. In addition, in visual terms, the use of the structure does not result in any discernible harm in the context of these policies and harm to the character and appearance of the area. Officers consider that had the building as designed and in its present location been proposed, officers would have recommended approval for the structure.
- 9.7 Following the previous site visit, officers visited the barn and assessed the internal layout. Downstairs is laid out for dog boarding/day care – with 4 individual pens for dogs. Upstairs however is a small respite area for a worker, a bathroom as well as a bed.

- 9.8 The Design and Access Statement supplied with the application clearly sets out that the upstairs use of the Barn is to be used as 'residential ancillary'. Further clarification has been sought from the applicant as to what this actually means. Officers have been advised that the first floor is used on occasion by one of the applicants children or a guest visiting the main dwelling given the limited space in the main household.
- 9.9 Officer's are of the view that the appearance of the building and its use, as well as the immediate secure curtilage' area, do not lead to adverse impacts on the character and appearance of the main dwelling, the street scene or wider area, with limited views from public vantage points. Although visible from the adjacent public footpath, the building does not appear out of character with the location. Overall the building as built does not lead to any detrimental harm to the character of the area. In this instance, whilst the application seeks to regularise the use of the first floor as ancillary residential accommodation, and the applicant stating that it provides much needed accommodation ancillary to the dwelling, in this instance this element of the development cannot be supported. The barn is separate from the residential curtilage of the dwelling, and whilst it appears there would be some reliance on the main dwelling in terms of there being no cooking or living space beyond the bedroom, the barn itself is separated from the main dwelling's residential curtilage and therefore cannot be considered ancillary on this basis. Conditions limiting its use as ancillary accommodation during the operation hours of the business for members of staff would be appropriate, and that the rest of the building and garden area are to be used in association with the day care dog business would ensure that this is the case.
- 9.10 Further to this, the proposed downstairs layout and the upstairs area which provides respite for workers during the day is considered appropriate. The use as proposed, and what is to be assessed as part of this application, is considered acceptable, however to ensure that the terms of the consent are clear a condition is proposed that limits the use of the dog day care business to the opening hours of the day care use i.e. between the hours of 0700am to 1800hours Monday to Friday and at no time at weekends. In addition, the condition ensuring that the upstairs can be used as ancillary accommodation to the day dog boarding business between the hours of 0700 hours and 1800 hours Monday to Friday.

Mixed use of the main dwelling for dog boarding purposes

- 9.11 In addition to the retention of the barn and its use as a dog day care centre, the application also seeks to regularise the existing dog boarding business on the site. Within the main dwelling, the space is shared as residential and for the boarding of up to four dogs. The maximum number of dogs associated with boarding is restricted by a dog boarding licence for up to four dogs. The boarding arrangements mean the dogs are within the home with the internal layout being open plan with no separation between private and boarding space and therefore the two elements, residential and boarding are intrinsically linked, which is as per the dog boarding licence.
- 9.12 In running the business in this way, which is separate from the day care of the dogs (although the applicant acknowledges that on occasion a dog that boards may also be a dog within the day care building), the boarding dogs essentially form part of the domestic household during the evenings and at weekends. As such, it is expected that the use of the residential garden for the exercise of the boarding dogs would take place in this area, this however would be largely limited to evenings and weekends given that the other facility would allow for the day care needs of these dogs.
- 9.13 The scale of the boarding element is limited by the terms of the license to a maximum of four dogs, this appears to reflect the limited size of the dwelling and garden area when considering the overall scale of the site and what space would be appropriate for the boarding of dogs. It is considered the use is no more harmful than the use of the area for

purely residential purposes and the number of dogs who use this area is strictly limited. This is no more harmful than if the applicant had 6 dogs of their own (instead of 2 + 4 boarders). As such, in terms of impact on character and appearance, there are no negative impacts as a result of this development that would be of a level that would warrant refusal.

Outdoor area (run) associated with the dog day care business and equestrian and grazing of sheep etc.

- 9.14 Clarification has been sought as to use of the retained stable (outside the application proposal) and equestrian/dog run and grazing area to the east of the barn, identified green on the block plan. The applicant has informed officers that twice a day the dogs will be let in to the paddock to have a run, exercise and play. This negates the need to take the dogs off site. In addition, it was clarified that the keeping of horses and occasional sheep on the site is purely for private use only and not for any commercial or other activity. Sheep grazing takes place as a form of land management whilst the horses move from field to field as required.
- 9.15 It is considered that these uses are entirely appropriate for the location and lead to no adverse impacts on the landscape, street scene or general appearance of the countryside. Notwithstanding this, it would be appropriate to include a condition outlining the acceptable terms of the consent, this being that the area defined on the approved plan can only be used ancillary to the dog day care between the hours of 0700 and 1800 Monday to Friday, and at no other time, and for the keeping of horses and/or livestock ancillary to use of the main dwelling at any time and never for commercial purposes.

Impact on the setting of the conservation area and other heritage assets

- 9.16 Policy GP53 of the AVDLP seeks to ensure that development proposals respect the character and appearance of the Conservation Area and Section 16 of the NPPF relates to conserving and enhancing the historic environment.
- 9.17 The building is a relatively modest size, being only slightly taller than the approved scheme, that is located on part of a small paddock alongside a stable building and is shielded all round by fencing and existing vegetation affording no view of the building from the wider area. Whilst the proposed building was not constructed in accordance with the approved details (13/00373/APP) and alterations to fenestration have taken place, it is considered that the building has been constructed from appropriate materials for the rural area and does not appear visually intrusive within the AAL, therefore the revised building is considered acceptable and accords with policy GP35 and RA8 of the AVDLP. In addition, in visual terms, the use of the structure does not result in any discernible harm in the context of these policies and harm to the character and appearance of the area.
- 9.18 With regard to the fenestration, when permission was granted for the erection of the barn, condition 2 stated that the materials used in the development shall be used as indicated on the form and therefore should be timber. However, the condition did not stipulate that the windows and doors should not be replaced and therefore as the original building was built with timber doors to the front, the replacement of these doors with UPVC glazing could be considered permitted development. It is also noted that the applicant has rehung the original timber doors and these doors can be closed over the new glazing reducing the impact on the conservation area.
- 9.19 Similarly, UPVC rather than timber windows have been added to the end elevations and the position of the window to the north west facing side has been set off centre and does not therefore correspond to the original permission as granted in terms of materiality or position. There are no heritage concerns over the new position of the window and as the

two windows are relatively small, although timber windows would be preferable, a reason for refusal on these grounds could not be sustained.

- 9.20 With regard to the rooflights, although these are not considered characteristic of barn style buildings and do not comply with the current guidance for agricultural buildings, given the minimal visibility in the surrounding area, they are not considered to have a negative impact.
- 9.21 Regarding the other areas within the site, the use of the dog boarding within the house for up to 4 dogs (not including the owners own dogs) and use of the garden in association with this, has no negative impact on the character and appearance of the site as it remains residential in appearance. The use of the area marked green on the approved plan for non commercial grazing of animals and the keeping of horses has no negative impact on the character and appearance of the countryside but is instead considered appropriate for its location. In addition, the limited use of this area as a dog exercise area does not detract from the setting of the area and as such is considered acceptable.
- 9.22 Concern has also been raised that the use of the land for the dog day care business would be negatively impact upon the nearby Scheduled Ancient Monument. The SAM relates to an area of land that relates to a deserted medieval village on the southern side of Crafton Lodge Road. It is considered that the development the subject of this application would not have a detrimental impact on the character or setting of the SAM given that there is no direct relationship, or inter-visibility between the development and the SAM. In addition the nearest Listed Building is Crafton Farmhouse which is some 85m from the barn with intervening buildings, boundary treatments and development between the barn and the heritage asset. It is not considered that the proposed development, either the use or built form would have a negative impact on the character, appearance or setting of any heritage asset.
- 9.23 The building as built is considered appropriate for its setting and has a minimal impact on the character and appearance of the surrounding area and countryside with no adverse impact upon the Crafton Conservation Area and does not appear out of keeping with the rural area.
- 9.24 Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and to the statutory test of preserving the setting of the listed building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which are accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the conservation area and Scheduled Ancient Monument and that the setting of any listed building would be preserved and so the proposal accords with section 66 & 72 of the Act. In addition, no harm would be caused to the significance of the heritage asset and as such the proposal accords with guidance contained within the NPPF.

Impact on residential amenity

- 9.25 Policy GP8 of the AVDLP seeks to preserve the residential amenities of neighbouring properties by protecting their character of outlook, access to natural light and privacy and GP95 seeks to protect the amenities of existing occupiers from the adverse affects of existing uses.
- 9.26 The barn is sited within a small paddock area to the north of the existing development that fronts Crafton Lodge Road and there is a separation of approximately 30m between the barn and Little Chapel Stables which is within the applicant ownership and it is approximately 70m from the nearest neighbouring properties which comprise No's 15 and 17 Crafton Lodge Road which front the highway and are either side of the access.

- 9.27 Given the substantial separation between the business and with no views of the building from these dwellings, it is not considered that the extra height of the building or the use would give rise to a loss of amenity to the neighbouring dwelling complying with GP8 of the AVDLP.
- 9.28 With regard to the new use of the building, although the neighbours have highlighted the noise nuisance, information has been provided to state that the dogs would not be left unsupervised therefore reducing the likelihood of barking and the dog day care business would be on the parcel of land separated from the neighbouring dwelling and although it is accepted that barking will be heard, it is not considered that it would be at an unacceptable level therefore in compliance with GP95 of AVDLP.
- 9.29 Indeed, as referenced in the EH Officers consultation response, issues relating to noise levels have previously been investigated following a complaint. These noise levels were reduced to a level that was acceptable. Following these investigations, no further complaints have been logged since. The EH Officer went on to conclude that *given the separation distance between the unit and neighbouring residential dwellings and the lack of any recent complaints environmental health has no objection to this application.*
- 9.29 The dogs are exercised in a paddock area beyond the stable building to the north east of the barn but not let out before 9am. Dogs being exercised are supervised at all time by two members of staff.
- 9.30 The dogs that board are kept in the applicants home and are also supervised at all times. These dogs are restricted to a small enclosed area, defined yellow on the block plan, around the main dwelling and not the paddocked area. The small area is enclosed by picket fencing to prevent the dogs running along the boundary with 17 & 18 Crafton Lodge Road and Rose Cottage.

Impact on highways & parking

- 9.31 GP24 of AVDLP seeks that new development is required to provide vehicular parking in accordance with the SPG on Parking Guidelines.
- 9.32 The property is served by an access off Crafton Lodge Road which is an unclassified road subject to a 30mph limit. A Vehicle Movement Survey has been submitted with the application showing a typical daily timeline as follows:
- 4 day care dogs arriving between 7am and 9am being dropped off by their owners who have sent a text message beforehand to be met by staff on arrival
 - One vehicle belonging to the business leaving at 7.15am to collect day care dogs
 - One vehicle belonging to the business leaving at 7.30am to collect day care dogs
 - Collection one vehicle arrives back at 8.20am
 - Collection two vehicle arrives back at 9.45am.
 - The majority of the day care dogs loaded into the two vehicles for delivery back to their owners between 3.30pm and 4pm
 - The remaining 4 dogs in day care collected by their owners between 4pm and 6.30pm

The Highway Officer has commented that although the access approaching the site is narrow, the limited vehicle movements associated with the current business use does not generate excessive traffic use and therefore has no objection.

- 9.33 The site is accessed through a shared courtyard with parking for three cars within the courtyard and a further three cars can be parking to the front of Little Chapel Stables. Given the amount of visitors expected, the parking is considered adequate and visits would be by appointment and therefore can be staggered to lessen the impact

- 9.34 In addition to the above, given that boarding dogs attract less vehicle movements (due to there being a total of 4 dogs associated with this element of the business as well as being in care for a longer period of time), the vehicle movements in association with this element are not considered to be of a level or frequency to warrant any concern.
- 9.35 The Rights of Way Officer has concerns that parking may occur to the front of the public footpath but following the receipt of a revised parking plan, has no objections subject to the condition suggested by the highway officer.
- 9.36 Having regard for the above, it is considered that the development would accord with Policy GP24 of the AVDLP, the Council's SPG on Parking Guidelines and the NPPF.

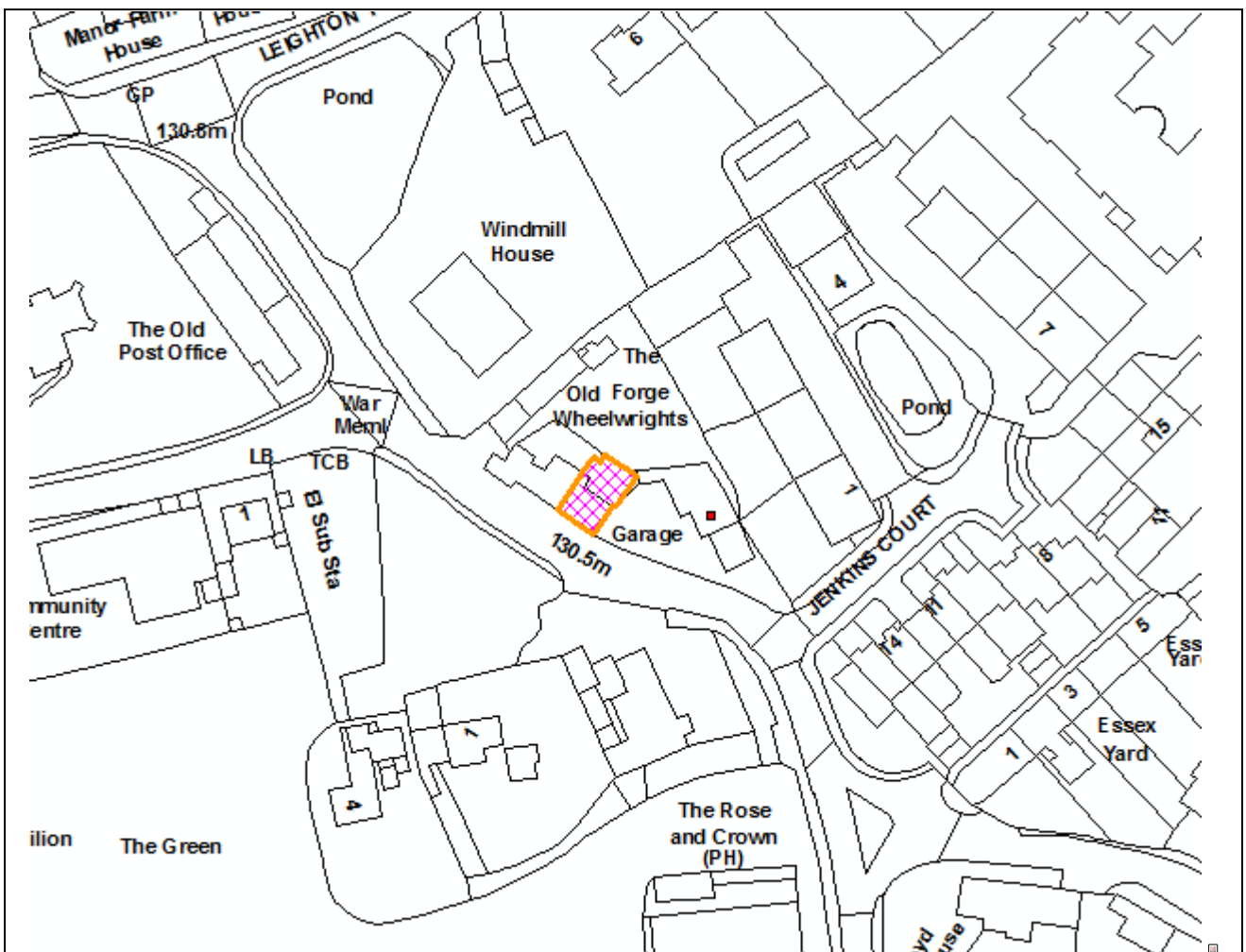
Other matters

- 9.37 The Parish Council have concerns that it is intended to convert the building into a separate unit of accommodation. The applicants set out within the submitted details that the first floor has been used as an additional bedroom ancillary to the main dwelling. It is accepted that the use of the barn as an independent dwelling household would constitute inappropriate development, however this is not what is proposed as part of the application. The use of the first floor for overnight accommodation has been considered in the context of it being ancillary to the main dwelling, however it is concluded the barn is not within the residential curtilage of the dwelling, is physically separated from the dwelling and therefore cannot be considered as ancillary accommodation on this basis.. However, for the avoidance of doubt, a condition is considered appropriate limiting the first floor of the unit for ancillary break out space for use in connection with the dog day care business during opening hours only addresses this concern
- 9.38 Further to the above, concern has been raised regarding events that take place on the land, potentially by the Pony or Kennel Club. The existing equestrian use remains unchanged as a result of this proposal and it would be inappropriate to put additional restrictions on the site on a use that is already lawful and not altered by this permission (other than the introduction of the mixed use as outlined within the report and the recommended conditions). The applicant has confirmed that no events are carried out on the site and in any case, this does not form part of the application.
- 9.39 Similarly, clarity had been sought regarding whether horse liveries are provided or if the horses are for private use only. Again, the applicant has confirmed that the only horses kept on site are those belonging to the applicant and that no livery is provided; the application does not relate to any commercial equine business.

Case officer: Janet Mullen (jmullen@aylesburyvaldc.gov.uk)

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18/03719/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/03719/APP	WINGRAVE WITH ROWSHAM The Local Member(s) for this area is/are: - Councillor P Cooper	06/11/18
CHANGE OF USE TO NEW DWELLING, INTERNAL AND EXTERNAL ALTERATIONS, ERECTION OF SINGLE STOREY REAR EXTENSION AND BOUNDARY FENCE. THE GARAGE THE GREEN HP22 4PD MISS P MARCHANT STREET ATLAS PAGE NO. 89		

1.0 The Key Issues in determining this application are:-

- a) **The planning policy position and the approach to be taken in the determination of the application**
- b) **Whether the proposal would constitute a sustainable form of development 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**
- c) **Impact on residential amenities**

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

2.0 Conclusion and Recommendation

- 2.1 This application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the planning principles of the NPPF and whether the proposals deliver sustainable development. In this case the Wingrave and Rowsham Development Plan (WRNP) is an up to date neighbourhood plan that contains policies relevant to the determination of this application. It is part of the development plan, and S38(6) requires that the development plan is the starting point in decision making, where applicable.
- 2.2 In addition, NPPF paragraph 52 is also relevant: it states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. In this case the proposal falls within the settlement boundary and the relevant policy 1 of the WRNP states that proposals for new housing development will be supported. As such, Paragraph 11 of the NPPF is not triggered and a weighted balance assessment is not required. Notwithstanding this, the proposed development would still need to accord with adopted plan policy and be acceptable with regard to all other material planning considerations. In this instance, the proposed development is considered to accord with Policies 1 and 5 of the WRNP and policies GP8, GP24, GP35 GP.53 and RA8 of the AVDLP. Other relevant policies and VALP policies will be referred to in the application specific report.
- 2.3 The development would make a contribution to the housing land supply delivering a new residential dwelling. There will be economic benefits in terms of the construction of the development itself and benefits associated with the resultant increase in population. There will also be social benefits arising from the uplift in the population and the role in the community.. Whilst Highways concerns have been raised, the location of the dwelling is considered sustainable with provision of local services and public transport and the situation is no worse than the previously implemented consent which provides a similar parking layout and access and therefore the scheme is deemed acceptable in this regard. Whilst the unauthorised works to the listed building have caused irreparable harm to the building, it is considered that the proposed rebuild is sensitive to the original design of the building, being very similar to 2015 listed building consent on the building. The proposals therefore would amount to less than substantial harm to significance of the heritage asset which would be weighed against the public benefits of the proposal. The public benefits of the proposal include restoring the buildings historic form, the need for the building to have a new function in order for it to survive, improving the buildings appearance on the Conservation Area and the settling on the adjoining listed building and the delivery of a new housing unit and associated economic benefits, it is therefore judged that the proposals are acceptable in this regard.
- 2.4 Compliance with some of the other sections of the NPPF have been demonstrated in terms of promoting healthy communities, the design of the development, biodiversity, flood risk, and residential amenity.
- 2.5 Therefore, having regard to the made Wingrave and Rowsham Neighbourhood Plan, the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance and the emerging VALP, it is considered that the development would accord with policy 1 and 5 of the WRNP and the saved policies of the AVDLP, emerging policies of the VALP and the NPPF and there are no identified harms of an unacceptable nature occurring that would warrant refusal to take place.
- 2.6 Given the above assessment, it is recommended that the application be APPROVED subject to conditions set out below:

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 development hereby permitted shall only be carried out in accordance with the approved plans, Amended Site Location Plan reference 0789/LCN01A, Amended Plans, Elevations and Sections drawing number 0789/01N, Amended Certificate of Ownership dated 14.08.2019, Window/Door Details drawing number 0789/PL03B, Windows Details drawing number 0789/PL04A, Amended Site Observations/ Timber Elements Schedule - drawing number 5040-SK01 Rev A (01/02/19), Amended Roof Sections Drawing number 5040-SK02 rev A

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

3. Brickwork detail - No work permitted by this consent shall take place until details of the proposed brick bond, mortar mix specification and pointing technique have been provided to the Local Planning Authority by means of a sample panel (which shall remain on site for the duration of the development and the Local Planning Authority has given written approval of those details. The development shall be carried out using the approved details.

Reason: To ensure that the proposed works can be effected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

4 Bricks - The bricks which have been taken from the existing building will be set aside and reused on this building and the balance to be made up of matching bricks.

Reason: To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

5 Roof - The peg tiles and slates which have been stripped from the roof shall be set aside and reused on this building and the balance to replace those unsuitable for re-use shall be made up with matching tiles.

Reason: To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

6 Rainwater goods - No work shall be carried out to the rainwater goods (or the replacement rainwater goods) in accordance with this consent until details of the colour which it is proposed that they shall be painted has been submitted to and approved in writing by the Local Planning Authority. All rainwater goods shall be of cast iron or cast aluminium depending on the agreed type upon rise - and - fall brackets. The development shall be carried out using the approved details.

Reason: To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

7 Rooflights - The rooflights hereby permitted shall be conservation type and flush fitting.

Reason: To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

8 Flue and Vents - Prior to the installation of any new flues, vents or extracts to be fitted externally to the building full detailed plans shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out using the approved details.

8. Reason: To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

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

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with policy GP24 of the AVDLP and the National Planning Policy Framework

10 The dwelling will not occupied until an acoustic report, produced by an independent acoustic consultant, has been submitted to, and approved in writing, by the Local Planning Authority. The report will assess the site in accordance with the provisions of BS4142:21 04, including vehicle movements on the forecourt, and will demonstrate that with appropriate mitigation the rating level will be a maximum of 5dB above the background level in the grounds of the new property. The report will also determine any mitigation required to ensure that internal noise levels in the dwelling do not exceed the levels specified in table 4 of BS8233:2014. Any mitigation required to meet the above standards will be installed prior to occupation and thereafter maintained.

Reason: To protect residential amenity of future occupants of the dwelling and the commercial interests of the existing garage.

Informatives

1) It is advised that prior to occupation of the dwelling a sign advising that no smoking or naked flames, due to the presence of the petrol vents pipes, shall be installed in the rear amenity area and shall be retained in perpetuity thereafter. The development will be required to conform to all relevant health and safety legislation.

3.0 WORKING WITH THE APPLICANT/AGENT

3.1 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 discussions have taken place with the Applicant / Agent who responded by submitting amended plans which were found to be acceptable and approval is recommended.

4.0 Introduction

- 4.1 Councillor Peter Cooper (Wingrave Ward) objects to the application and wishes to speak at committee. The objection to the application relates to: the damaging works which have taken place to the listed building and that important parts of the listed building have been removed - full restoration should be incorporated into design before application is considered; that the parking is inadequate and is over a garage forecourt, parking on the village green area is heavily over subscribed and that there are concerns over close proximity to fuel store.
- 4.2 In response to the Councillor's comments the planning department consider that, in relation to the works to the listed building, whilst the unauthorised works to the listed building have significantly harmed the heritage asset, this application cannot require any enforcement action to be taken but seeks to remedy the harm caused to the building. It is considered that the proposed works to the building will help restore the building and secure its long term survival. The works proposed are extremely alike, almost identical, to the 2015 listed building application which was approved – although it is acknowledged that this application did not involve the unauthorised demolition. Therefore it is considered that the application will help preserve the building for the future and will have a positive impact on the conservation area and adjoining listed building when viewed in context of the existing situation
- 4.3 The parking and access to the site, whilst not considered to an ideal arrangement, is viewed in context of the previously implemented planning consent 90/01279/APP which is a material consideration when determining the application. This application also had 1 parking space and utilised the same access path as proposed scheme. Wingrave is also considered to be a larger village in the Council's Settlement Hierarchy Assessment which notes that Wingrave has 8 key services, with good employment provision and an hourly bus service; with the site being located within 50m of a bus stop.
- 4.4 It is considered therefore in view of the previous consented scheme and the other aforementioned material circumstances that the parking and access arrangements are acceptable. The Councillors comments relating to parking elsewhere in the village are noted however as mentioned above the parking arrangements are considered acceptable.
- 4.5 The proximity to fuel stores is noted however this would be covered under separate legislation from the planning act.

5.0 Site Description

- 5.1 The site is located towards the centre of Wingrave off Dark Lane and relates to a derelict workshop extension that formed part of an earlier building known as Wheelwrights. The building is grade II Listed and located within the Wingrave Conservation Area and the Quinton-Wing Hills Area of Attractive Landscape. The workshop is sited to the west of the

garage on the corner of Dark Lane/Jenkins Court and is opposite an area of open space with car park beyond that provides parking for the community centre.

5.2 The listing for the property describes it as:

House and workshop. Late C18 and C19 alterations to older building. Left bay has timber frame to left side and rear, C19 brick to front. 2 centre bays are of late C18 chequer brick with plinth and moulded eaves, and have central chimney. Old tile roofs, hipped to left over small shop extension. Late C19 2-bay extension to right is of red brick with dentil eaves and tiled roof. Centre bays are of 2 storeys with C20 barred wooden casements and off-centre C20 half-glazed door. Ground floor openings have segmental heads with narrow stone or rendered keyblocks. Diaper in blue headers to left of door. Left bay is of one storey with 2 irregular barred wooden casements. C19 bays to right are of 2 storeys with C20 3-light windows to ground floor and barred horizontal sliding sashes to first floor.

6.0 PROPOSAL/DESCRIPTION OF DEVELOPMENT

6.1 The proposal seeks to rebuild the building as a dwelling following the partial demolition including the removal of the roof and front façade. A rear extension has also been partially built which also forms part of the application. The dwelling is to have painted timber casement windows to the ground floor front elevation, with 'Yorkshire side sash' windows to the first floor to match the original style. In the side elevation (south east) the existing first floor side elevation window is to be retained and painted and the existing side elevation ground floor garage door frame and door to be retained with one side opening door.

6.2 To the rear the first floor windows are side sashes to match the original. To the ground floor rear there is to be single storey mono-pitched extension, which has been partially built. The extension is 1.9m deep, 6.1m wide, 2.7m to the ridge and 2.1m to the eaves with 2 rooflights to the roof and a casement window and patio doors. All of the alterations are very similar in appearance to approved listed building consent 15/01321/ALB

6.3 Materials from the original building are to be reused such as the purlins which were retained on site, also some of the rafters, 12, will be re-used with new structural timber. In addition 1400 face bricks and a similar number of three quarter and half bricks will be retained to reinstate the front elevation of the building. The main roof is to be clay tiles as per the original, with slates to the single storey projection

6.4 Internally the building will have a lounge, W/C and dining kitchen area at ground floor and 3 bedrooms (one ensuite) and a bathroom at first floor level.

6.5 Access to the rear parking is via the garage forecourt to the southeast of the dwelling, leading to the rear of the dwelling providing one parking space, 2 cycle spaces and an area for bins.

7.0 RELEVANT PLANNING HISTORY

7.1 85/01165/AV - CONVERSION OF PREMISES TO FORM 2 DWELLINGS - APPROVED

7.2 85/01166/AV - CONVERSION OF PREMISES TO FORM 2 DWELLINGS WITH MINOR ALTERATIONS - APPROVED

7.3 90/01279/APP - CONVERSION OF WORKSHOP TO FORM 2 DWELLINGS (RENEWAL OF AV/1165/85) - APPROVED

7.4 94/00906/ALB - ERECTION OF 2 DWELLINGS - RENEWAL OF APP/00813/89 - APPROVED

7.5 99/00626/APP - Erection of 2 dwellings - Renewal of 94/0906/APP - APPROVED

7.6 05/00902/APP - Erection of two semi-detached houses - REFUSED

7.7 05/02749/ACL - Mixed use of site for two dwellings, workshop and associated garage uses

- APPROVED
- 7.8 15/01321/ALB - Internal and external alteration and single storey rear extension – APPROVED
- 7.9 18/02053/APP - Single storey rear extension, internal and external alterations and erection of boundary fence (Part Retrospective) - Withdrawn
- 7.10 18/02054/ALB - Single storey rear extension, internal and external alterations and erection of boundary fence (Part Retrospective) – Pending Consideration

8.0 PARISH/TOWN COUNCIL COMMENTS

- 8.1 Wingrave with Rowsham Parish Council - **object** to the application on the grounds that:
 - There is insufficient parking allocation for a dwelling, especially a 3 bedroom one
 - The proximity to both the fuel stores and vent pipes is a major concern
 - The building is listed and no application has been received from Heritage
 - Internal proportions of this site are too small for modern living
 - Concerns over how the building has been treated.
- 8.2 Councillor Peter Cooper (Wingrave Ward) – **Objects** and wishes to speak at committee:-
 - Damaging works have taken place to the listed building and important parts of the listed building have been removed. Full restoration should be incorporated into design before application is considered
 - Parking is inadequate and is over a garage forecourt
 - Parking on the village green area is heavily over subscribed
 - Concern over close proximity to fuel stores

9.0 CONSULTATION RESPONSES

- 9.1 Buckingham & River Ouzel Internal Drainage Board – No Comments
- 9.2 AVDC Ecology – No objection
- 9.3 AVDC Highways – The parking space is tight, 2 spaces should be provided as proposal is for 3 bed dwelling. Notes rights of way to be resolved.
- 9.4 BCC Archaeology – No objection
- 9.5 AVDC Heritage Comments - Consider that the proposed works to the building amount to less than substantial harm and the maintenance of the building's historic external form and the need for the building to have a new function in order for it to survive are relevant positive factors. Application to be approved subject to conditions.
- 9.6 AVDC Environmental Health – Dwelling directly adjacent to an operational service station/garage is likely to be subject to some level of noise disturbance from the adjacent commercial activities. It is important that adequate protection from noise from the commercial activities has been provided at this time to protect both the new residents and the ability of the garage site to continue to operate without significant restrictions. A condition requiring an acoustic report to be submitted has been suggested..

10.0 REPRESENTATIONS

10.1 1 letter of objection to this application has been received, 3 letters corresponding listed building

- Appears to be no application for Listed Building Consent.
- The living areas for the dwelling are small and are unrealistic
- Application should be revised to 1 bed dwelling which would resolve parking issues
- The parking area shown is for only one car which is inadequate for three bedrooms. The parking
- Cars will be parked in the public car park on the green
- Conditions relating to sash windows on previous applications should be proposed
- Yorkshire sash windows should be used
- Joinery details to be approved by the conservation officer
- Support the re- construction of the Old Workshop building in its original style as soon as possible.
- Concerns with location of fence
- property should be referred to as 'The Garage Cottage' and not The Garage
- Concerns over boundary
- Concerns whether car can fit into space
- Concerns over visibility
- Concerns over use of parking space
- Neighbouring garage has right of way over land to the south west of the building
- Considerations over use of space to the rear
- Concerns over smoking and BBQ's close to fuel tank vent pipes -high risk of fire or even explosion.
- With appropriate amendments to the access gate and fence we would very much like to see the development completed as soon as possible
- Property currently an eyesore and impacting on neighbouring businesses

11.0 EVALUATION

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

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

Wingrave with Rowsham Neighbourhood Plan (WRNP)

11.4 The Wingrave with Rowsham Neighbourhood Development Plan 2013-2033 (WNP) was 'made' on 30th September 2016 and is a material planning consideration. Given the Council currently have a 5 year housing supply and the WRNP is the most up to date plan it should be given full weight. The following paragraphs of this report set out the policies of the WRNP which are of particular relevance to this case.

11.5 Policy 1: A Spatial Plan for the Parish

11.6 The Neighbourhood Plan designates a Wingrave Settlement Boundary, as shown on the Policies Map within which proposals for new housing development will be supported.

11.7 Rowsham will remain a hamlet in the open countryside without a defined settlement boundary where new infill housing will be supported subject to other policies in this Plan.

11.8 The policy includes provision for identification of additional or reserve site housing development land that could be developed should the sites allocated in Policies 2, 3 and 4 not deliver a sufficient number of dwellings to meet updated assessment of housing need. The neighbourhood plan will be reviewed in line with VALP Draft Plan Policy securing development through neighbourhood plans (or its successor/replacement) to find a suitable additional / reserve site within a year of the adoption of VALP.

11.9 The supporting text to policy 1 states:

No such (settlement) boundary is proposed for Rowsham. However, the Parish Council is aware of the desire of many Rowsham residents to secure both new housing development and a green space for recreation in the hamlet. In reviewing the Neighbourhood Plan in future years, the Council will consider proposing a new spatial plan for Rowsham to achieve those objectives provided they are supported by the Rowsham community.

Policy 5: Design

11.10 The scale, massing, layout and design of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings and the topography and setting of the site to be developed.

11.11 The layout and plot coverage will provide open views and glimpses from within the village to the countryside. It will seek to avoid closing in development. Facing materials and finishes must be in keeping with those used in neighbouring properties and should, where appropriate, include reclaimed vernacular materials.

11.12 External lighting should not be visually intrusive nor create adverse light pollution.

11.13. This will be considered below.

Aylesbury Vale District Local Plan (AVDLP) – The Development Plan

11.14 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 particular relevance are GP8, GP24, GP35, GP53 and RA8.

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

11.15 The overview report sets out the current position with regards to VALP. A number of policies within the VALP following the main modifications consultation which started on the 5th November 2019, are now afforded some weight in the decision making process. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those policies of particular relevance are BE1 (Heritage Assets), BE2 (Design of new development), BE3 (Protection of the amenity of residents), NE4 (Landscape character and locally important landscapes), T6 (vehicle parking) and S3 (settlement hierarchy and cohesive development). The weight to be given is considered in the paragraphs below.

11.16 The majority of the above policies (not mentioned in the below paragraph) can be given moderate weight meaning that where there are objections and the Inspector

has requested main modifications and therefore objections can be regarded as being “resolved”. The context being that the Inspector has considered the proposed modifications and in agreeing them for consultation, has confirmed that he is reasonably satisfied that they remedy the points of unsoundness identified in the examination process so far.

- 11.17 Policy BE3 has been the subject of objections and the Inspector has not requested main modifications so these can be regarded as resolved and this policy can be given considerable weight. The remainder of these policies have been the subject of objections and the Inspector requested main modifications and confirmed that he is satisfied they remedy the objection so these can be given moderate weight. These do not fundamentally change the position established through the made neighbourhood plan and saved AVDLP policies.

National Planning Policy Framework (NPPF)

- 11.18 The most up to date national policy is set out in the 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.
- 11.19 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).
- 11.20 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).

b) Principle of development

- 11.21 The Government’s view of what ‘sustainable development’ means in practice is to be found in paragraphs 7 to 211 of the Framework, taken as a whole (paragraph 3). The Framework has a presumption in favour of sustainable development.
- 11.22 The Council’s Settlement Hierarchy Assessment 2017 identifies Wingrave as larger village having a population of 1,389 and 8 key services and states that Wingrave has a ‘*Fairly large population but poorly connected to a large service centre (nearly 6 miles to Aylesbury or Leighton Buzzard). Has good employment provision and an hourly bus service, and eight of the key services.*
- 11.23 The site is located within the settlement boundary identified in the WRNP, which states that ‘*The Neighbourhood Plan designates a Wingrave Settlement Boundary, as shown on the Policies Map within which proposals for new housing development will be supported.*’
- 11.24 Consent has also previously been granted for the conversion of the building to a residential dwelling with the conversion of the subject building and the attached building into 2

dwelling being granted consent in 1985 under planning applications 85/01165/AV and 85/01166/AV. Under these permissions the subject building was to be converted into a 3 bedroom dwelling with lounge kitchen and dining area on the ground floor. The permission 85/01165/AV was subsequently renewed in 1990 under planning reference 90/01279/APP. A certificate of lawful development was received in 2005 where confirmation on whether the 1990 (90/01279/APP) consent had been lawfully implemented or not. The report stated the following:

- 11.25 *Evidence - In 1995 the applicants sought to renew application 90/00279/ APP relating to the conversion of garage house & attached workshop into 2 dwellings. The forms and submitted application fee (cheque) were subsequently returned at that time, under cover a comp slip from a Planning Officer, stating that permission was not required. This followed a telephone conversation between the two parties whereby the planning officer had pointed out that the separation of the 2 properties constituted a start to the development and that renewal was not therefore required. Despite reference on the compliment slip to a letter to follow confirming this there is no evidence/copy to be found of such a letter. An inspection of the site clearly shows/proves that the other half of the original property has been separated/converted to form a dwelling.*

CONCLUSION

- 11.26 *"I consider that the site is authorised for the use sought in this application - i.e. mixed use of the site for two dwellings, workshop and associated garage uses."*
- 11.27 The issued lawful development certificate under 05/02749/ACL therefore confirmed that planning consent 90/01279/APP (which was a renewal of 86/01165/AV) has been implemented and as stated in the report 'has therefore been kept alive in perpetuity'. However, whilst the 1990 consent had previously considered to be implemented, due to relatively recent partial demolition of the building, it is no longer considered capable of completing this previous consent for conversion of the building. The previous consent therefore is no longer considered to be capable of completion; however it is still a material consideration in the determination of the planning application.
- 11.28 Overall the development is located within the settlement boundary where proposals for new housing development will be supported by the WRNP and located within a larger village and therefore it is considered that the site is in principle acceptable for housing. The previous consents affirm this view.

Delivering a sufficient supply of homes

- 11.29 Local planning authorities are charged with delivering a wide choice, sufficient amount of and variety of land and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development.
- 11.30 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.

- 11.31 Consideration is given to 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, as required by the NPPF.
- 11.32 In respect of affordable housing the scheme does not meet the thresholds for securing such provision on site as outlined in AVDLP policy GP2 which refers to the provision of 25 dwellings or more or a site area of 1 ha or more.
- 11.33 The application seeks provision of a dwelling and so would add to the housing stock. There is no reason that the site could not be delivered within the next five year period making a contribution to housing land supply which would be a significant benefit to which limited positive weight should be given, owing to the scale of development and its relatively limited contribution. This aspect is therefore a matter which weighs in favour of the application

Building a strong competitive economy

- 11.34 Consideration is given to whether the development would 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.
- 11.35 Paragraph 83 of the NPPF 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.
- 11.36 It is considered that there would be economic benefits arising from the provision of residential accommodation on this site in terms of the provision of the dwelling and the resultant increase in population contributing to the local economy.

Promoting healthy and safe communities

- 11.37 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. It will therefore be necessary to consider how each scheme addresses these issues.
- 11.38 Policies GP.86-88 and GP.94 of the AVDLP 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.
- 11.39 The proposal would be below the threshold requiring any financial contributions towards the above services.
- 11.40 The dwelling is located within close proximity of meeting places for people to interact, such as the Wingrave Community Centre and the Rose and Crown PH and therefore there are plenty of opportunities for the occupiers of the new dwelling to interact with the local community. As such the proposal would not conflict with the overall aims of paragraph 91 of the NPPF.

Promoting sustainable transport

Sustainable Location

- 11.41 It is necessary to consider whether the proposed development is located where the need to travel will be minimised, the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the guidance in the NPPF.
- 11.42 Paragraph 108 of the NPPF 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.
- 11.43 Paragraph 109 states, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.44 The promotion of sustainable transport is an important 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.
- 11.45 The site, as stated above, has access to 8 key services including a food store, public house, post office, community building, children's play equipment and combined school. Whilst it is noted by the settlement hierarchy that Wingrave is poorly connected to a large service centre, it is noted that it has good employment provision and an hourly bus service, with a bus stop located around 50m from the site.. The WRNP also supports housing within the within the settlement boundary and the site also has a also previously been granted consent to be used as a dwelling.
- 11.46 It is therefore judged that the site is a sustainable location for the limited housing proposed.

Parking and Access

- 11.47 AVDC's parking policy GP24 of the AVDLP requires that new development accords with published parking guidelines. SPG1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development. 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.
- 11.48 The proposals provide parking for 1 space to the rear of the property behind a sliding gate with access to the space proposed from the side.
- 11.49 It is noted by the officer that the parking arrangement is not ideal, with the AVDLP guidelines stating that for 3 bedroom dwellings a maximum of 2 spaces are to be required, 1 within the curtilage. However, as stated above in 17.5, the site is considered a sustainable location for the limited housing proposed, given the key services provided and bus service. Whilst the parking space is noted as being tight, it does provide the adequate space set out in the guidance.
- 11.50 The access to the rear parking space utilises the 5m of the existing forecourt access for the garage and whilst a fence had been proposed diving the land from the dwelling and the garage this has been removed from the scheme. The access does have relatively poor

visibility to the highway however the previous consent was to use the same access and it also serves a garage and petrol station and highways do not consider a reason for refusal could be sustained and therefore is considered to be acceptable for use by 1 vehicle in line with the parking provision.

- 11.51 As such it is considered that the proposals are in line with policy GP24 of the AVDLP, SPG1, emerging Policy T6 of VALP and the NPPF.

Supporting high quality communications

- 11.52 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.
- 11.53 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 this development, and therefore it is considered that the proposal would accord with the guidance set out in the NPPF.

Making effective use of land

- 11.54 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. Planning decisions should take into account the identified need for different types of housing and other development, local market conditions and viability, infrastructure requirements, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.
- 11.55 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 suitable land to accommodate it.
- 11.56 The site is brownfield land, located within the Wingrave settlement boundary and has previously has consent for the use of the site as a dwelling. It is therefore considered that it is an effect use of the land in accordance with the NPPF.

Achieving well designed places

- 11.57 Policy 5 of the WRNP states that the scale, massing, layout and design of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings and the topography and setting of the site to be developed. The layout and plot coverage will provide open views and glimpses from within the village to the countryside. It will seek to avoid closing in development. Facing materials and finishes must be in keeping with those used in neighbouring properties and should, where appropriate, include reclaimed vernacular materials.
- 11.58 Policy GP.35 of the AVDLP requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines.

The Council's adopted supplementary planning guidance in the form of the 'New Buildings in the Countryside' Design Guide is also relevant in this respect. This policy is in general conformity with the NPPF (2019) which states in paragraph 124 that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 126 states that visual tools such as design guides and codes provide a framework for creating distinctive places, with a consistent and high quality standard of design.

- 11.59 Policy BE2 of VALP can be given moderate weight and states that all new development proposals shall respect and complement the following criteria:
- The physical characteristics of the site and its surroundings including the scale and context of the site and its setting
 - The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials
 - The natural qualities and features of the area, and
 - The effect on important public views and skylines.
- 11.60 The scheme is almost identical to an approved Listed Building application 15/01321/ALB which granted listed building consent for '*Internal and external alteration and single storey rear extension*'. The new front ground floor casement windows would replace the former shop style windows with new 'Yorkshire side sash windows' to be inserted at first floor level – these replicate the original style windows which were noted as an interesting feature for the building. To the side the existing window is to be restored and the existing side elevation ground floor garage door frame and door are to be retained with one side opening door.
- 11.61 To the rear the first floor windows are side sashes to match the original. To the ground floor rear there is to be single storey mono-pitched extension, which has been partially built. The extension is 1.9m deep, 6.1m wide, 2.7m to the ridge and 2.1m to the eaves with 2 rooflights to the roof and a casement window and patio doors.
- 11.62 Materials from the original building are to be reused such as the purlins which were retained on site, also some of the rafters, 12, will be re-used with new structural timber. In addition in respect of facing bricks, three quarter and half bricks will be retained to reinstate the front elevation of the building. The main roof is to be clay tiles as per the original, with slates to the single storey rear projection.
- 11.63 The works will reuse historic fabric and use materials to match the existing build, respecting the historic character and appearance of the building – essentially being a rebuild. This is in line with policy 5 of the WRNP which states that development proposals '*will be required to reflect the architectural and historic character and scale of the surrounding buildings and the topography and setting of the site to be developed.*' And that '*facing materials and finishes must be in keeping with those used in neighbouring properties and should, where appropriate, include reclaimed vernacular materials*'. The rear extension remains subservient to the host and is respectful in its style to the main building - it is almost identical to the single storey rear extension granted listed building consent under 15/01321/ALB.
- 11.64 Internally the proposals are similar to the previous consent, 90/01279/APP, with 3 bedrooms, 2 bathrooms, 1 en-suite, with open plan sitting room and kitchen dining room at ground floor. Whilst it is noted that the dwelling will be small for a 3 bed property, with 2 small bedrooms and little circulation space it is not considered that it will have a detrimental impact on future occupiers and will provide an acceptable quality of accommodation with adequate daylight and ventilation, being dual aspect, and would also be larger than the previous scheme with the rear extension. The amenity space is limited, however; the

Wingrave recreational ground is located 50m as the Crow flies from the site, which assists in providing an area of amenity space for the occupants, although it is noted that this is not private amenity space which is shared with parking. It is judged that whilst the proposals provide limited private amenity space that location of a recreational ground nearby and that the previous consent provided a similar level of space that this is considered allowable.

- 11.65 It is considered that the proposal is respectful of the buildings character and appearance and is in line with previous approvals. It is therefore considered that the proposals are in line with WRNP policy 5, AVDC policy GP.35, emerging VALP policy BE2 and the NPPF.

Meeting the challenge of climate change and flooding

- 11.66 Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 11.67 Specifically with regard to flood risk, it is stated that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 11.68 The application site falls within Flood Zone 1 and is therefore considered to be at very low risk of flooding and in addition, the proposed dwelling is unlikely to result in exacerbating flood risk elsewhere including adjoining land.

Conserving and enhancing the natural environment

- 11.69 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.
- 11.70 Section 15 of the NPPF states planning policies and decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 11.71 Policy GP.35 of the AVDLP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. This policy is considered to be consistent with the NPPF.
- 11.72 Policy RA.8 of the AVDLP states that development proposals within Areas of Attractive Landscape should respect their landscape character and development in these areas which adversely affects this character will not be permitted.

- 11.73 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.
- 11.74 Whilst the site is located within the Quanton-Wing Hills Area of Attractive Landscape, the property is located within the built up area on a residential street and has an urban context. It is not therefore considered that the proposals will cause any harm to the AAL and therefore the proposal would comply with RA8 of the AVDLP and policy NE4 of the emerging VALP.
- 11.75 There is no natural landscaping to the rear of the building and therefore the proposals would have no impact on any habitat.
- 11.76 It is considered that the proposals would not cause any harm to the natural environment and are therefore considered compliant with policies GP35 and RA8 of the AVDLP, policies NE1 and BE2 of the emerging VALP and the wider objectives of the NPPF.

Conserving and enhancing the historic environment

- 11.77 Policy GP53 of the AVDLP requires new development in Conservation Areas seeks to preserve or enhance the special characteristics of the conservation area; not cause harm to the character or appearance of the Conservation Areas, their settings or any associated views of or from the Conservation Area; must respect the historic layout, scale and form of buildings, street patterns, open spaces and natural features in the Conservation Area that contribute to its character and appearance; and that proposals for alterations, extensions and changes of use must respect and complement the character, materials and design details of the structure and site concerned and its neighbours. Policy GP.53 of the AVDLP is to be given limited weight as it is inconsistent with the language of the NPPF by failing to incorporate the balancing test contained in paragraph 196 of the NPPF.
- 11.78 Policy BE1 of the emerging VALP (moderate weight) states that All development, including new buildings, alterations, extensions, changes of use and demolitions, should seek to conserve heritage assets in a manner appropriate to their significance, including their setting, and seek enhancement wherever possible.
- 11.79 Paragraph 193 of the NPPF 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. With paragraph 194 stipulating that any harm to or loss of the significance of a designated heritage asset must be supported by a "clear and convincing justification". In the case of heritage assets, permission for the substantial harm to or loss of the significance of these assets would only be granted in exceptional circumstances. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 11.80 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of Listed Buildings. In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Recent cases in the

High Court of Appeal have placed emphasis on Local Planning Authorities ensuring that great weight is attached to these duties.

- 11.81 Development took place on the site to convert the building to a residential dwelling however the development went beyond works granted consent in 2015 under 15/01321/ALB. The works in question being the removal of the original roof structure and first floor structures as well as a substantial portion of the road-side elevation of the building having been taken down along with the entire opposite flank wall contrary to the scheme as approved.
- 11.82 This loss of the roof and first floor structures and the removal of much of the building's original flank walling has clearly constituted a very great loss of original fabric /historic features very much to the diminishment of the overall significance of this designated heritage asset. That said the applicant has retained the original bricks from the sections of walling taken down both on the road-side elevation of the building (where there had already existed a large ground floor window opening) and from the elevation (north-eastern) that faces away from the road where the whole of the original walling has been taken down when works were stopped the external walls to the previously approved single storey side extension for the kitchen/diner had been built along with a rebuilt first floor wall.
- 11.83 This application and the accompanying listed building consent 18/02054/ALB (*Single storey rear extension, internal and external alterations and erection of boundary fence (Part Retrospective)*) seeks to address the works undertaken without the benefit of consent and seeks to continue to complete the development essentially to the design that was previously given consent for in 2015 (15/01321/ALB), albeit with a new first floor and roof structures and a rebuilt road-side elevation to the modified form previously approved.. Internally it is noted that is now being proposed to enlarge the opening between the living room and the new partially built kitchen extension. As this internal alteration would not result in any further loss of historic fabric the change as such would not have any impact on the significance of the building. The previously approved fence has also been removed and a smaller fence has been erected to the rear of the building, 1.55m high, separating the parking and amenity area from the adjoining Wingrave Garage.
- 11.84 In the case of this particular building, whilst arguably the works undertaken without the benefit of consent have greatly eroded the value of this heritage asset, it is however now believed that the building's significance lies in its relationship to the adjoining listed property, The Old Wheelwrights, and its visual contribution to the Wingrave Conservation Area. As such given that consent has previously been given to convert the building to a dwelling it is considered important to ensure the rebuilding of the road-side elevation is achieved in a way to ensure the rebuilt and new elements of this elevation seamlessly match in with the existing brickwork that remains along the bottom of this elevation and towards the corners. To that end it is judged the works to rebuild the road-side elevation would need to be an element of the works that needs special attention to ensure a satisfactory outcome and as such it is recommended that a condition requiring a sample panel of walling to be produced to ensure the bricks, mortar mix and colour, brick bond and mortar joint size and finish are correct.
- 11.85 Further details were provided throughout the course of the application in relation to elements of the rebuild:

Roof Timbers

- 11.86 Drawing 5040-SK01 (rev A - 1/2/19) was submitted confirming the reuse of the existing purlins which were retained on site. It also confirms some rafters will be re-used - subject to condition and quality. Following this it has been confirmed from the builders inventory

check of the materials retained on site that historic rafters will be reused, albeit with new structural timber along side. In addition it was confirmed there are face bricks, three quarter and half bricks retained to reinstate the front elevation of the building. This should be constructed using an appropriate mortar, bricks bond and pointing as per the wall prior to its collapse.

Windows

- 11.87 The side sliding sash windows whilst initially retained, were reported stolen from the site – a crime reference number was provided. Revised drawings (0789/PL03B and 0789/PL04A) have been submitted detailing single glazed windows with integral glazing bars, also clearly annotating the proposed windows to the elevation drawing. These documents also confirm replications of the side sash windows will be inserted to the first floor windows to the front.

Fence

- 11.88 The height of the proposed boundary gate and fence has been lowered to 1.55m and will be located along the rear boundary with the property and the abutting Wingrave Garage.
- 11.89 The Council's Heritage officers have worked closely on the application to ensure they were satisfied with the level of information provided and the rebuild. Following the further information provided they are satisfied with the proposals and have no objections subject to conditions being imposed on any approval. They conclude that the proposals would preserve the architectural external form of the listed building and as such the character and appearance of the conservation area and note that whilst substantial harm has been caused to the significance of the designated heritage asset in relation to the unauthorised demolition works, the works proposed themselves amount to less than substantial harm. It is considered that the maintenance of the building's historic external form and the need for the building to have a new function in order for it to survive are relevant factors.
- 11.90 It is therefore considered that whilst substantial harm to the significance of the designated heritage asset has already been caused by the unauthorised works, the works proposed themselves amount to less than substantial harm. which would be weighed against the public benefits of the proposal as set out in paragraph 196 of the NPPF. The public benefits of the proposal include restoring the buildings historic form, the need for the building to have a new function in order for it to survive, improving the buildings appearance on the Conservation Area and the settling on the adjoining listed building. Special attention has also been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and to the statutory test of preserving the setting of the listed building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which are accepted as a higher duty. It has been concluded that the development would preserve the character and appearance of the conservation area and that the setting of the listed building would be preserved and so the proposal accords with section 66 & 72 of the Act.

d) Impact on residential amenities

- 11.92 AVDLP policy GP8 indicates that proposals will be granted if the development does not unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal.
- 11.93 Policy BE3 of VALP (considerable weight) seeks to protect the amenity of existing residents and achieve a satisfactory level of amenity for future residents.

- 11.94 Paragraph 127 of the NPPF seeks to ensure that development create places with a high standard of amenity for all existing and future occupants.
- 11.95 The development would not result in any impact on privacy or loss of light issues to neighbouring properties, the building will be replicating the built form of the original building.
- 11.96 Concerns have been raised by the councils environmental health officers regarding the use of the building for residential purposes and impact the exiting garage will have on the occupiers of the proposed residential accommodation with regards to noise, recommending a acoustic report be completed before occupation. The garage provides services for motor vehicles, MOTs and has a single petrol and diesel pump for vehicles. A condition requiring the submission of an acoustic report which will include the impact of vehicle movements on the forecourt, and will demonstrate that with appropriate mitigation the rating level will be a maximum of 5dB above the background level in the grounds of the new property. The report will also determine any mitigation required to ensure that internal noise levels in the dwelling do not exceed the appropriate levels. This condition will be recommended as part of any approval
- 11.97 The adjoining property would also benefit from the proposed dwelling, as the original use of this area as a workshop would likely have a negative impact due the party wall being the only separation between the 2 units. This would have been a consideration when both, the neighbouring property and the application site, were to be converted under the original consent. It is not considered that any neighbouring properties or the host property will be unduly affected as a result of the proposals and it would accord with GP8 of the AVDLP BE3 of the emerging VALP and NPPF.

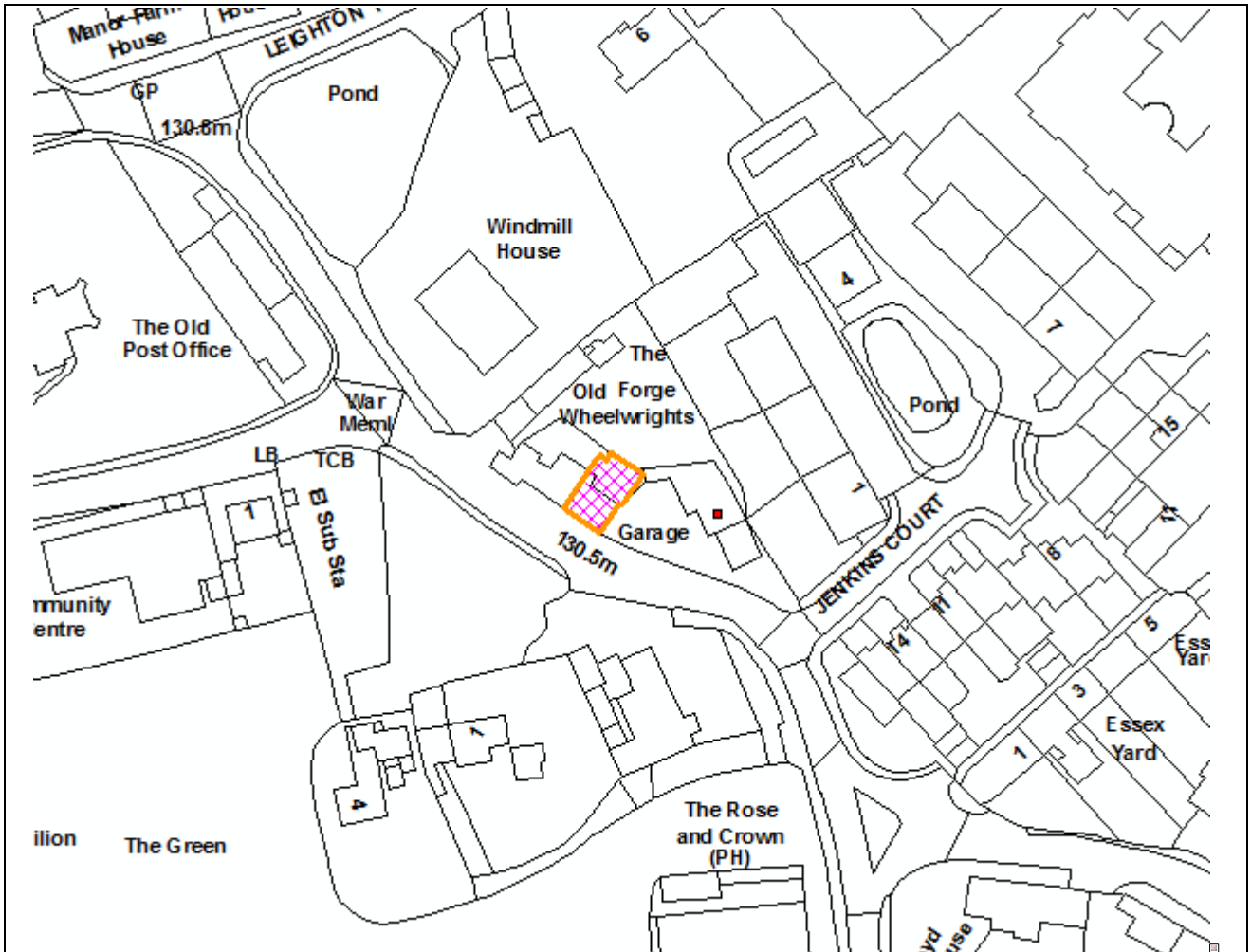
Other Matters

- 11.98 Enforcement – An enforcement investigation was carried out by enforcement officers in relation to the unauthorised works. Enforcement proceedings cannot be considered as part of this planning application.
- 11.99 Fuel Stores – Concerns have been raised regarding smoking and lighting BBQ's near the fuel pump vents. Whilst this is covered under separate legislation an informative will be placed on any consent to advise of this.
- 11.100 Rights of way – The applicant has confirmed that they have an easement over the land to access the rear of the property by vehicle.

Case officer: Will Docherty (wdocherty@aylesburyvaldc.gov.uk)

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18/02054/ALB	
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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/02054/ALB	WINGRAVE WITH ROWSHAM	11/06/18
SINGLE STOREY REAR EXTENSION, INTERNAL AND EXTERNAL ALTERATIONS AND ERECTION OF BOUNDARY FENCE (PART RETROSPECTIVE) THE GARAGE THE GREEN HP22 4PD MISS P MARCHANT	The Local Member(s) for this area is/are: - Councillor P Cooper	
STREET ATLAS PAGE NO. 89		

1.0 The Key Issues in determining this application are:-

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

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

2.0 Conclusion and Recommendation

2.1 Whilst substantial harm has been caused to the significance of the heritage assets through the unauthorised works, the proposed development seeks to rebuild the building using retained materials and materials to match the original for of the building, almost identical to the 2015 approval. The loss of the roof and first floor structures and the removal of much of the building's original flank walling clearly constitutes a very great loss of original fabric/historic features that severely diminish the overall significance of this designated heritage asset, such that significance now lies very much in the proposal here to restore the external appearance of the building, which is considered to visually contribute to the setting of the adjoining listed Wheelwrights dwelling and the visual historic contribution the two buildings make to the character and appearance of the conservation area.

2.2 Therefore whilst harm has been caused the heritage assets, the development seeks to rebuild and preserve the building in accordance with sections 16 and 66 of the Act. It is also considered that the character and appearance of the conservation area and that the listed building would be preserved in accordance with paragraph 72 of the Act. In addition, whilst substantial harm to the significance of the designated heritage asset has been caused by the unauthorised works, the works proposed themselves amount to less than substantial harm which would be weighed against the public benefits of the proposal. It is considered that the rebuilding of the building's historic external form and the need for the building to have a new function in order for it to survive are important public benefits.

2.3 Given the above assessment, it is recommended that the application be APPROVED subject to conditions set out below :

2.4 Conditions:

1. STC6 – Standard time condition

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall only be carried out in accordance with the approved plans, Amended Site Location Plan reference 0789/LCN01A, Amended Plans, Elevations and Sections drawing number 0789/01N, Amended Certificate of Ownership dated 14.08.2019, Window/Door Details drawing number 0789/PL03B, Windows Details drawing number 0789/PL04A, Amended Site Observations/ Timber Elements Schedule - drawing number 5040-SK01 Rev A (01/02/19), Amended Roof Sections Drawing number 5040-SK02 rev A

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

3. Brickwork detail - No work permitted by this consent shall take place until details of the proposed brick bond, mortar mix specification and pointing technique have been provided to the Local Planning Authority by means of a sample panel (which shall remain on site for the duration of the development and the Local Planning Authority has given written approval of those details. The development shall be carried out using the approved details.

Reason: To ensure that the proposed works can be effected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework

4. Bricks - The bricks which have been taken from the existing building will be set aside and reused on this building and the balance to be made up of matching bricks.

Reason: To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

5. Roof - The peg tiles and slates which have been stripped from the roof shall be set aside and reused on this building and the balance to replace those unsuitable for re-use shall be made up with matching tiles.

Reason: To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

6. Rainwater goods - No work shall be carried out to the rainwater goods (or the replacement rainwater goods) in accordance with this consent until details of the colour which it is proposed that they shall be painted has been submitted to and approved in writing by the Local Planning Authority. All rainwater goods shall be of cast iron or cast aluminium depending on the agreed type upon rise - and - fall brackets. The development shall be carried out using the approved details.

Reason: To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

7. Rooflights - The rooflights hereby permitted shall be conservation type and flush fitting.

Reason: To ensure that the proposed works can be affected without detriment to the

special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

- 8 Flue and Vents - Prior to the installation of any new flues, vents or extracts to be fitted externally to the building fully detailed plans shall be submitted to the Local Planning Authority and approved in writing. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.

3.0 WORKING WITH THE APPLICANT/AGENT

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

4.0 INTRODUCTION

- 4.1 Councillor Peter Cooper (Wingrave Ward) objects to the application and wishes to speak at committee and wishes to speak at committee. The objection to the works to the listed building relate around the works taken place to the building and that important parts of the listed building have been removed and full restoration should be incorporated into design before application is considered.
- 4.2 In response to the Councillors comments the planning department consider that the works proposed would restore the building and would incorporate features, such as the single storey rear extension and alterations to ground floor windows, which had previously been granted consent in 2015. Therefore, whilst it is acknowledged that unauthorised works have taken place to the building, this application seeks to rebuild the building to its previous form, utilising materials salvaged and materials to match.

5.0 SITE DESCRIPTION

- 5.1 The site is located towards to the centre of Wingrave off Dark Lane and relates to a derelict workshop extension that formed part of an earlier building known as Wheelwrights. The building is grade II Listed and located within the Wingrave Conservation Area and the Quainton-Wing Hills Area of Attractive Landscape. The workshop is sited to the west of the garage on the corner of Dark Lane/Jenkins Court and is opposite an area of open space with car park beyond that provides parking for the community centre.
- 5.2 The listing for the property describes it as:

House and workshop. Late C18 and C19 alterations to older building. Left bay has timber frame to left side and rear, C19 brick to front. 2 centre bays are of late C18 chequer brick with plinth and moulded eaves, and have central chimney. Old tile roofs, hipped to left over small shop extension. Late C19 2-bay extension to right is of red brick with dentil eaves

and tiled roof. Centre bays are of 2 storeys with C20 barred wooden casements and off-centre C20 half-glazed door. Ground floor openings have segmental heads with narrow stone or rendered keyblocks. Diaper in blue headers to left of door. Left bay is of one storey with 2 irregular barred wooden casements. C19 bays to right are of 2 storeys with C20 3-light windows to ground floor and barred horizontal sliding sashes to first floor.

6.0 PROPOSAL/DESCRIPTION OF DEVELOPMENT

- 6.1 The proposal seeks to rebuild the building as a dwelling with painted timber casement windows to the ground floor front elevation, with 'Yorkshire side sash' windows to the first floor to match the original style. In the side elevation (south east) the existing first floor side elevation window is to be retained and painted and the existing side elevation ground floor garage door frame and door to be retained with one side opening door.
- 6.2 To the rear the first floor windows are side sashes to match the original.. To the ground floor rear there is to be single storey mono-pitched extension, which has been partially built. The extension is 1.9m deep, 6.1m wide, 2.7m to the ridge and 2.1m to the eaves with 2 rooflights to the roof and a casement window and patio doors. All of the alterations are very similar in appearance to approved listed building consent 15/01321/ALB
- 6.3 Materials from the original building are to be reused such as the purlins which were retained on site, also some of the rafters, 12, will be re-used with new structural timber. In addition 1400 face bricks and a similar number of three quarter and half bricks will be retained to reinstate the front elevation of the building. The main roof is to be clay tiles as per the original, with slates to the single storey projection
- 6.4 Internally the building will have a lounge, W/C and dining kitchen area at ground floor and 3 bedrooms (one ensuite) and a bathroom at first floor level.
- 6.5 To the rear of the dwelling is 1 parking space, 2 cycle spaces and an area for bins.

7.0 RELEVANT PLANNING HISTORY

- 7.1 85/01165/AV - CONVERSION OF PREMISES TO FORM 2 DWELLINGS - APPROVED
- 7.2 85/01166/AV - CONVERSION OF PREMISES TO FORM 2 DWELLINGS WITH MINOR ALTERATIONS - APPROVED
- 7.3 90/01279/APP - CONVERSION OF WORKSHOP TO FORM 2 DWELLINGS (RENEWAL OF AV/1165/85) - APPROVED
- 7.4 99/00626/APP - Erection of 2 dwellings - Renewal of 94/0906/APP - APPROVED
- 7.5 05/00902/APP - Erection of two semi-detached houses - REFUSED
- 7.6 15/01321/ALB - Internal and external alteration and single storey rear extension – APPROVED
- 7.7 18/02053/APP - Single storey rear extension, internal and external alterations and erection of boundary fence (Part Retrospective) - Withdrawn
- 7.8 18/02054/ALB - Single storey rear extension, internal and external alterations and erection of boundary fence (Part Retrospective) – Pending Consideration

8.0 PARISH/TOWN COUNCIL COMMENTS

- 8.1 Wingrave with Rowsham Parish Council – have concerns over the application
- There is insufficient parking allocation for a dwelling, especially a 3 bedroom one
 - The proximity to both the fuel stores and vent pipes is a major concern
 - The building is listed and no application has been received from Heritage
- 8.2 Councillor Peter Cooper (Wingrave Ward) – **Objects** and wishes to speak at committee:-

- Damaging works have taken place to the listed building and important parts of the listed building have been removed. Full restoration should be incorporated into design before application is considered
- Parking is inadequate and is over a garage forecourt
- Parking on the village green area is heavily over subscribed
- Concern over close proximity to fuel stores

9.0 CONSULTATION RESPONSES

9.1 BCC Archaeology – No objection

9.2 AVDC Heritage Comments – 4 separate comments received throughout the life of the application. Final comments, consider that the proposed works to the building amount to less than substantial harm and the maintenance of the building's historic external form and the need for the building to have a new function in order for it to survive are relevant positive factors. Application to be approved subject to conditions.

9.3 Buckingham & River Ouzel Internal Drainage Board – No Comments

9.4 AVDC Ecology – No objection

10.0 REPRESENTATIONS

10.1 3 letters of objection corresponding to this application and 1 letter of objection to full application

- Appears to be no application for Listed Building Consent.
- The living areas for the dwelling are small and are unrealistic
- Application should be revised to 1 bed dwelling which would resolve parking issues
- The parking area shown is for only one car which is inadequate for three bedrooms. The parking
- Cars will be parked in the public car park on the green
- Conditions relating to sash windows on previous applications should be proposed
- Yorkshire sash windows should be used
- Joinery details to be approved by the conservation officer
- Support the re- construction of the Old Workshop building in its original style as soon as possible.
- Concerns with location of fence
- property should be referred to as 'The Garage Cottage' and not The Garage
- Concerns over boundary
- Concerns whether car can fit into space
- Concerns over visibility
- Concerns over use of parking space
- Neighbouring garage has right of way over land to the south west of the building
- Considerations over use of space to the rear
- Concerns over smoking and BBQ's close to fuel tank vent pipes -high risk of fire or even explosion.
- With appropriate amendments to the access gate and fence we would very much like to see the development completed as soon as possible
- Property currently an eyesore and impacting on neighbouring businesses

11.0 EVALUATION

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

11.1 Section 16 & 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving the Listed

Building, its setting and any features of special architectural or historic interest in which it possesses.

- 11.2 Policy 5: Design of the Wingrave with Rowsham Neighbourhood Plan (WRNP) states that the scale, massing, layout and design of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings and the topography and setting of the site to be developed.
- 11.3 The relevant policies within the Aylesbury Vale District Local Plan in respect of Listed Buildings are now out of date. Policy BE1 Heritage assets of the emerging VALP states that the historic environment, unique in its character, quality and diversity across the Vale is important and will be preserved or enhanced. All development, including new buildings, alterations, extensions, changes of use and demolitions, should seek to conserve heritage assets in a manner appropriate to their significance, including their setting, and seek enhancement wherever possible. This policy is to be given moderate weight in the decision making process as the inspector has considered the proposed modifications and in agreeing them for consultation, has confirmed he is reasonably satisfied that they remedy the points of unsoundness identified in the examination process so far.
- 11.4 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 11.5 The application for listed building consent has been submitted as a result of development works being implemented to convert the listed building into a three bedroom dwelling, to demolition and alterations that did not form part of the listed building consent originally given in 2015 under 15/01321/ALB. The works in question being the removal of the original roof structure and first floor structures as well as a substantial portion of the road-side elevation of the building having been taken down along with the entire opposite flank wall contrary to the scheme as approved.
- 11.6 This loss of the roof and first floor structures and the removal of much of the building's original flank walling has clearly constituted a very great loss of original fabric /historic features very much to the diminishment of the overall significance of this designated heritage asset. That said the applicant has retained the original bricks from the sections of walling taken down both on the road-side elevation of the building (where there had already existed a large ground floor window opening) and from the elevation (north-eastern) that faces away from the road where the whole of the original walling has been taken down when works were stopped the external walls to the previously approved single storey side extension for the kitchen/diner had been built along with a rebuilt first floor wall.
- 11.7 This current listed building consent seeks to address the works undertaken without the benefit of consent and essentially seeks to continue to complete the development essentially to the design that was previously given consent for in 2015 (15/01321/ALB), albeit with a new first floor and roof structures and a rebuilt road-side elevation to the modified form previously approved. The only external difference being proposed (overly the earlier consented scheme), is to the fenestration form of the first floor over the entrance on the south-eastern end elevation of the building that keeps the design unchanged it. Internally it is noted that it is now being proposed to enlarge the opening between the living room and the new partially built kitchen extension. As this internal alteration would not result in any further loss of historic fabric the change would not have any impact on the significance of the building. The previously approved fence has also been removed and a

smaller fence has been erected to the rear of the building, 1.55m high, separating the parking and amenity area from the adjoining Wingrave Garage.

11.8 In this case of this particular building whilst arguably those works undertaken without the benefit of consent have greatly eroded the value of this heritage asset, it is however now believed that the building's significance lies in its relationship to the adjoining listed property, The Old Wheelwrights, and its visual contribution to the Wingrave Conservation Area. As such given that consent has previously been given to convert the building to a dwelling, it is considered important to ensure the rebuilding of the road-side elevation is achieved in a way to ensure the rebuilt and new elements of this elevation seamlessly match in with the existing brickwork that remains along the bottom of this elevation and towards the corners. To that end the expectation is to condition these works and require a sample panel of walling to be produced to ensure the bricks, mortar mix and colour, brick bond and mortar joint size and finish are correct.

11.9 Further details were provided throughout the course of the application in relation to elements of the rebuild:

Roof Timbers

11.10 Drawing 5040-SK01 (rev A - 1/2/19) was submitted confirming the reuse of the existing purlins which were retained on site. It also confirms some rafters will be re-used - subject to condition and quality. Following this it has been confirmed from the builders inventory check of the materials retained on site that 12 historic rafters will be reused, albeit with new structural timber along side.

Bricks

11.11 Approximately 1400 facing bricks and a similar number of three quarter and half bricks have been retained to reinstate the front elevation of the building. This should be constructed using an appropriate mortar, bricks bond and pointing as per the wall prior to its collapse. These are recommended to be secured via conditions.

Windows

11.12 The side sliding sash windows whilst initially retained, were reported stolen from the site – a crime reference number was provided. Revised drawings (0789/PL03B and 0789/PL04A) have been submitted detailing single glazed windows with integral glazing bars, also clearly annotating the proposed windows to the elevation drawing. These documents also confirm replications of the side sash windows will be inserted to the first floor windows to the front.

Fence

11.13 The height of the proposed boundary timber gate and close boarded timber fence has been lowered to 1.55m and will be located along the rear boundary with the property and the abutting Wingrave Garage.

11.14 The Council's Heritage officers have worked closely on the application to ensure they were satisfied with the level of information provided and the quality of rebuild. Following the receipt of additional information the heritage officer has confirmed that they whilst substantial harm to the significance of the designated heritage asset has already been caused by the unauthorised works, the works proposed themselves amount to less than substantial harm and that it is considered that the maintenance of the building's historic external form and the need for the building to have a new function in order for it to survive are relevant factors. t:

11.15 ***The Planning (Listed Building and Conservation Areas) Act 1990***

The proposals would preserve the architectural external form of the listed building and as such the character and appearance of the conservation area.

NPPF

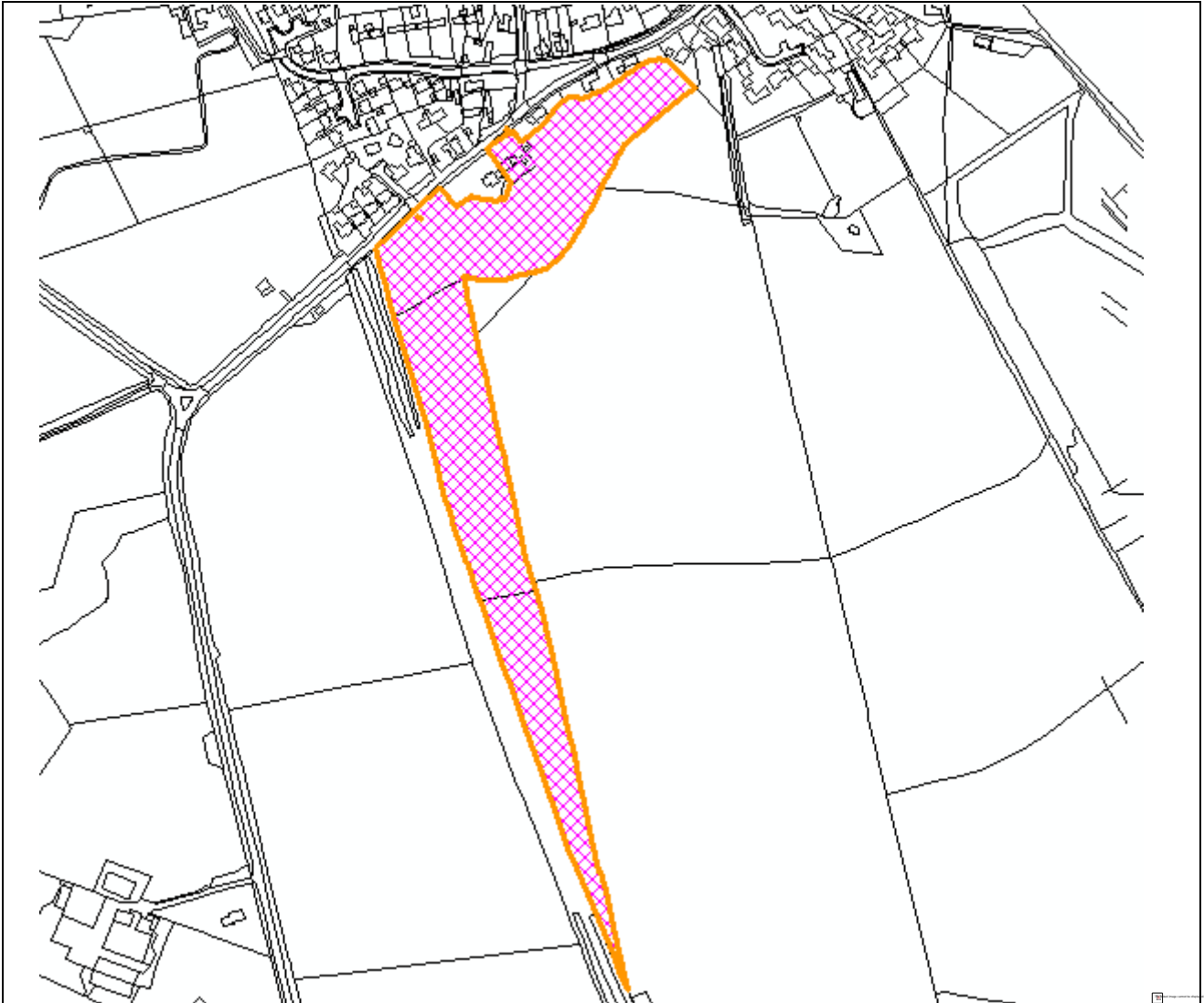
Whilst substantial harm to the significance of the designated heritage asset has already been caused by the unauthorised works, the works proposed themselves amount to less than substantial harm. Paragraph 132/133 and 134 of the NPPF therefore applies; in applying this policy it is considered that the maintenance of the building's historic external form and the need for the building to have a new function in order for it to survive are relevant factors.

- 11.16 It is therefore considered that whilst substantial harm to the significance of the designated heritage asset has already been caused by the unauthorised works, the works proposed themselves amount to less than substantial harm which would be weighed against the public benefits of the proposal as set out in paragraph 196 of the NPPF. The public benefits of the proposal include restoring the buildings historic form, the need for the building to have a new function in order for it to survive, improving the buildings appearance on the Conservation Area and the settling on the adjoining listed building. Special attention has also been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and to the statutory test of preserving the setting of the listed building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which are accepted as a higher duty. It has been concluded that the development would preserve the character and appearance of the conservation area and that the setting of the listed building would be preserved and so the proposal accords with section 66 & 72 of the Act.

Case officer: Will Docherty (wdocherty@aylesburyvaldc.gov.uk)

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19/01233/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/01233/APP	PADBURY The Local Member(s) for this area is/are: -	01/04/19
ERECTION OF AGRICULTURAL BUILDING LAND REAR/ADJ TO FAIRHAVEN MAIN STREET PADBURY MK18 2BJ	Councillor Llew Monger Councillor Susan Renshell	
MR CHRISTOPHER MCNALLY		
STREET ATLAS PAGE NO. 53		

1.0 The Key Issues in determining this application are:-

- A) Planning policy position and the approach to be taken in the determination of the application**
- B) Principle of the development proposed**
- C) Impact on the Conservation Area and the surrounding area**
- D) Impact on residential amenity**
- E) Impact on highways**
- F) Flood risk**
- G) Biodiversity**
- H) Other Matters**

The recommendation is that the application be deferred and delegated to Officers for approval following the completion of a legal agreement to secure the implementation of only one permission: the development the subject of this application, planning permission reference 17/00939/APP or planning permission reference 18/01703/APP. Any permission to be subject to such conditions as are considered appropriate; or if the S106 legal agreement is not satisfactorily agreed, for the application to be refused by officers for reasons considered appropriate.

2 CONCLUSION AND RECOMMENDATION

- 2.1 The application has been evaluated against the Development Plan, comprising of the Aylesbury Vale District Local Plan (AVDLP) and the NPPF and the report has assessed the application against the planning objectives of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking 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 which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

- 2.2 The proposal seeks to construct an agricultural building on agricultural land adjacent to the existing dwelling Fairhaven.
- 2.3 A previous application on this site was refused and this is discussed below. It is considered that amendments to the development including the relocation of the proposed building and the amendments to the design have addressed the previous concerns in relation to the visual harm in relation to the proposal and the new scheme is not considered to harm the character and appearance of the area or of the conservation area.
- 2.4 As with the previous application issues regarding the access to the site remain however it is considered that these can be dealt with via a legal agreement restricting the implementation of other consents. Similarly, whilst issues with regards to flooding have been raised as a concern, it is judged that these can be dealt with via pre-commencement conditions ensuring a satisfactory drainage scheme is in place prior to any implementation of any permission granted. The access to the building, whilst noted as being narrow, is existing and is the only available access to serve the agricultural land following the implementation of reserved matters application 18/00064/ADP, which the applicant states is their intention. There have been no objections raised by the Buckingham County Council Highways Engineers also with regards to the proposals. There are no significant residential amenity concerns with regards to the proposal.
- 2.5 Special regard has been given to the statutory test of preserving the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. In respect of the impact on the Conservation Area, to which this site is adjacent, it is considered that the proposed development would result in less than substantial harm and at the very lowest end of the scale in terms of the NPPF. Paragraph 196 of the NPPF states that where development will lead to less than substantial harm to the significance of the asset this should be weighed against the public benefits of the proposal. In this instance the proposals will help support the rural economy, which is supported under paragraph 83 of the NPPF and would result in the tidier appearance of the land. This was noted in the appeal as not outweighing the harm in the buildings previous location, however with the revised scale of the proposals and the revised location it is considered that the level of harm would be reduced compared with the previous scheme and it would not be sufficient to justify a refusal. As such it is considered that the public benefits would outweigh the harm caused and there would not be a conflict with the NPPF.
- 2.6 It is therefore recommended that the application be **DEFERRED AND DELEGATED** to officers for approval following the satisfactory completion of a legal agreement in respect of access arrangements to the building with regards to other planning consents with any permission to be subject to such conditions as are considered appropriate; or if the S106 legal agreement is not satisfactorily agreed, for the application to be refused by officers for reasons considered appropriate.

3.0 INTRODUCTION

- 3.1 The application needs to be determined by committee as the parish council has raised material planning objections with regards to flooding and highway impacts of the development and wish to speak at committee.

4.0 SITE LOCATION AND DESCRIPTION

- 4.1 The site comprises a small agricultural holding to the south west of the village of Padbury. The land holding is laid to pasture and is irregular in shape, extending in tapering form to a

point 600m to the south along the line of the former railway embankment of the Verney junction to Buckingham and Brackley branch railway. A separate arm of land extends about 230m to the north east. The land rises quite steeply to the south and more gently to the north east. The holding is approximately 3.7ha in size.

- 4.2 There are two accesses to the holding, one to the western side of the site just slightly south of Amblers Way, which is the opposite side of Main Street, and one utilising the same access as the residential property Fairhaven, which is also in the applicant's ownership. The area of land supporting the access near Amblers Way has been shown edged in blue in the application documents and access currently remains to the land through this gateway.
- 4.3 The farming taking place on the land is livestock, specifically cattle, which were present on the case officers site visit. The land was purchased by the applicant from the previous landlord in June 2014. The applicant has farmed the land for over 10 years, and expects to have in excess of 12 cattle on the land in the future. The applicant has stated that they have grazed over 200 cattle on the land previously.
- 4.4 The site for the new barn building is located to the east of Fairhaven and to the rear of Ivy Cottage and Rose Cottage, which are all residential dwellings located on Main Road. As noted above, there is an access to the land using the same access as the driveway to Fairhaven. There is a notable gap between Fairhaven and Ivy Cottage which provides views onto the farmland and the valley that Padbury sits in.
- 4.5 The site adjoins the Padbury Conservation Area, with the curtilage to the properties immediately to the north and west forming the Conservation Area boundary. The site is not within a landscape designation, not within a flood plain nor within an ecology notification area.

5.0 PROPOSAL

- 5.1 The proposal is for a new agricultural building/ barn, the proposal is a re-submission of the previously refused application 19/00042/APP, which was subsequently dismissed at appeal, with the buildings size and location within the site being altered.
- 5.2 The proposed building is formed of 2 interconnecting sections; a 3 bay general purpose store and a smaller secure store. The 3 bay section would be open, with the secure store having dual timber doors. The materials for the building consist of natural rubble walling with brick quoins to the main section of the building with red brick to the smaller secure store. The roof would be tiled with pantiles.
- 5.3 The larger section of the building would measure 2.5m to the eaves and 3.9m to the ridge and would be 12.6m in length and 5.6m in width. The smaller brick store section would be 2.1m to the eaves 3.4m to the ridge, 5m in depth and 3m in width. The overall width of both parts combined would be 15.6m.
- 5.4 Out of the 3 open bays, 2 are to be used for the storage of straw and hay and 1 for storage of a tractor and implements. The secure store is to be used for small hand tools, power tools, medicines and chemical sprays that are ancillary to the agricultural use of the land.
- 5.5 Access to the building from Main Road is via the driveway for the residential property Fairhaven, with a separate entrance into the field located to the north of Fairhaven's detached garage; this access is already existing. The entrance would lead to an area of rolled hoggin of approximately 250m² with the hoggin extending 7.8m to the north east of the proposed building.
- 5.6 The land to accommodate the building and adjacent access would be excavated to provide a level surface resulting in the levels being lowered by a maximum of 0.9m.

6.0 RELEVANT PLANNING HISTORY

- 6.1 86/01776/AOP - Erection of three new detached dwellings - Refused (Appeal Dismissed)
- 6.2 14/03393/APP - Erection of agricultural building. – Withdrawn
- 6.3 15/01428/AOP - Application for outline planning permission with all matters reserved for the erection of 15 houses and bungalows (five of the dwellings to be affordable housing). – Refused (Appeal Dismissed)
- 6.4 15/00242/APP - Erection of agricultural building – Approved
- 6.5 16/00482/AOP - Outline application with all matters reserved for the erection of three dwellings and new access - Outline Permission Granted
- 6.6 17/00939/APP - Demolition of bungalow and erection of new dwelling – Approved
- 6.7 18/00064/ADP - Application for reserved matters pursuant to outline permission 16/00482/AOP for layout, scale, external appearance, the access, and the landscaping of the site – Approved
- 6.8 18/01703/APP - Demolition of bungalow and erection of a new dwelling - Refused (Allowed on Appeal)
- 6.9 19/00042/APP - Erection of agricultural building – Refused (Appeal dismissed)
- 6.10 18/A1703/NON - Non Material Amendment sought on planning permission 18/01703/APP (allowed on appeal) relating to change of rear boundary; brick wall to 600mm height with 500mm high timber post and rail on top, insertion of 3.0m wide gate and change to side boundary; insertion of 4.0m wide gates to facilitate access to agricultural land. – Refused (Considered a material alteration)

7.0 PARISH/TOWN COUNCIL COMMENTS

Padbury Parish Council - **object** to the proposals and wish to speak at committee.

There does not appear to be an appropriate drainage scheme included in the plans which could cause drainage and flooding issues.

The main access to the building is down a very narrow road which would be too small and not appropriate for agricultural vehicles.

8.0 CONSULTATION RESPONSES

- 8.1 River Ouzel Drainage Board – No comments to make
- 8.2 Buckingham County Council Highways – No objection subject to a condition.
- 8.3 AVDC Environmental Health – No comments to make
- 8.4 AVDC Ecology – No objection subject to a condition

- 8.5 Buckingham County Council Sustainable Urban Drainage – Initial objections overcome following amended site area plan and recommend that conditions are used to manage flood risk.

9.0 REPRESENTATIONS

5 letters of objection from 2 parties:

- The development will increase flood risk to the neighbouring properties. Siting of building on top of a culvert junction that takes excess water away from houses and large area of hardstanding will increase risk
- Revised plans do not show overall height of the barn
- Concerns with overshadowing to neighbouring properties
- Negative impact on the conservation area
- Barn not large enough to house machinery on field
- Concerns over use of building
- Suburbanisation of greenfield site
- Unattractive design
- Will cause loss of amenity to neighbours
- Appeal refused on previous application
- Applicant has dug a drainage pipe across the field, covered with soil channelling storm water

Please note: Matters which are not material considerations that cannot be taken into account may include property values, loss of view, personal or private property issues, disturbance during construction works or matters covered by other legislation etc. and therefore any such matters are not repeated here.

10.0 EVALUATION

A) Planning policy position and the approach to be taken in the determination of the application

- 10.1 The overview report attached (November 2019) sets out the background information to the policy framework when making a decision on this application. This includes a section on the emerging Vale of Aylesbury Local Plan (VALP). A number of policies within the VALP following the main modification consultation which started on the 5th November 2019, are now afforded some weight in the decision making process. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of particular relevance are BE1 (Heritage Assets), 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), T5 (Delivering transport in new development), T6 (Vehicle Parking) and BE3 (Protection of the amenity of residents)..
- 10.2 The majority of the above policies (not mentioned in the below two paragraphs) can be given moderate weight meaning that where there are objections and the Inspector has requested main modifications and the objections can be regarded as being “resolved”. The

context being that the Inspector has considered the proposed modifications and in agreeing them for consultation, has confirmed that he is reasonably satisfied that they remedy the points of unsoundness identified in the examination process so far.

- 10.3 Policy BE3 has been the subject of objections and the Inspector has not requested main modifications so these can be regarded as resolved and this policy can be given considerable weight.
- 10.4 With regard to VALP policies it is not considered that the majority of the above mentioned policies are materially different from those contained within AVDLP which are of relevance, namely, Policies GP8, GP24, GP35, GP38, GP53 and GP59 which may be given full weight, with the exception of Policy GP53 which cannot be given full weight given that it does not contain the balancing elements in the NPPF (paragraphs 195 to 197). Where new policies are indicated or where there may be an element of conflict this is picked up in the report below.

Neighbourhood Plan

- 10.5 There is currently no neighbourhood plan in existence for Padbury.

B) Principle of the development proposed

- 10.6 Paragraphs 83 and 84 of the NPPF support a prosperous rural economy and state that the sustainable growth and expansion of all types of business in rural areas should be supported, both through the conversion of existing buildings and well-designed new buildings. The Government is committed to securing and supporting sustainable economic growth and productivity, but also that this would be achieved in a sustainable way.
- 10.7 Under application 19/00042/APP an agricultural building on the site was refused and dismissed at appeal. The reasons for refusal in relation to the application were the impact on the conservation area and ability to access the site following implementation of other planning consents on the site. The appeal upheld the council's reasons for refusal, however did not oppose the principle of the development. The previous officer report in the '*principle of development section*' noted that:

'A farm building has previously been granted consent, under reference 15/00242/APP (which has now expired without implementation), on the holding, albeit on a different part of the land, towards to the north west corner near to Amblers way and the second site entrance. Given that consent has previously been granted on the site for an agricultural building of a similar size and that the applicant has submitted justification for the use , it is considered that the principle of an agricultural building of this scale, for the purposes stated in the application, within the landholding are justified and are acceptable, subject to the development being acceptable and in accordance with any other relevant policy or material planning consideration'

- 10.8 It is therefore considered as with the previous application that the principle of an agricultural building, for the purposes stated in the application, within the landholding are justified and are acceptable, subject to the development being acceptable and in accordance with any other relevant policy or material planning consideration.

C) Impact on the Conservation Area and the surrounding area

- 10.10 Policy GP35 of the AVDLP requires new development to respect and complement the

physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting; the natural qualities and features of the area; the effect on important public views and skylines. This policy closely aligns with the aim of the Framework, which states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It adds that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Development should function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development and provide for an appropriate mix of uses, respond to local character and history, create safe and accessible environments which are visually attractive.

- 10.11 Policy GP53 of the AVDLP requires new development in Conservation Areas seeks to preserve or enhance the special characteristics of the conservation area; not cause harm to the character or appearance of the Conservation Areas, their settings or any associated views of or from the Conservation Area; must respect the historic layout, scale and form of buildings, street patterns, open spaces and natural features in the Conservation Area that contribute to its character and appearance; and that proposals for alterations, extensions and changes of use must respect and complement the character, materials and design details of the structure and site concerned and its neighbours. Members will be aware that Policy GP.53 of the AVDLP is to be given limited weight as it is inconsistent with the NPPF by failing to incorporate the balancing test contained in paragraph 196 of the NPPF.
- 10.12 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.13 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment through protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside.
- 10.14 The previous application 19/00042/APP was refused on 2 grounds, one of these grounds being:

The proposed development, by reason of its siting and scale, would result in a visually prominent and intrusive building in views from the road and surrounding area, which would harm the visual amenity, character and appearance of the rural area and the Padbury Conservation Area, contrary to policy GP35 and GP53 of the Aylesbury Vale District Local Plan, and the advice set out in the NPPF. The harm to the conservation area would amount to less than substantial harm, in NPPF terms; however, the public benefit of the scheme would not be sufficient to outweigh that harm.

- 10.15 The case officer report expanded on this reason for refusal and states that:

The building will be located in a gap between Ivy Cottage and Fairhaven which provides views onto the valley behind and on to the countryside. The Padbury Conservation Area Appraisal (PCAA) refers to views onto the valley and open countryside from main street specifically stating:

'The topography of the valley restricts development along Main Street to the north-west and southeast and creates a strong visual axis. This sense of containment is reinforced by glimpsed views between buildings on the south-eastern side of Main Street revealing the rising valley sides

Views between buildings along Main Street visually reinforce the valley setting and provide a connection with the countryside.'

It is considered that the building will create a visually intrusive form of development in an otherwise open area, disrupting the views onto the valley and the setting of the conservation area and views from the conservation area over the countryside. Whilst it was noted on the site visit that agricultural paraphernalia was located around this area of the site and housing the various trailers bails etc. in a uniform building has the potential to improve the situation visually, this does not however constitute a reason to allow carte blanche any development in this location; at present the relaxed and dispersed nature of the paraphernalia does not lead to an enclosure of the land and the ability to relate and understand the countryside characteristics remains. A previous siting for an agricultural building was considered acceptable under planning reference 15/00242/APP which was located behind hedgerows and vegetation to the west of the site. It is also noted that efforts have been made to ensure that the building is rural in character, but given its siting it, for reasons mentioned above, is considered to result in demonstrable harm to the character and appearance of the area.

Specifically, the proposed development would lead to a visually excessive level of built development in the immediate location. At present, views in to the countryside are enjoyed from the Conservation Area and this is intrinsic of the location. Further development has already been permitted to intensify the level of built form through a replacement dwelling on the site and it is considered that both with the existing arrangement and potential arrangement (should the extant permission be implemented) the level of built form would degrade the open nature of this element of Main Street to the degree that it would not preserve the character and appearance of the conservation area and lead to unacceptable street scene that would, despite the agricultural nature of the proposal, be overly burdened with built form.

- 10.16 When assessing the appeal the inspector agreed with the Council's assessment stating that:

'Views of the proposed development would be possible at a number of points in the PCA which would interrupt and restrict existing views and legibility of the valley landscape. Therefore, by reason of its siting and scale, the development would impact upon an element of the setting of that makes a positive contribution to the PCA, such that it would harm its significance In my judgement this would amount to less than substantial harm which under paragraph 196 of the Framework should be weighed against the public benefits of the proposal.

The appellant has cited paragraph 83 of the Framework explaining that the proposed barn would result in a tidier appearance of the land because it could house paraphernalia, vehicles, feed, etc. stored on the land. It appears the size of the holding is such that it is unlikely the materials necessary for operating the holding, would cause such harm as the building in its proposed location. Therefore, on the basis of the evidence before me, this and any other public benefits of the scheme would not outweigh the harm to the PCA.'

- 10.17 The previous building was located 6m to the east to the boundary with the full 12.6m frontage of the building facing toward to the street and closing the visual gap between the properties. The proposed building would be orientated with the openings facing north east, with the end of the building facing back towards the street and conservation area. The building would also abut the boundary with Fairhaven and therefore the built form would be kept closer to the existing built development. The overall height of the building has also been reduced from 5.2m to 3.9m at the ridge height an overall 1.1m reduction in height. It

is considered that the alterations from the previously approved scheme reduce the impact on the glimpsed views and of the open field, and would provide a storage area reducing the need to store agricultural items in the open field. The outbuilding to rear of the neighbouring property West Bourn projects to a similar distance into the field as the proposed barn and the rear and side (south-east) of the building would be constructed out of similar materials as this building, using stone and brick quoins.

- 10.18 It is noted that the development would require alterations in the land height surrounding the building to an extent however these alterations, given their scale and low level in the valley are not considered to harm the wider valley setting and would mostly be hidden by the surrounding buildings and vegetation along the street.
- 10.19 The materials proposed on the main building are considered to be rural in appearance and would match the other buildings in the surrounds (such as the neighbouring stone building mentioned above). The proposed rolled hoggin is also considered an appropriate rural material for the hardstanding and would not look out of place in the surrounds. A materials schedule has submitted demonstrating the materials to be used in the construction of the build including details of the red brick, rubble wall, tiles (to be reclaimed off the main dwelling), guttering and door finish (timber stained) and are considered to have an acceptable appearance.
- 10.20 It is noted that a new dwelling has been approved under reference 17/00939/APP and subsequently 18/01703/APP (allowed at appeal). This will increase the level of built development in the surroundings. However, it is noted in the 'Impact on Highways' section below that the proposed building cannot be implemented if either of the above approvals are implemented due to restrictions on the access. It is considered that even if the approved dwelling and the proposed barn be constructed that the collective additional built form of both, in light of the revised scale and location of the proposed building, would not have an unacceptable impact on the open nature this part of Main Street, the conservation area or surrounding area.
- 10.21 It is considered that the proposed development would amount to less than substantial harm to the conservation area in NPPF terms, with there being an element of harm arising from the development's location within the valley setting. It is considered that whilst harm has been identified it would be at the lower end of the scale of harm, with the building as discussed above, located side on to the visual gap next to the existing built form of Fairhaven. It is noted however that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, paragraph 196 requires this harm should be weighed against the public benefits of the proposal and this has been undertaken in the conclusions above.

11.0 D) Impact on residential amenity

- 11.1 Paragraph 127 of the NPPF seeks to ensure that developments create places with a high standard of amenity for all existing and future occupants.
- 11.2 Policy GP8 of 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. Where planning permission is granted, the Council will use conditions or planning obligations to ensure that any potential adverse impacts are eliminated or appropriately controlled.
- 11.3 The proposed building would be located 25m from the rear of the dwelling Ivy cottage and 12m from the main dwelling at Fairhaven. It is noted that permission has been granted for

demolition of Fairhaven and construction of a new dwelling under 17/00939/APP and 18/01703/APP, and this dwelling would be approximately 8m away from the proposed dwelling. Given the separation distances from the building it is not considered that there would be any loss of light or perceptions of overdominance.

- 11.4 The Council's Environmental Health team have reviewed the proposals and have not objected. On the previous application they also did not object subject to a condition that the building is not used for the housing of livestock. This condition could be reasonably imposed on the current proposal.
- 11.5 It is considered that whilst the building would only be 7m away from the dwelling granted consent, which is a material planning consideration, this dwelling is associated with the use of the land. Should the house be sold thus leading to separate ownership, it is considered that the use of the building for storage purposes is also considered to be acceptable and given the separation distances from the surrounding dwellings, it is not considered the building would have a further significant negative impact on the amenity of neighbouring properties than is not already experienced from the storage and parking on the land. It is therefore considered acceptable in this regard and subject to a condition regarding the prevention of use by livestock. On this basis it is considered that the development would accord with Policy GP8 of the AVDLP and with the NPPF.

12.0 E) Impact on highways

- 12.1 Paragraph 102 of the NPPF (2019) states that the potential impacts of development on transport networks should be addressed in development proposals. Paragraph 108 states 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 has been made, the site is has a safe and suitable access for all users and any impacts from the development on the transport system can be cost effectively mitigated. Paragraph 109 states that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe.
- 12.2 Policy RA36 of the AVDLP states that in considering proposals for development in the Rural Areas the Council will have regard to the desirability of protecting the characteristics of the countryside from excessive traffic generation, including the need to avoid traffic increases and routing unsuited to rural roads.
- 12.3 The building is to use the existing access from Fairhaven. It was noted in the previous refusal 19/00042/APP and the dismissed appeal, whilst there is a separate access to the land further west, this access to the land would be extinguished once reserved matters application 18/00064/ADP is implemented, which the applicant has stated is their intention. It was noted in the outline approval 16/00482/AOP, which granted outline consent for the 3 dwellings at this location, that the access to the field would remain; however, this has proven not to be the case as the reserved matters approval 18/00064/ADP has extinguished this access, as mentioned above. In any case, it is considered that the alternative access would not be appropriate as hardstanding would be required from the entrance of the field all the way to the proposed building and as such, this access should be discounted as the level of hardstanding likely to be required would not be acceptable or appropriate in such a rural location within the open countryside.
- 12.4 The access from Fairhaven is particularly narrow and is not considered suitable for many agricultural vehicles being 2.8m in width; it has the appearance of a residential driveway

which has a further access into agricultural land to the rear by an access from Fairhaven. However, as this access is established and the Buckinghamshire County Council Highways Engineer has not objected to the scheme, it is considered that this access to the building can be considered acceptable for the use proposed.

- 12.5 There is however an issue with the access onto the agricultural land once any vehicle has entered the drive of Fairhaven. Should planning approval for the new dwelling granted consent under 18/01703/APP or 17/00939/APP be implemented, as per the approved plans and conditions, the access into the agricultural site from Fairhaven would be extinguished. Indeed, in the area where the access is proposed, vehicles would pass into the field would form part dedicated parking spaces and means of enclosure as required and assured through conditions on both planning consents 17/00939/APP and 18/01703/APP. The proposed development would therefore conflict with restrictive conditions of other extant permissions.
- 12.6 Given that the alternative access is not appropriate and that by granting planning consent for this permission it would leave either this proposal or the proposal for the replacement dwelling unable to adhere to conditions of the relevant consent, the only way to ensure there would be no conflict would be to enter in to a legal agreement to ensure that only one consent is implemented. This is a fundamental issue with access to the site and for the above reason, the application could not be supported in its current form.
- 12.7 Whilst the above conflict applies, should a legal agreement be entered requiring the applicant to only implement one permission; the development the subject of this application, planning permission reference 17/00939/APP or planning permission reference 18/01703/APP, it is considered that this would overcome the issues highlighted.
- 12.8 Objections have been raised in relation to the suitability of the access for agricultural traffic, but for the reasons highlighted above it is considered that, subject to the legal agreement, it is acceptable and would not be contrary to policy RA36 of the AVDLP or paragraph 108 and the wider objectives of the NPPF.

13.0 F) Flood risk

- 13.1 Paragraph 163 of the NPPF requires new development to consider the risk of flooding to the site and the surrounding area. The site is within Flood Zone 1 and therefore has a low probability of flooding. The site is however close to an area of lower level land susceptible to surface water flooding.
- 13.2 Several objections have been raised in relation to increased flood risk particularly in relation to the properties to the north, Ivy Cottage and Rose Cottage. An initial response from Buckingham County Council's Sustainable Urban Drainage (SuDs) Team in relation to the application raised objections to the scheme on the grounds the site is greater than 1 hectare and therefore a Flood risk assessment was required. It was also stated that from the level of information submitted that a SuDs appraisal could not be formed.
- 13.3 Amended plans were submitted where the site area for the development was subsequently reduced below 1 hectare. Following discussions with a SuDs Officer it was advised that the site is at high risk of surface water and groundwater flooding and that appropriate measures should be taken to ensure that flood risk is not increased elsewhere. Given the presence of the on site ordinary watercourse the LLFA would encourage this to be used to manage surface water runoff, components should be incorporated to ensure greenfield runoff rates and volumes are maintained post-development and would recommend that our standard conditions are used in order to help ensure a satisfactory drainage strategy. Therefore whilst

it is noted that development has potential to alter the flow of water through the field and the site is at risk of ground water and surface water flooding, it is considered that a surface water drainage scheme and 'whole life' maintenance plan for the scheme could be required to be submitted and approved by the LPA and mitigation measures required to be implemented prior to commencement of works on site and these could all be secured by condition. This would enable the appropriate management of surface water through the site and ensure that flood risk is not increased elsewhere in accordance with paragraph 163 of the NPPF. It is therefore considered subject to the conditions proposed by the LFFA that the development is acceptable to in relation to flood risk.

14.0 G) Biodiversity

- 14.1 Circular 06/2005 states that it is essential that the presence or otherwise of protected species and the extent to which they may be affected by development is established before planning permission is granted. Paragraph 170 of the Framework requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 14.2 The Council's ecologist has been consulted and considers that there is not a reasonable likelihood of protected and priority habitats or species being impacted by the proposals. Therefore no supporting ecological information is required.
- 14.3 However, in line with recognised good practice and governmental policy on biodiversity and sustainability (National Planning Policy Framework 2018 and NERC 2006), all practical opportunities should be taken to harmonise the built development with the needs of wildlife.
- 14.4 A revised drawing has been submitted showing the inclusion of a bat box into the scheme, this is in line with the ecology officer's recommendations. This is therefore considered acceptable subject to a condition to ensure it is implemented into the scheme.

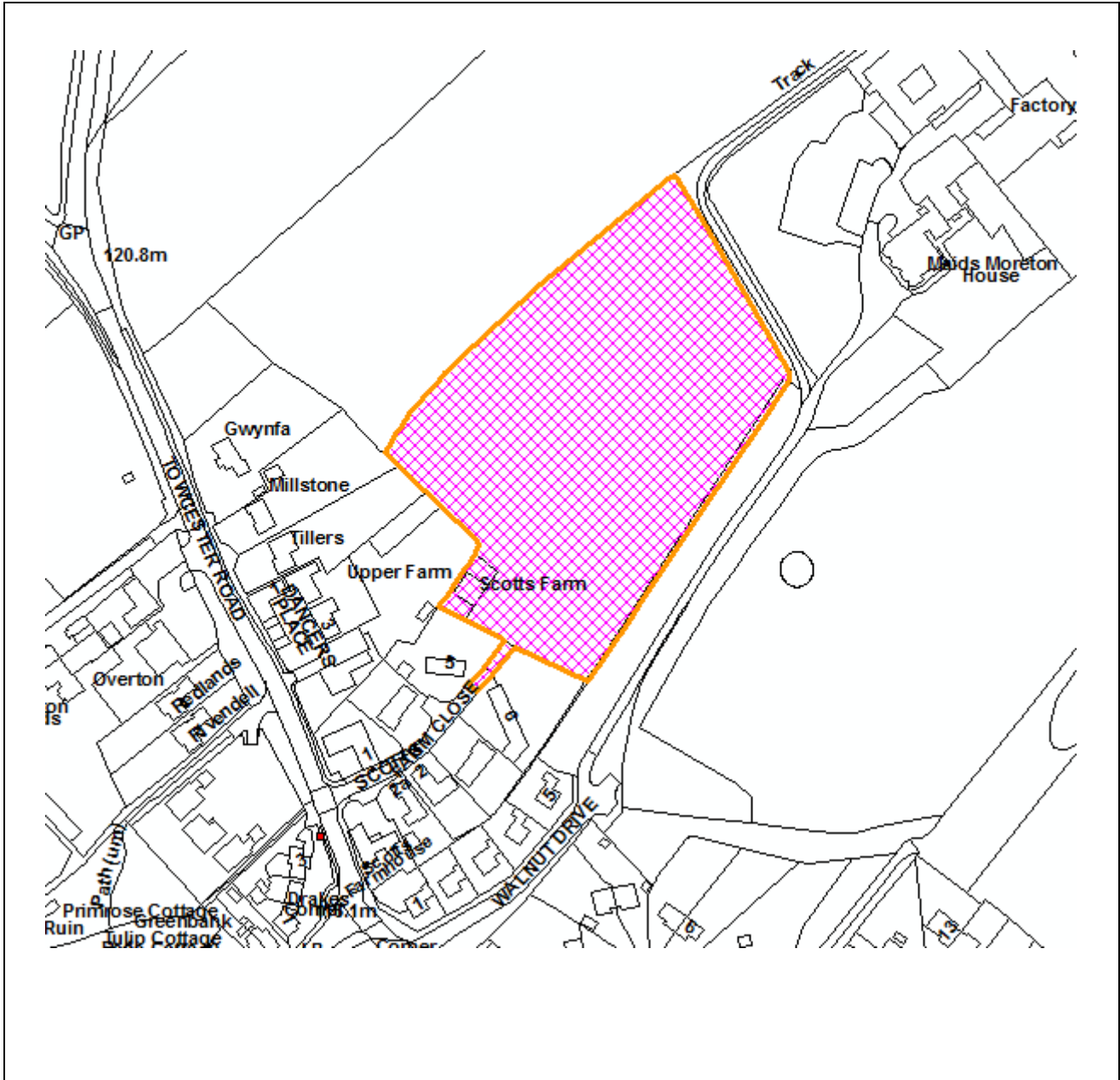
15.0 H) Other Matters

- 15.1 Objections have been raised in relation to the potential future use of the building for non-agricultural purposes. This does not form part of the application submission and should a change of use be proposed in the future this will require a separate planning assessment.
- 15.2 Comments have been made that the drawings do not show the height of the proposed buildings, however the plans are appropriately scaled to enable measurements to be taken.

Case officer: Will Docherty (wdocherty@aylesburyvaldc.gov.uk)

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18/01385/AOP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/01385/AOP	MAIDS MORETON The Local Member(s) for this area is/are: - Councillor Warren Whyte	18/04/18
<p>OUTLINE APPLICATION WITH ACCESS TO BE CONSIDERED AND ALL OTHER MATTERS RESERVED FOR THE ERECTION OF 12 DWELLINGS INCLUDING ACCESS AND ASSOCIATED WORKS.</p> <p>LAND AT SCOTTS FARMS SCOTTS FARM CLOSE MK18 1RX</p> <p>Mr Kevin Cozens</p> <p>STREET ATLAS PAGE NO. 41</p>		

1.0 The Key Issues in determining this application are:-

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

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

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

c) Impact on Residential Amenity

d) CIL/ S106

e) Other Matters

The recommendation is that permission be supported in principle and **DEFERRED AND DELEGATED** to officers for approval following the satisfactory completion of a S106 Agreement to secure financial contributions towards the provision of off-site affordable housing, sports and leisure facilities and SUDs and subject to those conditions as considered appropriate by officers, or if this is not achieved for the application to be refused for reasons as considered appropriate by officers.

PLANNING BALANCE AND RECOMMENDATION

- 1.0 The application has been evaluated against the Development Plan, which comprises of Aylesbury Vale District Local Plan (AVDLP) and the NPPF and the Authority has assessed the application against the planning principles of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF planning permission should be granted 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.
- 1.1 As part of the above assessment it is acknowledged that there would be economic benefits in terms of the construction of the development and those associated with the resultant increase in local population. Furthermore, the development of 12 dwellings would make a contribution to the housing land supply which would be a significant benefit. Whilst these benefits have been identified, given the relatively small number of dwellings proposed these benefits are tempered to limited positive weight in the overall planning balance. This limited positive weight is further reduced as the affordable housing contribution falls below the Council's requirements and the provision will not be provided on site.
- 1.2 The development would have an impact on the landscape due to the site being a greenfield site beyond the current rural edge, in open countryside causing landscape character and visual harm to the area, in addition to the settlement pattern of Maids Moreton. Whilst it is acknowledged the proposed mitigation measures would alter the immediate character of this area, wooded areas are found within the vicinity of the site and are a feature of the landscape character of the area. As such, subject to appropriate mitigation measures being implemented this harm is considered to be limited and therefore afforded limited negative weight in the overall planning balance. The proposal would lead to the loss of best and most versatile agricultural land which is also limited negative weight.
- 1.3 Furthermore, less than substantial harm has been identified to the setting of Upper Farm Barn, a Grade II Listed Building. Special regard has been given to the statutory test under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places a duty on the local planning authorities to pay special regard to the desirability of preserving the Listed Building, its setting and any features of special architectural or historic interest in which it possesses. The proposed development will result in development to the rear of listed building disrupt the open setting of this designated heritage asset. In accordance with paragraph 196 of the NPPF where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm at the lower end of the spectrum should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 1.4 Following paragraph 196 of the NPPF, the benefits and adverse impacts are carefully weighed in the planning balance and it is considered that the public benefits of the scheme set out above do outweigh the less than substantial harm, at the lower end of the spectrum, to the setting of Upper Farm Barn (when considered with the considerable importance and weight to be attached to such harm).
- 1.5 Compliance with some of the other objectives of the NPPF have been demonstrated or could be achieved in terms of making effective use of land, trees & hedgerows, biodiversity, contamination, promoting sustainable transport, parking, promoting healthy communities, achieving well-designed places, meeting the challenge of flooding, supporting high quality communication and 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. 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 supplementary planning documents

and guidance, in applying paragraph 11 of the NPPF, the adverse impacts outlined above, caused by the proposal are considered not to significantly and demonstrably outweigh the benefits of the scheme nor are there clear reasons for refusing the development proposed. It is therefore recommended that the application be **SUPPORTED** and that the decision is **DEFERRED AND DELEGATED** subject to the satisfactory completion of a S106 legal agreement to secure financial contributions towards the provision of off-site affordable housing, sports and leisure facilities and SUDs and subject to those conditions as considered appropriate by officers, or if this is not achieved for the application to be refused for reasons as considered appropriate by officers.

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 as part of this application, amendments were received and following the receipt of such details the application was found to be acceptable and approval is recommended subject to relevant planning conditions and the satisfactory completions of a s106 legal agreement.

2.0 INTRODUCTION

2.1 The application needs to be determined by committee as the Parish Council has raised material planning objections and confirms that it will speak at the Committee meeting. Furthermore, Cllr Whyte raised an objection to the application. There comments are summarised below:

- Temporary access now proposed as permanent vehicular access was previously conditioned to prevent use after construction for safety and highway reasons.
- Reference of other applications.
- Impact on landscape and agricultural land
- Density
- Flooding
- Out of date data being used.

2.2 Each application is determined on its own merits. As part of this application the Lead Local Flood Authority were consulted and raised no objection to the proposal subject to conditions. It is acknowledged that there will be a small loss of agricultural land, however this in itself is considered not to be a sufficient reason to warrant the refusal. The principle of development for a similar scheme on this site was accepted as part of application 16/02669/AOP where it was acknowledged that there would be some impact on the landscape however the identified impacts would not be significant and demonstrable to outweigh the benefits of the scheme. BCC Highways as part of their comments did not raise concern that the data within the accompanying transport statement were out of date. Furthermore, their comments do not raise concerns with the permanent use of the previously granted, temporary construction access.

3.0 SITE LOCATION AND DESCRIPTION

3.1 The application site comprises an area of approximately 1.4 hectares located beyond the existing residential built form edge of the village of Maids Moreton. It comprises agricultural

land (grade 3a) historically used for pasture. The application site forms part of the larger 'Scotts Farm' agricultural holding (also used for pasture) of approximately of 40 hectares.

- 3.2 The site has a field gate access located off Scott's Farm Close (that has unrestricted use for agricultural traffic associated the farm holding) which is a modern housing development. From the Towcester Road there is a small section of pedestrian footway into Scott's Farm Close, after which pedestrian and vehicular traffic utilise a shared access driveway arrangement.
- 3.3 The northern boundary of the site, beyond an area of woodland/planting, adjoins the Maids Moreton House Business Park. To the east beyond a tree lined boundary is the access road serving the business park and further east are open agricultural fields. To the south, the site is bordered by existing housing located within Scott's Farm Close and others fronting on to Towcester Road (A413). To the west, beyond a hedge lined boundary, further pasture land, beyond which is the Towcester Road (A413). The boundaries of the site contain a number of Category (B) trees.
- 3.4 There are Public Footpaths located nearby including to the north of the site (MMT/4/3 approx. 200m away), to the north-west (MMT/4/2 approx. 145m away), to the west (MMT/6/1 approx. 60m away) and to the south-east (MMT/2/1 - approx. 140m away). Nearby heritage assets include several Grade II Listed Buildings (Scotts Farm House and Upper House) located to the south/south-west of the application site with the nearest being located 35m and 45m away respectively. In addition, the Maids Moreton Conservation Area is located 45m away to the south-west and abuts the Scott's Farm Close entrance.
- 3.5 The site falls within Flood Zone 1 (lowest risk of flooding) according to Environment Agency Flood Mapping. There is also a water main that travels through the centre of the site on an east-west axis.
- 3.6 The site contains evidence of ridge and furrow with gentle levels change of approximately 2m from north to south. Taking into the account existing tree/hedge lined boundaries, some of the key public views of the site are from the Towcester Road (A413) and public rights of way located to the west and north-west, and from the public right to the south-east.

4.0 PROPOSAL

- 4.1 The application seeks outline planning permission (all matters reserved except access) for a residential development of 12 dwellings. The illustrative design approach seeks to reflect traditional agricultural buildings with an external palette of materials to reflect the surroundings. The illustrative layout shows a spine road to the centre of the site off which the proposed dwellings would be served via private driveways.
- 4.2 The layout indicates significant new areas of structural landscaping located to the northern and north-western boundaries of the site, and existing trees/hedgeline along the remaining boundaries being retained. New open space, of approximately 1050 sqm is indicated within the centre of the site (essentially located over the water mains easement running through the centre of the site).
- 4.3 This application is a re-submission of a previous approved scheme reference 16/02669/AOP. As part of this current application the main changes are with regards to affordable housing and the site's access arrangements.
- 4.4 During the course of this current application, amendments were sought to the vehicular access serving the proposed development. The temporary construction access previously granted as part of application 16/02669/AOP seeks to be used on a permanent basis as the only vehicular access serving the development. An access is shown to be retained off Scotts Farm Close however this will be for pedestrians and cyclists only.
- 4.5 This application was supported by a financial viability report outlining the 30% on-site affordable housing obligation previously imposed rendered the scheme unviable. AVDC

instructed an independent appraiser to carry out an assessment of the scheme, who confirmed the scheme would be unviable if 30% on-site affordable housing contributions were sought. Following discussions, Officers and the applicant agreed on a commuted sum (off-site financial contribution towards affordable housing) towards affordable housing.

5.0 RELEVANT PLANNING HISTORY

16/02669/AOP - Outline application with access to be considered and all other matters reserved for the erection of 12 dwellings including access and associated works. – Approved

6.0 PARISH/TOWN COUNCIL COMMENTS

- 6.1 Maids Moreton Parish Council: Objects to the application
- 6.2 *'At a properly convened parish council meeting on 4 February 2019, Maids Moreton Parish Council RESOLVED to OBJECT to this proposal on the following grounds.*
- 6.3 *It is unclear why the applicant is now seeking to reinstate the curved access route to the A413 since BCC Highways letter dated 30 April 2018 makes it quite clear in their Condition 4 that this is not suitable as regular access: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.*
- 6.4 *Access through Scott's Farm Close cannot be achieved due to width restrictions and the fact that it would cause severe loss of residential amenity to current residents. The grounds for rejection of Application 14/00117/APP to develop land at Fayrefield, which lies behind the houses opposite Scott's Farm Close on Towcester Rd, included the unacceptable reduction of residential amenity to the residents of the houses adjacent to the proposed access route. This would apply equally to Scott's Farm Close, even if there were adequate width for such access.*
- 6.5 *Application 14/00117/APP was also rejected on grounds of unacceptable projection into the surrounding countryside. Interestingly, this is echoed clearly in the letter dated 7 June 2018 from the AVDC Landscape Architect, who notes: This is a greenfield site in pastoral use, lying beyond the current edge of the settlement and within open countryside.*
- 6.6 *This letter goes on to note that, were the land at Scott's Farm Close to be developed as proposed, it would consolidate further the integration of Maids Moreton with Buckingham. It concludes that: Whilst it would be preferable in terms of landscape/townscape character to retain the site in a rural land use, there is already an outline planning permission for a similar development. The current proposals are only acceptable within that context. It must therefore be regarded as at least unfortunate that the previous application for this development, 16/02669/AOP, was permitted.*
- 6.7 *Were this application to go ahead now, it would breach the clear boundary of Maids Moreton and consolidate the coalescence of Maids Moreton with Buckingham. Application 16/02320/AOP for land below St Edmund's Church and adjacent to Hollow Way was rejected on appeal. One of the core reasons was: ... the proposal would cause very substantial harm to the character and appearance of the area. It would be contrary to saved AVDLP policy GP.35 which requires development to respect and complement the physical characteristics of the site and the surroundings; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views. ... The proposal would also fail to adhere to the NPPF's core planning principle that planning should recognise the intrinsic character and beauty of the countryside, and it would be contrary to NPPF paragraph 58 which seeks to ensure that development adds to the overall quality of the area. MMPC believes that a similar breach of the currently clear boundary of Maids Moreton that would occur if this application were to proceed and that it should be subjected to a similar decision.*
- 6.8 *The proposal would take Grade 3a land out of agricultural or horticultural use and the restricted subsoil infiltration capacity could lead to flooding. The Land Quality Assessment*

Report prepared by Howkins & Harrison LLP in July 2016 (which was for the previous application on the same site but was lodged on the AVDC website on 20 April 2018 under Application 18/01385/AOP) gives a soil classification of Grade 3a. Such soil is usually down to pasture but has some limited arable and horticultural potential.

- 6.9 *This Land Quality Assessment report notes the soil profile as [relatively shallow] fine loam over clay with slowly permeable subsoils and slight seasonal waterlogging; it does not specify the clay mineralogy. Given predicted climate change impact of increased and more intense winter rainfall, waterlogging is clearly a matter that should be given adequate attention, especially where a substantial part of the surface will be built over or semi-permeable.*
- 6.10 *The proposed housing density is under 10 per ha, which means high cost properties of which there does not appear to be a current shortage within AVDC. On 19 July 2019, AVDC Affordable Housing Development Officer noted that, as the site exceeds 1 ha, it should include minimum 30% affordable housing; this is nowhere evident in the proposal*
- 6.11 *The proposed development does not have an acceptable access route; it lies within the AVDC Landscape Character Assessment Maids Moreton Plateau landscape character area and would breach the current distinct visual boundary of the village; it would only include high value housing; would take Grade 3a land out of production and potentially also increase surface waterlogging. MMPC concludes, therefore, that this proposal should not be approved'.*

7.0 CONSULTATION RESPONSES

- 7.1 Strategic Access Officer: Raised no comments from a rights of way perspective.
- 7.2 Ecologist: No objection. The proposal involves the development of a greenfield site and therefore is likely to have a negative impact upon biodiversity if unmitigated. The ecological report provides an accurate account of the features on site and the enhancement plan provided demonstrates net gain can be achieved. Further details of the enhancement provisions are required as these are currently not sufficient. These however can be secured via condition and will be required at reserved matters stage.
- 7.3 BCC Highways: Raised no objection to the principle of the new access point, however withhold final comment until the requested information and amendments have been received. The latest scheme includes a new access off Towcester Road, to the north west of Scotts Farm Close, in the approximate location of the temporary construction access previously granted under application 16/02669/AOP. Access would be within a 30mph speed limit and would benefit from an adequate level of visibility commensurate with the speed limit in force. Construction Access was previously requested to be closed to avoid any unnecessary access onto publically maintained highway. Width of access would allow for simultaneous two way vehicle flow and is able to accommodate the vehicle movements associated with the development. Further amendments are sought to the proposed footway as a 2m width for its entirety is required. Queried the siting of the footpath to the north of the carriageway as there are no footways along Towcester Road in this direction. Any potential crossing would need to be carefully considered. Internal layout will be assessed as part of the reserved matters application.
- 7.4 Historic England: On the basis of the information available to date, we do not wish to offer any comments.
- 7.5 Parks and Recreation: An off-site financial contribution in lieu of on-site sport and leisure facilities would be appropriate in this case and be dependant upon the final approved bedroom per dwelling mix. No requirement for on-site provision due to housing numbers and therefore there would be no reduction to the off-site contribution due to the proposed provision of amenity space.
- 7.6 Archaeology: The site was subject to an archaeological investigation and despite its

potential interest the evaluation did not reveal any significant archaeological remains. On present evidence, the proposed development is unlikely to have archaeological implications. It is not considered necessary to recommend a condition to safeguard archaeological interest.

- 7.7 Environmental Health: There are no environmental health comments from this application.
- 7.8 Lead Local Flood Authority: Raise no objection subject to conditions. The Flood Risk Assessment (FRA) was originally submitted in support of the previous application. There is also a discrepancy between the site area and therefore request the FRA is updated. It is likely the runoff rate will have to be recalculated and any relevant calculations re-run. It has been proposed to discharge the northern and eastern section via infiltration and the southern section of the site to the combined sewer network on Towcester Road. Ground investigations showed that the feasibility of infiltration SUDs varied across the site. At reserved matters further infiltration testing will be required. Indicative Surface Water Drainage Layout shows that it is the intention of the developer to use permeable paving where possible and where infiltration is not possible attenuation tanks will be used. Require justification as to why attenuation tanks are to be used over tanked permeable paving. Encourage the application to investigate the use of above ground storage methods. FRA does not provide details of the type of maintenance activities to be carried out and who will be responsible – this information is required.
- 7.9 Anglian Water: Request a condition regarding surface water disposal if the LPA is minded to grant planning approval. There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. At present there is capacity within the foul sewerage network and for wastewater treatment for the flows associated with the development. The surface water strategy/ flood risk assessment is considered unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed.
- 7.10 Arboricultural Officer: Raised no objection at this stage. Based on the information provided the proposal has the potential for some harm to existing trees but there is also good potential for new planting. A full Arboricultural impact assessment as part of the final layout and a planting design statement which would be required as part of any reserved matter application and can be secured via a condition.
- 7.11 Landscape Architect: The application site is a greenfield site lying beyond the current edge of the settlement within open countryside. Acknowledges that there is already an outline planning permission for a similar development with the current proposals only being acceptable within that context. Suggests at reserved matters that substantial tree planting is shown outside garden plots and particularly along north-east and north-west boundaries. A query regarding the temporary access track. Recommended that the inclusion of greenspace adjacent to Towcester Road would help soften the edge of development. Consideration should also be given to linking the proposed footpath with Towcester Road. Greater greenspace is proposed with design of buildings having an integral garage being an improvement on the previous scheme. The site lies within AVDC Landscape Character Assessment Maids Moreton Plateau landscape character area which is part of the Wooded Ridge Landscape character type. The actual extent of woodland in the vicinity is limited. The scheme would result in the isolated country house of Maids Moreton, now a business park coalescing with the settlement. Existing and proposed screening would limit the extent of the impact on the surrounding countryside.
- 7.12 AVDC Affordable Housing: A policy compliant scheme would include 30% affordable housing. The applicant has, however, submitted a viability assessment alongside this application. Following our instructions DVS Property Specialists have now reviewed this and, unfortunately, recommend that we consider taking the off-site contribution. We would want to see this sum secured in any s106 with a suitable viability review mechanism in place as necessary.
- 7.13 Crime and Prevention: Initially raised no objection at this stage and urge the applicant to

consider the following amendments and recommendation. Access Routes – temporary access route for construction should remain accessible. Further details should be provided regarding the removal of the construction vehicle access and should include how future unauthorised vehicle access will be prevented. Boundary treatment details to be submitted at reserved matters stage. Request lighting details to be provided. Dwellings should have a suitable level (min 1m) defensible planting along vulnerable elevations and boundaries.

08th October 19: Raised no further comment at this stage.

7.14 Education: Confirm there is no requirement for education contributions.

8.0 REPRESENTATIONS

8.1 24 Representations were received raising the following objections:

- Support the comments received from the Parish Council.
- Traffic Report does not acknowledge impact on residents, instead focuses on entry/exit point on to the A413.
- Increased level of traffic
- Traffic report is out of date.
- Highway safety
- Existing issues when manoeuvring in/out of existing driveways which are in the direct vicinity of the exit onto the A413. Raising highway safety concerns.
- Impact on residential amenity for residents of Scotts Farm Close due to proposed access route.
- Proximity of access on bend near the junction with Main Street.
- Greater consideration need to be given to how development could be sustained and how the impact on the village and its residents is to be minimised.
- If development were to go ahead, developer should be encouraged to use construction access as only entry point to the development.
- The village could potentially gain if a suitable scheme of traffic works could be devised at the cost of the developer.
- Suitability of Scotts Farm Close as access for further development
- Maids Moreton has already sustained considerable development along with increased criminal activity.
- Limited amenities in the village
- Lack of public awareness of amendments - It is not clear that the proposal has changed and the temporary access point is now to become the permanent access point.
- Awkward exit from Bycell Road turning right onto Towcester Road.
- Loss of privacy
- Noise and disturbance from use of access road, this could also attract antisocial behaviour and crime.
- Setting a precedent
- Inaccuracy in site plan, not a accurate representation of bend and three dwellings omitted from the drawing (Tillers, Millstone and Gwynfa).
- Temporary access already deemed unsuitable.
- Loss of view
- Suggested alternative accesses – Walnut Drive
- The access sought to be used on Scotts Farm Close has not been used for years.

8.2 Response from Applicant:

- Preference would be to utilise construction access on permanent basis as it would alleviate potential traffic onto and from A413 and is a safer option, affording better visibility.

- Access onto Towcester Road seeks to utilise an existing agricultural access.
- Access onto Towcester Road would provide an extra public footpath and amenity land with sustainable environmental features.
- Summary of representations received.
- Response to representation regarding use of access on Scotts Farm Close.
- Suggested the possibility of a mini roundabout with rumble strips and possibly a speed camera funded by the S106 funds would alleviate concerns with access onto Towcester Road.
- Confirming right of access through Scotts Farm Close.

8.3 Response from Councillor Whyte:

09/05/18 *'This is an interim response to allow the applicant to provide further detail: The transport statement dates from July 2016 (nearly two years old) and is out of date. There is a transport strategy for Buckingham that has been adopted by the county council contrary to the statement in this report. Also I am sure that additional houses have been occupied since the last traffic count so the data will also be out of date and can not be relied on'.*

05/11/18 - *'I am concerned to see that the parish council's concerns about access have not been addressed by the applicant, despite the length of time the application has been considered'.*

9.0 **EVALUATION**

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

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

Neighbourhood Plan

9.3 Maids Moreton does not currently have a 'made' neighbourhood plan. It does however have an area designation but to date have not produced a draft neighbourhood plan. As such, at this early stage no weight can be given to the neighbourhood plan.

Aylesbury Vale District Local Plan (AVDLP)

9.4 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 GP2, GP8, GP24, GP35, GP38 - GP40, GP45, GP53, GP84, GP86-GP88, GP94 and RA36.

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

9.5 A number of policies within the VALP (as modified October 2019 – all references to VALP hereafter refer to this edition) following the main modification consultation which started on

the 5th November 2019, are now afforded some weight in the decision making process. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of particular relevance are S2 Spatial Strategy for Growth, S5 Infrastructure, S3 Settlement Hierarchy and Cohesive Development, D3 Proposals for non-allocated sites at strategic settlements, larger villages and medium villages, H1 Affordable Housing, H6a Housing Mix, H6c Accessibility, T1 Delivering the Sustainable Transport Vision, T5 Delivering Transport in New Development, T6 Vehicle Parking, T7 Footpaths and Cycle Routes, T8 Electric Vehicle Parking, BE1 Heritage Assets, BE2 Design of New Development, BE4 Density of New Development, NE1 Biodiversity and Geodiversity, NE4 Landscape Character and Locally Important Landscape, NE7 Best and Most Versatile Agricultural Land, NE8 Trees, Hedgerows and Woodlands, C4 Protection of Public Rights of Way, I2 Sports and Recreation, I3 Community Facilities, Infrastructure and Assets of Community Value, I4 Flooding. Policies S1 Sustainable Development for Aylesbury Vale and BE3 Protection of the Amenity of Residents have been the subject of objections and the Inspector has not requested main modifications so these can be regarded as resolved and these policies can be given considerable weight. The remainder of these policies have been the subject of objections and the Inspector requested main modifications and confirmed that he is satisfied they remedy the objection so these can be given moderate weight. Finally, policy T4 Capacity of the Transport Network to Deliver Development can only be given limited weight as it is a new and untested policy which was introduced by a modification and therefore subject to consultation.

9.6 Policy S1 (Sustainable Development for Aylesbury Vale) within the emerging VALP which is currently being afforded considerable weight states *'All development must comply with the principles of sustainable development set out in the NPPF. In the local context of Aylesbury Vale this means that development proposals and neighbourhood planning documents should: Contribute positively to meeting the vision and strategic objectives for the district set out above, and fit with the intentions and policies of the VALP (and policies within neighbourhood plans where relevant). Proposals that are in accordance with the development plan will be approved without delay, unless material considerations indicate otherwise. The Council will work proactively with applicants to find solutions so that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*. The proposed development will be assessed in detail below, under the relevant sections to see whether the proposed development accords with the NPPF principles of sustainable development.

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

- **Sustainable Location**

9.8 The Government's view of what "sustainable development" means in practice is to be found in paragraphs 7 to 211 of the NPPF. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

9.9 It is acknowledged that the NPPF promotes sustainable development and encourages consolidation of smaller rural settlements where it will enhance or maintain the vitality of rural communities. In terms of its broader location, Maids Moreton is identified in AVDLP as an Appendix 4 settlement implying that this is considered to be appropriate to allow "limited small scale development" within the settlement.

9.10 In the Settlement Hierarchy Assessment 2017, Maids Moreton is identified as a 'medium village'. Medium Villages are typically defined as having a population of between 600 and 2,000 and have between 6 – 7 of the key criteria (*within 4 miles of a service centre, employment of 20 units or more, food store, pub, post office, GP, village hall, recreation facilities, primary school, hourly or more bus service and train station*). Maids Moreton itself

has been identified as having a moderate population size and very well connected to a large service centre (adjoins Buckingham). Maids Moreton also has an hourly or more bus service and a good provision of key services. It is therefore considered that medium villages are moderately sustainable settlements within the District. On this basis, it is therefore accepted that Maids Moreton is a moderately sustainable location within scope for small scale development subject to the scale of growth that could reasonable be considered sustainable not only in terms of its impact on the localised site and surrounding but also in terms of the wider capacity of the village to accept further population growth, having regard to its impact on the infrastructure and local services and the community itself.

- 9.11 Also in association with the progression of VALP a number of sites have been assessed in the HELAA (January 2017) in terms of whether they could contribute towards the supply of housing for the District. The HELAA is an important evidence source to inform plan-making but does not in itself determine whether a site should be allocated for housing or whether planning permission should be granted. The site is identified as forming part of a larger parcel as land, referred to as Land north of Towcester Road (Ref: MMO005) was identified within the HELAA as being part suitable for housing development. The site assessment within the HELAA states *'part suitable – 1.56ha in the east of the site adjacent Walnut Drive in line with the Vitalograph site to the north. Developing the full site would not relate to the existing pattern of development of the village, there is no suitable access to the land and would extend village significantly north east into open countryside'*. As outlined within the assessment as part of application 16/02669/AOP, *'the application site therefore forms part of the site that the HELAA assesses as having potential for housing development'*.
- 9.12 The application site is located within a medium village and has not been allocated for housing therefore emerging policy D3 (Proposals for non-allocated sites at strategic settlement, larger villages and medium village) in VALP is applicable. The proposed development seeks outline permission for the erection of 12 dwellings. Within policy D3 there are two categories of development, the first being small scale development and infilling with the remaining category for larger scale development. Whilst emerging policy D3 itself does not define what constitutes "small" and "larger" development, emerging policy D4 of VALP which relates to housing development in smaller villages does define small scale as *'normally five dwellings or fewer (net)'*. With regards to the first category, the proposed development would not constitute infill development as the site is located beyond the existing built-up limits of the settlement, with open countryside to the north-west and south-east of the site. As emerging policy D4 of VALP outlines the intentions for what is meant by the term 'small' it is therefore reasonable to consider that the proposed development would constitute larger development for purposes of emerging policy D3 of VALP, as this policy does not advise otherwise.
- 9.13 Emerging policy D3 of VALP advises that for larger scale development *'exceptionally further development beyond allocated sites and small-scale development as set out in criteria a) or b) above will only be permitted where the Council's monitoring of housing delivery across the district shows that the allocated sites are not be delivered at the anticipated rate. Proposals will need to be accompanied by evidence demonstrating how the site can be delivered in a timely manner. The proposal must contribute to the sustainability of that settlement, be in accordance with all applicable policies in the Plan, and fulfil all of the'* criteria which is outlined within the policy. As part of this application, no information has been submitted to demonstrate how the site can be delivered in a timely manner, nor is the Council unable to demonstrate that the allocated sites are not delivering at the anticipated rate. As such, the siting of residential development on the application site conflicts with emerging policy D3 of VALP. Whilst this is noted, the site is subject to an extant permission for the same level of development and given policy D3 is only being afforded moderate weight it is considered that the Local Planning Authority could not at present sustain a reason for refusal on this matter alone. As such, the principle of

residential development is considered to be acceptable and has been established as part of extant permission 16/02669/AOP. Consideration therefore falls to the changes proposed as part of this application and the detailed matters of the scheme which will be assessed below.

9.14 This application is the re-submission of application (18/01385/AOP) which received planning permission on 01st November 2017. When compared to this earlier approval, the current scheme seeks to utilise the temporary construction access, which was previously granted, as the only vehicle access serving the proposed development on a permanent basis. Consequently, there will be no vehicular access from the proposed development through Scotts Farm Close, only a pedestrian and cycle route. In addition to the change in access arrangements, the applicants are seeking a reduced contribution towards affordable housing on the basis that the affordable housing obligations required as part of application 18/01385/AOP render the scheme unviable. No further amendments are sought when compared to this earlier approval.

- **Building a strong, competitive economy**

9.15 The Government is committed to securing and supporting sustainable economic growth and productivity, but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

9.16 There would be economic benefits derived from this development in terms of the construction of the development itself and the resultant increase in population contributing to the local economy. These benefits include the creation of jobs during construction, extra demand for goods and services and increased local spending from the resultant increase in population, which would be positive and long lasting to the local economy. It is therefore considered that the proposal would give rise to future economic benefits which should be afforded limited positive weight in the overall planning balance, given the scale of the development proposed.

- **Delivering a sufficient supply of homes**

9.17 Local planning authorities are charged with delivering a wide choice of sufficient amount of and variety of land and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development. 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.

9.18 Based on the findings of the HEDNA, the housing land supply document shows Aylesbury Vale District Council to have a 5.64 year supply this year. Work is ongoing towards revising this calculation in accordance with the new NPPF and early indications are that the council still maintains over 5 years supply.

- 9.19 As a result of the proposed development, the scheme would provide a contribution of 12 dwellings to the housing supply for the District, a significant benefit which is tempered by the relatively small scale nature of this development and would assist in boosting the District's housing supply. It is considered that the scheme could be delivered within a reasonable time, subject to approval due to the scale of the development being sought.
- 9.20 As outlined in policy GP2 of AVDLP, the provision of affordable housing is required for development of 25 dwellings or more or with a site area of 1 ha or more. Whereas emerging policy H1 of VALP states *'residential developments of 11 or more dwellings gross or sites of 0.3ha or more will be required to provide a minimum of 25% affordable homes on site except where a different requirement already applies in a neighbourhood plan which has been made before the adoption of VALP'*. In addition to this, the revised NPPF introduced a requirement for 10% of the homes to be available for affordable home ownership on major housing developments (10 or more dwellings). The proposed development seeks the erection of 12 dwellings with the submitted location plan being annotated to state that the proposed site area comprises of 1.398 ha, thus requiring the provision of on-site affordable housing. At present, the affordable housing policy (GP2) within AVDLP is saved and attributed full weight and therefore the requirements within this policy would take precedent above the requirements of emerging VALP policy H1 which is currently only attributed moderate weight.
- 9.21 This application is the resubmission of application 16/02669/AOP which approved subject to one of the obligations requiring the provision of affordable housing. Within the Officers report for application 16/02669/AOP it stated the scheme should provide *'up to 4 Affordable Housing Units towards meeting the area's affordable housing needs. Housing have advised that the housing need would be for 2 and 3 bed shared ownership units.'* The requirement to provide four, on-site affordable housing units, equates to 30% affordable housing being provided in accordance with GP2 of AVDLP.
- 9.22 As part of this current application, information has been submitted advising that the proposed development would not be financially viable, if the applicant were to provide the level of affordable housing secured as part of an obligation for the previously approved scheme, 16/02669/AOP. The Local Planning Authority has had this information independently appraised, where it was advised that the affordable provision previously required (as part of the approval for 16/02669/AOP) would render the scheme unviable if it were to remain. In light of this independent appraisal, following discussions with the agent and taking account of the financial information provided to the Local Planning Authority, Officers and the applicant have agreed on a reduced commuted sum (off-site financial contribution towards affordable housing) towards affordable housing which would be secured as an obligation as part of a s106 agreement. This contribution towards affordable housing was also supported by the independent appraiser. On this basis, whilst the proposed development is not fully compliant with policy GP2, the agreed affordable contribution is considered to be acceptable in this instance. Within the planning balance, a contribution towards affordable would still be considered a positive, albeit further reduced as the contribution falls below the threshold nor would the provision be provided onsite as required by policy GP2.
- 9.23 With regard to residential mix, the supporting information to this application advises that the dwellings would be 4 & 5 bedroom properties. The applicant was advised as part of application 16/02669/AOP of the concerns with the scheme only providing 4 & 5 bedroom properties. The Local Planning Authority would expect to see a greater mix of residential properties for a scheme of this scale, responding appropriately to needs to Maids Moreton or the wider District. Whilst this concern is noted and still remains, the residential mix of the proposed development will be considered as part of any subsequent reserved matters application.

9.24 Overall, other than the changes to affordable housing the proposal remains the same as the extant permission 18/01385/AOP. Whilst the proposed development is considered not to be compliant with policy GP2 of the AVDLP, evidence has been submitted and independently appraised confirming the provision of affordable housing sought as part of the earlier scheme would render the development unviable. Notwithstanding this, a financial contribution towards the off-site provision of affordable housing is being secured, with the proposal assisting towards the District's housing supply. Whilst the benefit of assisting with the District's housing supply is a significant benefit, this was tempered to limited positive weight as part of application 16/02669/AOP due to the small scale nature of the development. The positive weight previously attributed as part of application 16/02669/AOP needs to be reduced further to some limited positive weight in order to take into account the reduction in affordable housing provision.

- **Making effective use of land**

9.25 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.

9.26 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should taking into account of the importance the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

9.27 The proposed development seeks the erection of 12 dwellings which would contribute to the District's housing supply. The site area as set out in the application is 1.4hectares which equates to a density of 8 dwelling per hectare. Whilst this figure is low and would not normally be regarded as an effective use of land, the density in this instance is considered to be acceptable and the proposal is considered to respond to the new edge of settlement where you would expect to see the density being much lower. With the density being low, this also allows for significant landscaping to be provided within the site to further mitigate the development impact and respond to the rural character of the site and surrounding area. As such, the proposal is considered to represent an effective use of land and therefore this matter is afforded neutral weight in the overall planning balance.

- **Conserving and enhancing the natural environment**

Landscape:

9.28 In terms of consideration of impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Regard must be had as to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. The following sections of the report consider the proposal in terms of impact on landscape, agricultural land, trees and hedgerows and biodiversity.

9.29 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.

- 9.30 Policy GP.35 of the AVDLP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. This policy is considered to be consistent with the NPPF.
- 9.31 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.
- 9.32 Whilst it is acknowledged that the landscape assessment carried out as part of 16/02669/AOP still remains valid, further consideration is required with respect to the proposed changes to the access serving development with the temporary construction access being used on a permanent basis for vehicles serving the development. The assessment as part of application 16/02669/AOP was as follows:
- 9.33 *'The Landscape Character Assessment (LCA) identifies the following characteristics for the application site:- flat, gently sloping landform; open views; straight lanes with wide grass verges; strong hedgerows cut low; small fields and more pasture close to Maids Moreton.*
- The LCA identifies the intrusive elements in the area including the slight intrusion of the suburban edge of Maids Moreton and Buckingham. The LCA describes the landscape character of the area as "a plateau having predominantly flat character, good views out reinforced by a low level of settlement restricted to farms that are fairly thinly scattered. The area runs tip to the edge of Maids Moreton where a few houses extend out into the area from the residential edge including Bycell Fields Lane and the Business Centre at Maids Moreton House".*
- 9.34 *The conclusion of the LCA is that the "condition of the landscape in the area of the site is good with a moderate sensitivity and that the characteristics of the area should be conserved and reinforced".*
- 9.35 *The proposal would comprise the development of a green field site beyond the existing built-up limit of Maids Moreton. The site is subject to no special landscape designation, nevertheless, it is an undeveloped site used for agricultural (grazing) purposes within the countryside, and therefore it is inevitable that the proposed development would have an impact upon the character and appearance of the site itself and its immediate environs.*
- 9.36 *The local topography in the area is relatively flat with tree/hedgerow planting along the boundaries. Whilst existing landscape features and surrounding built form including the Maids Moreton Business Park to the north-east, existing residential properties to the south and existing tree line boundaries to south eastern boundaries limit some of the public views of the site, nearby views are available from the Towcester Road (A413) and public rights of way located to the west and north-west, and from the public right to the south-east.*
- 9.37 *To mitigate the visual impact, the proposal includes substantial new structural landscaping to the northern boundary as well as strengthening of planting to the remaining boundaries, which in the medium to long term, once planting becomes established, would significantly mitigate any visual impacts. As well as new woodland planting, the scheme includes 1050sq.m of incidental open space above an existing water easement within the site. This would help maintain some public views through the site.*
- 9.38 *Whilst the development of the site would inherently impact on the character and appearance of the site itself and nearby views, as well as the settlement character by projecting beyond the existing residential edge of the village, it is considered that the proposed development would consolidate and round off the existing settlement without resulting in any significant obtrusion into open countryside given the degree of enclosure provided by existing development on two-sides and existing access road to the business park on the third side when taken together with the area of planting proposed to the countryside/northern edge. It also considered, taking in the account the relatively small parcel of land and proposed planting, the proposal would have a limited impact on the open*

character of the area and the wider characteristics of LCA for this area would be conserved.

- 9.39 As outlined above, when compared to application 16/02669/AOP, this current proposal seeks to utilise the temporary construction access on a permanent basis for vehicles associated with the proposed development. Unlike the previously approved access off Scotts Farm Close, there are concerns with the proposed new access and its relationship with the settlement. It was the intention as part of application 16/02669/AOP that the construction access would be used on a temporary basis to limit disturbance to the residents of Scotts Farm Close during construction and once complete the access would cease use. However, when the temporary construction access was granted, there was a condition requiring this access to be blocked up but there was not a condition requiring the land to be restored to its former condition. As such, the temporary access could be retained but not utilised. This access is located in a prominent location due to the open nature of the area. Mitigation in the form of soft landscaping could be provided to reduce the presence of the access and its perceived separation from Maids Moreton's settlement. Given the open nature of the site, increased landscaping to create woodland appearance would undoubtedly change the character and appearance of this immediate area, however this is considered not to be harmful given wooded areas can be found elsewhere within close vicinity of the site. Furthermore, the access previously granted off of Scotts Farm Close would also have impacted on the character and appearance of the area, as extensive highway improvements were required, resulting in the removal of the highway verges which would turn have an urbanising impact on the rural character of Maids Moreton. On balance it is therefore considered that the new access would not have a significantly greater impact when compared to the access granted as part of application 16/02669/AOP.
- 9.40 For these reasons, it is considered that the development of this parcel of land would have limited landscape, visual and settlement character impacts beyond the confines of its immediate environs. Furthermore, the scheme would not adversely conflict with the aims and objectives of policy GP35 of the AVDLP, would conserve the general characteristics of the LCA and that the level of harm to the landscape would be limited to being localised only and should be afforded limited adverse negative weight in the planning balance.

Agricultural Land:

- 9.41 Paragraph 170 of the NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land and, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. There is no definition as to what comprises 'significant development' in this context but the threshold above which Natural England are required to be consulted has been set at 20 hectares so the site (1.4ha) falls well below this threshold.
- 9.42 The impact with regards to the loss of the best and most versatile agricultural land remains unchanged when compared to application 16/02669/AOP. *The land is grade 3a agricultural land and therefore comprises the best or most versatile (BMV) agricultural land according to the guidance within the NPPF. The applicant has confirmed the land has been historically used for grazing and has never been used for arable cropping. However, it is recognised grazing still represents an agricultural use and the site could be put to a more productive use in the future. The development site would result in the loss of 1.4ha of agricultural land but the remaining agricultural holding of approx. 38 hectares would be retained in agricultural use.*
- 9.43 *Whilst acknowledging that there would be a loss of BMV land, in view of the size of the site and the amount of agricultural land that would be retained, this aspect of the proposal should be afforded limited adverse negative weight in the overall planning balance'.*

Trees and Hedgerows:

- 9.44 Policies GP.39 and GP.40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 9.45 The impact with regard to trees and hedgerows remains unchanged when compared to application 16/02669/AOP. *'The majority of existing hedging and trees to the boundary of the site would be retained with supporting Arboricultural assessments setting out satisfactory measures to protect retained trees. One category B tree (early-mature Horse Chestnut - ref G14) would be removed to facilitate the proposed access. However, given the retention of 3 other category B trees in close proximity, its loss would have a minor impact on the visual amenity of the area. Furthermore, its loss would be off-set by replacement tree planting.*
- 9.46 During the course of this current application, amendments were sought to the vehicular access serving the proposed development. Instead of a vehicular access onto Scotts Farm Close, the proposal was amended to utilise the previously shown temporary access road on a permanent basis. The Horse Chestnut (G14) was shown to be removed in order to accommodate the access onto Scotts Farm Close. Although the proposal was amended with regards to the site's access arrangements, no revisions to the supporting information were received, including the Arboricultural Impact Report. As the proposal no longer seeks vehicular access through Scotts Farm Close, it is not clear as to whether it will be necessary to remove this tree previously identified. Whilst this is noted, the temporary access which has been amended to the permanent vehicular access serving the development was shown on the plans as part of the arboricultural assessment. It is therefore considered that there will be no greater impact than that already identified and if the Horse Chestnut is to be removed, it is considered not to be harmful for the reasons identified within the assessment as part of application 16/02669/AOP.
- 9.47 *For these reasons, it is considered that the development would comply with the provisions of local plan policies GP39 and GP40 and with the principles of the NPPF such that this matter should be weighed as neutral in the overall planning balance'.*

Biodiversity/Ecology

- 9.48 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.
The proposal involves the development of a greenfield site and is therefore likely to have a negative impact upon biodiversity if unmitigated. As part of this application an ecological enhancement scheme was produced in accordance with the findings of the Ecological Survey (May 2016). The ecological survey is considered to be an accurate account of the site's ecological features with the submitted enhancement scheme demonstrating that net gains required by the NPPF can be achieved. These measures can be secured via the imposition of relevant planning conditions. Whilst the enhancement scheme outlines a number of provisions, the Council's Biodiversity Officer has advised that these are not sufficiently detailed for the application to fully comply with the NPPF. To ensure full compliance with the NPPF, a condition is required, securing greater detail in the form of a site wide Landscape and Ecology Management Plan and a Construction Environmental Management Plan at reserved matters stage. Subject to the relevant planning conditions being imposed the proposed development is considered to comply with the advice within the NPPF.
- 9.49 As such it is considered that this matter should therefore be afforded limited positive weight in the planning balance.

Pollution/Contamination:

- 9.50 With regards to pollution and contamination, application 16/02669/AOP which was approved was accompanied with a Phase I Site Appraisal (Desk Study) which concluded that the *'the site is suitable for the proposed development, assuming compliance with all the recommendations contained within this report'*. Whilst no comments have been received as part of this current application, the Council's Pollution Officer previously advised that *'the risk of ground contamination to be present at the site is considered to be low and the risk from ground gases is considered to be very low. However it was acknowledged that the Phase 1 Site Appraisal goes on to recommendation that a Phase II Ground Investigation should be completed and that this investigation should include chemical analysis of soils followed by a risk assessment so that the risk to hum health and controlled waters can be determined'*.
- 9.51 As such, no concerns were raised with regards to pollution and contamination as part of the earlier approval, subject the relevant conditions. This impact remains unchanged when compared to application 16/02669/AOP.
- 9.52 As such, this matter is afforded neutral weight in the planning balance.

- **Promoting sustainable transport**

- 9.53 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the 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.
- 9.54 Policy RA36 of AVDLP states 'in considering proposals for development in the Rural Areas the Council will have regard to the desirability of protecting the characteristics of the countryside from excessive traffic generation, including the need to avoid traffic increases and routing unsuited to rural roads'.
- 9.55 The application was accompanied with a Transport Statement which assesses the impact the proposed development would have with regard to highway matters. There is no requirement for this report to include matters relating to residential amenity. The impact on residential amenity will be assessed below in this report. Concerns have been raised that the Transport Statement is out of date, however BCC Highways were consulted as part of this application and raised no concern with the validity of the report.

Location Accessibility:

- 9.56 When compared to application 16/02669/AOP the locational acceptability of the site remains unchanged and therefore the previous assessment remains. *'It is necessary to consider whether the proposed development is located where the need to travel will be minimised, the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved. Maids Moreton is considered to be a 'medium village' that is very well connected to the large service centre of Buckingham (1.3 miles away) and bus stops are available with the locality providing hourly services. There is also a good provision of key services available within walking distance of the site including a pub and school.*

9.57 *The site would therefore have access to public transport and given the site's location close to a large service centre which has the availability of key services; it is considered future occupiers would not be reliant on car borne travel. The location of the site is therefore considered sustainable in terms of accessibility'.*

Proposed Site Access Arrangements:

9.58 During the course of this current application, amendments were received altering the vehicular access serving the development. Initially the vehicular access sought to be off Scotts Farm Close in accordance with the development approved as part of 16/02669/AOP with a temporary construction access to the north of the site onto Towcester Road. In order to accommodate the access off of Scotts Farm Close, extensive highway improvements were required in the form of realigning the existing carriageway, through the removal of the verge, in order to accommodate a 2m wide footway and retain a 4.8m wide access. The temporary access was conditioned as part of 16/02669/AOP to be closed off after use in order to avoid any unnecessary access points onto the publicly maintained highway which could potentially impact on highway safety, rather than the principle of an access in this location being deemed unsuitable.

9.59 However, amendments were subsequently received seeking to utilise the temporary construction access on a permanent basis with there being no vehicular access from the proposed development onto Scotts Farm Close. Instead, an access will be retained for pedestrians and cyclists only. As the access arrangements changed during the course of the application a number of the representation received relate to the suitability of a vehicular access off Scotts Farm Close, its relationship to the bend on Duck Lake (A413) (referred to as Main Street in some of the representations) and existing driveways. However vehicular access is no longer sought through Scotts Farm Close and therefore the below assessment relates to the access now sought off Towcester Road.

9.60 The revised access off Towcester Road is to be located along a stretch of highway subject to 30mph speed limits and would benefit from an adequate level of visibility commensurate with the speed limit in force. The new access is proposed to be 5.5 metres wide with a footway measuring approximately 1.2 metres wide. The access shown is of a sufficient width to allow simultaneous two way vehicle flow and would be able to accommodate the vehicle movements associated with the proposed development. Whilst this is noted, further amendments to the footway are required in order to cater for all users. The footway should be a minimum of 2metres in width for its entirety. Furthermore, the Highways Engineer has questioned the siting of the footway to the north of the carriageway edge when there is no footway along Towcester Road in this direction. Any potential crossing point along this access carriageway must also be carefully considered to ensure that adequate intervisibility is provided, and must be accompanied by a tactile crossing point. Representations have also been raised regarding the proposed access off Towcester Road and its relationship with the junction with Bycell Road. BCC Highways were consulted as part of this application and raised no concerns with regard to this relationship.

9.61 As this application seeks outline permission with only access to be considered the internal layout of the scheme will be assessed as part of any future reserved matters application. The Highways Engineer has therefore raised no objection to the principle of the new access point subject to amendments to the proposed footway which can be secured by condition. Whilst it is acknowledged that the comments received from the Highways Engineer do advise that they wish to withhold their final comments until this information has been received, Officers consider the amendments to the footway within the limits of the application site can be adequately resolved at reserved matters stage.

Traffic Generation:

9.62 Since the determination of application 16/02669/AOP a new version of the NPPF has been published (February 2019), superseding any previous versions. As such, the reference made to paragraph 32 below has been replaced with paragraph 109 which reads as follows

'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'. Whilst a different paragraph number within the most up to date NPPF, the wording of these paragraphs remains unchanged and therefore the assessment previously made remains unchanged with regard to traffic generation associated with the proposed development when compared to application 16/02669/AOP. The assessment was as follows:

- 9.63 *'It is noted concerns have been raised over the potential impact on the A413 via Main Street and College Lane, Maids Moreton and Maids Moreton Road down to the bottle neck at the Old Jail in Buckingham. However, paragraph 32 of the NPPF states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*
- 9.64 *In this instance, the proposal is for up to 12 dwellings, which, having regard to the existing capacity of the local highways infrastructure, taking into account cumulative impacts of committed development proposals within the locality, and there being no objection from the County Highways Authority on this issue, it is considered that a scheme of this scale would not have a severe impact on the local highways infrastructure as result of increased traffic generation having regard to the tests set out in paragraph 32 of the NPPF. In other words, it is considered that a scheme of 12 dwellings would have a minimal impact on traffic generation with the local roads.'*
- 9.65 For these reasons, the proposed access arrangements are considered to achieve safe and suitable access and would also minimise potential conflict between traffic, cyclists and pedestrians. This is a matter which should be afforded neutral weight in the planning balance.
- Parking*
- 9.66 AVDLP policy GP24 requires that new development accords with published parking guidelines. SPG 1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development.
- 9.67 *With regards to car parking and cycle storage this remains unchanged when compared to application 16/02669/AOP and therefore the previous assessment remains. 'The scheme demonstrates adequate space could be provided on site for garaging and on-plot spaces having regard to the provisions of Local Plan Policy GP24. The finer details would be secured through the imposition of planning conditions for agreement at the reserved matters stage.*
- 9.68 *For the above reasons, the principle of the development of the site on highway grounds is considered acceptable. Furthermore, the proposed access arrangements would not have an adverse impact highway safety, and taking into the account the scale of the scheme and associated level of traffic generation including any cumulative impacts, it would not have an adverse impact the free flow of traffic within the local highways infrastructure. These highways matters are therefore afforded neutral weight in the planning balance'.*

- **Promoting healthy and safe communities**

- 9.69 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.
- 9.70 Policies GP86-88 and GP94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public

open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development.

- 9.71 For developments which result in a net increase in four or more dwellings, financial contributions are sought with regard to off site sport and leisure facilities and therefore as this proposed seeks 12 dwellings contributions would be required in order to meet the needs of the development. The actual contribution required would be dependant upon the final approved bedroom per dwelling mix which would be considered at reserved matters stage. However the contribution would be based upon the formula set out within the Aylesbury Vale District Council, Sport and Leisure Facilities Companion Document: Ready Reckoner, adopted SPG.
- 9.72 Due to the relatively low number of proposed dwellings, there is no requirement for any on-site sport/leisure provision and there will therefore be no reduction to the above contribution due to the proposed amenity space termed as '1050sqm open play space' also shown as landscaped amenity space on the site layout.

Education:

- 9.73 Although local residents have raised concerns about the impact on the local school, no financial contributions have been required by the County Education Authority. Furthermore, it is considered this scale of development would not have such a significant impact on local school places that it would weigh negatively in the planning balance for the scheme. On this basis this matter should be afforded neutral weight in the planning balance.

• **Achieving well-designed places**

- 9.74 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.75 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
- 9.76 Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.
- 9.77 Policy GP.35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP.45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site.

- 9.78 In terms of the development's design, this remains unchanged when compared to application 16/02669/AOP and therefore the previous assessment remains. The proposed indicative site layout is largely reflective of the indicative layout shown as part of application 16/02669/AOP with there being only slight amendments to the footprints and positions of the dwellings. The previous assessment which still stands is as follows:
- 9.79 *'Whilst this is outline application with matters relating to appearance, layout, scale and landscaping reserved for consideration at a later stage, illustrative plans are provided to demonstrate how the site could accommodate the proposed development. In addition, a supporting Design and Access Statement sets out the rationale underpinning the design approach to the proposal.*
- 9.80 *The residential built form within Maids Moreton includes a variety in terms of design and form and in the use of external materials. The illustrative design and appearance comprising a traditional agricultural design approach with potential use of rubble stone reflecting nearby existing development at Upper Farm would be acceptable having regard to the surrounding built form.*
- 9.81 *As regards to scale, there is a variety of scale with the locality including large and small two-storey development. The illustrative plans show predominantly two-storey scale development which subject to appropriate restrictions on height and massing would integrate with the surroundings.*
- 9.82 *In terms of indicative layout, the layout plan shows a spine road to the centre of the site off which the proposed dwellings would be served via private driveways. The centre of the site provides an external amenity space of up to 1050 sq.m which would provide a focus for the proposed dwellings as a central space. This 'cui de sac' arrangement responds to the constraints of the site taking into account the position of the access way. Similar layouts are found within the vicinity of this site. The indicative layout also provides opportunities for additional footpaths to link the site to the public right of way network to the north of the site without accessing the Towcester Road. For the reasons, the site has capacity to accommodate an appropriate layout.*
- 9.83 *In respect of proposed landscaping, the illustrative plans indicate significant new structural landscaping to the north-western boundary, as well as existing tree/hedge lined boundaries along the remaining boundaries being retained. Subject to satisfactory landscaping buffers being provided to the boundaries that are excluded from the residential gardens, is it considered the scheme could accommodate an appropriate scheme of landscaping at the reserved matters stage.*
- 9.84 *In respect of density, it is considered that the density of the development sought is appropriate for the scale of the site and its edge of settlement position and provides opportunities to ensure that sufficient space can be maintained around buildings and provision of sufficient landscaping whilst maintaining some public views through the site.*
- 9.85 *In respect of housing mix, the illustrative plans show 12 dwellings with 4 or 5 bedrooms does not provide a socially inclusive mix, being skewed towards larger executive type homes. However, as this is outline application, the finer details of the housing mix could be determined at the reserved matters stage.*
- 9.86 *For these reasons, it is considered that the site has sufficient capacity to accommodate the proposed development subject to the finer details being resolved at the reserved matters stage. This matter is therefore afforded limited neutral weight in the planning balance'.*

- **Meeting climate change, flooding and coastal change**

- 9.87 The NPPF at Section 14, 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 163 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk

assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.

- 9.88 With regards to flooding, this remains unchanged when compared to application 16/02669/AOP and therefore the previous assessment remains. *'The site is located in Flood Zone 1 where residential development is directed in terms of the lowest risk of flooding. The application is supported by a Flood Risk Assessment that demonstrates the proposal would not have a significant impact on the risk of flooding within the site or within the locality subject to appropriate surface and foul water mitigation strategies being implemented.'* As part of this current application, the Lead Local Flood Authority were consulted and have raised no objections subject to conditions securing a surface water drainage scheme, a whole-life maintenance plan and evidence to demonstrate the scheme has been implemented in accordance with the approved details.
- 9.89 Anglian Water have also confirmed that the sewerage system at present has available capacity for the flows associated with the proposed development.
- 9.90 For these reasons, it is considered that the proposed development would be resilient to climate change and flooding in accordance with NPPF guidance and this factor should therefore be afforded neutral weight in the planning balance.

Energy and Carbon dioxide Emissions:

- 9.91 Within the submitted Design and Access Statement, reference is made to an Energy Statement provided by Encraft, however no such supporting document appears to have been received as part of this current proposal. The summary of this document provided within the Design and Access Statement advises that *'there was sufficient suitable roof area to accommodate the required extent of PV installation to offset 10% of the predicted site energy consumption'*. Where appropriate, the use of renewable or low-carbon technologies would accord with the principles of the NPPF. However, as these matters are considered under different legislation, it is afforded neutral weight in the overall planning balance.

- **Conserving and enhancing the historic environment**

- 9.92 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving the Listed Building, its setting and any features of special architectural or historic interest in which it possesses. In addition to paying attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 9.93 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. With paragraph 194 stating any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Paragraph 196 states 'where a development will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal'.

- 9.94 With regards to the impact on the setting of nearby listed building's and Maid's Moreton's Conservation Area this remains unchanged when compared to application 16/02669/AOP and therefore the previous assessment remains. *'The site is located in close proximity to the Grade II Listed Scott's Farm House, the curtilage of which falls within the northern extent of the Maids Moreton Conservation Area. Taking into account the intervening modern housing development, it is considered that the proposed housing would not have a tangible visual impact on the setting and views of these designated heritage assets.'*
- 9.95 *In relation to the Grade II Listed Upper Farm which has an extensive rear garden directly south of the application site. Whilst the open nature of the land to rear of Upper Farm may lead to some minor harm to the views and setting of this listed building from the application site, there are no public views available from the application site, and subject to the imposition of sensitive boundary treatment as well as soft landscaping, it is considered that the overall setting of the listed building would be preserved'.*
- 9.96 For these reasons, whilst the setting of the conservation area would be preserved, less than substantial harm has been identified to the setting of a Listed Building, Upper Farm Barn and therefore this matter should be afforded limited negative weight in the wider planning balance. As less than substantial harm has been identified this must be weighed against the public benefits of the proposal in accordance with paragraph 196 of the NPPF.

Archaeology

- 9.97 Paragraph 189 of the NPPF advises that where a site on which development is proposed includes, or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. This is further supported by policy GP59 of AVDLP which states 'in dealing with development proposals affecting a site of archaeological importance the Council will protect, enhance and preserve the historic interest and its setting. Where research suggests that historic remains may be present on a development site planning applications should be supported by details of an archaeological field evaluation. In such cases the Council will expect proposals to preserve the historic interest without substantial change'.
- 9.98 In respect to archaeology, the scheme remains unchanged when compared to application 16/02669/AOP and therefore the previous assessment remains. Whilst the permanent vehicular access for the development has changed, this proposed access seeks to utilise the temporary construction access which was previously granted.
- 9.99 *'The application is supported by an Archaeological Assessment which did not record any significant archaeological features or finds although significant archaeological remains have been recorded in the vicinity. This proposal is therefore considered unlikely to significantly harm the features of potential archaeological significance within the site.'*
- 9.100 *The proposal would lead to a loss of ridge furrow within the site. However, it is recognised given the relatively small area of loss in the context of substantial areas of ridge and furrow evident throughout the district, and this particular type of ridge and furrow being of no particular significance, this matter is afforded neutral weight in the wider planning balance'.*
- 9.101 As part of this current application the Archaeology Officer was consulted and reiterated the assessment made above, advising that they do not consider it necessary to recommend a condition to safeguard archaeological interest. Furthermore, as required by paragraph 197 of the NPPF, a balanced judgement was made as part of application 16/02669/AOP with regards to the development's impact on the identified non-designated heritage asset (ridge and furrow), where its loss was found to be acceptable. The amendments sought as part of this current application are considered not to have an impact on the site's archaeological interests when compared to the earlier approved scheme (16/02669/AOP). It is therefore

considered unreasonable to amend the weight previously attributed within the planning balance. Consequently this matter is afforded neutral weight in the planning balance.

- **Supporting high quality communication**

9.102 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

9.103 The proposed development is to be located near to existing residential properties and the erection of 12 dwellings would be relatively small scale, therefore 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. This matter is considered to accord with the advice within the NPPF and is therefore given neutral weight in the planning balance.

c) Impact on Residential Amenity

9.104 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.

9.105 Notwithstanding the changes to the proposed vehicular access, the remainder of the scheme remains unchanged with regards to residential amenity when compared to application 16/02669/AOP and therefore the previous assessment remains '*The illustrative plans demonstrate the site has sufficient capacity to accommodate the proposed development whilst creating a satisfactory standard of accommodation for future occupiers*'. Due to there being adequate space within the site it is considered that an acceptable scheme could come forward as part of any subsequent reserved matters application preserving the privacy of neighbouring properties.

9.106 As part of application 16/02669/AOP the vehicular access serving the proposed development was located off Scotts Farm Close, whereas this current proposal seeks the vehicular access extending to the north of Gwynfa onto Towcester Road. As part of application 16/02669/AOP this access was previously shown as temporary construction access only. Whilst this is noted, the proposed access will serve a relatively small number of dwellings and given its relationship with adjacent, existing residential properties it is therefore considered not to have any adverse impacts in regard to residential amenity. Furthermore, a number of concerns were raised as part of this application with regards to the impact on residential amenity as a result of a vehicular access off Scotts Farm. These concerns are no longer applicable as this access was removed during the course of the application.

9.107 It is therefore considered on the basis of the information available that the proposal does not conflict with policy GP8 of the AVDLP or with the NPPF and this factor should be afforded neutral weight in the planning balance.

d) CIL/ S106

9.108 As noted above, there are a number of requirements arising from this proposal that need to be secured through a S106 Planning Obligation Agreement. These obligations include:

- . A financial contribution towards off-site provision of affordable housing

- . A financial contribution towards off-site sport and leisure provision (formula based) and maintenance of any amenity space provided.
 - . Maintenance of any SuDS drainage features.
- 9.109 It is considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 sets out the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be considered as a reason for granting planning permission if the obligation does not meet all of the following tests; necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 9.110 In the context of this application the development is in a category to which the regulations apply. The requirement for all of the above named measures, if the proposals were to be supported, would need to be secured through a Planning Obligations Agreement. These are necessary and proportionate obligations that are considered to comply with the tests set by Regulation 122 for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related to the scale and kind of development. Specific projects are to be identified within the Section 106 in accordance with the pooling limitations set out in CIL Regulation 123.
- 9.111 The Council's Solicitors have been instructed in respect of the drafting of a S106 Agreement to secure the relevant obligations should Members be minded to grant planning permission. With the obligations being secured through a legal agreement the development is considered to accord with the NPPF and AVDLP policies GP2, GP86-88 and GP94.
- 9.112 **e) Other Matters**
- 9.113 Suggestions for alternative accesses: The Local Planning Authority is required to determine the application before them and only seek minor amendments in order to overcome any harm identified.
- 9.114 Street Lighting: This matter would naturally be dealt with through a street lighting scheme.
- 9.115 Precedent & Loss of View: This is not a material planning consideration.
- 9.116 Reference to other developments and level of development already taking place in Maids Moreton: Each application is determined on its own individual merits.
- 9.117 The village could potentially gain, if a suitable scheme of traffic works could be devised at the cost of the developer: Where necessary and proportionate to the development highway improvements can be sought, however no such works were suggested by the Highways Engineer in light of the amendments to the access arrangements.
- 9.118 Public awareness of amendments: During the course of the application amendments were received with regards to the location of the vehicular access serving the development. Revised site notices were placed near to the site informing any interest parties that new information/plans had been received.
- 9.119 Criminal Activity: The proposed development is considered not to give rise to any adverse impacts in respect of criminal activity. The detailed matters of the scheme will be access as part of any subsequent reserved matters application as this application seeks outline permission for the erection of 12 dwelling and access only.
- 9.120 Use of existing access on Scotts Farm Close: Consideration is given to whether an access in the location proposed is acceptable when taking into account site specific matters and possible intensifications, when it relates to an existing access. All these factors considered

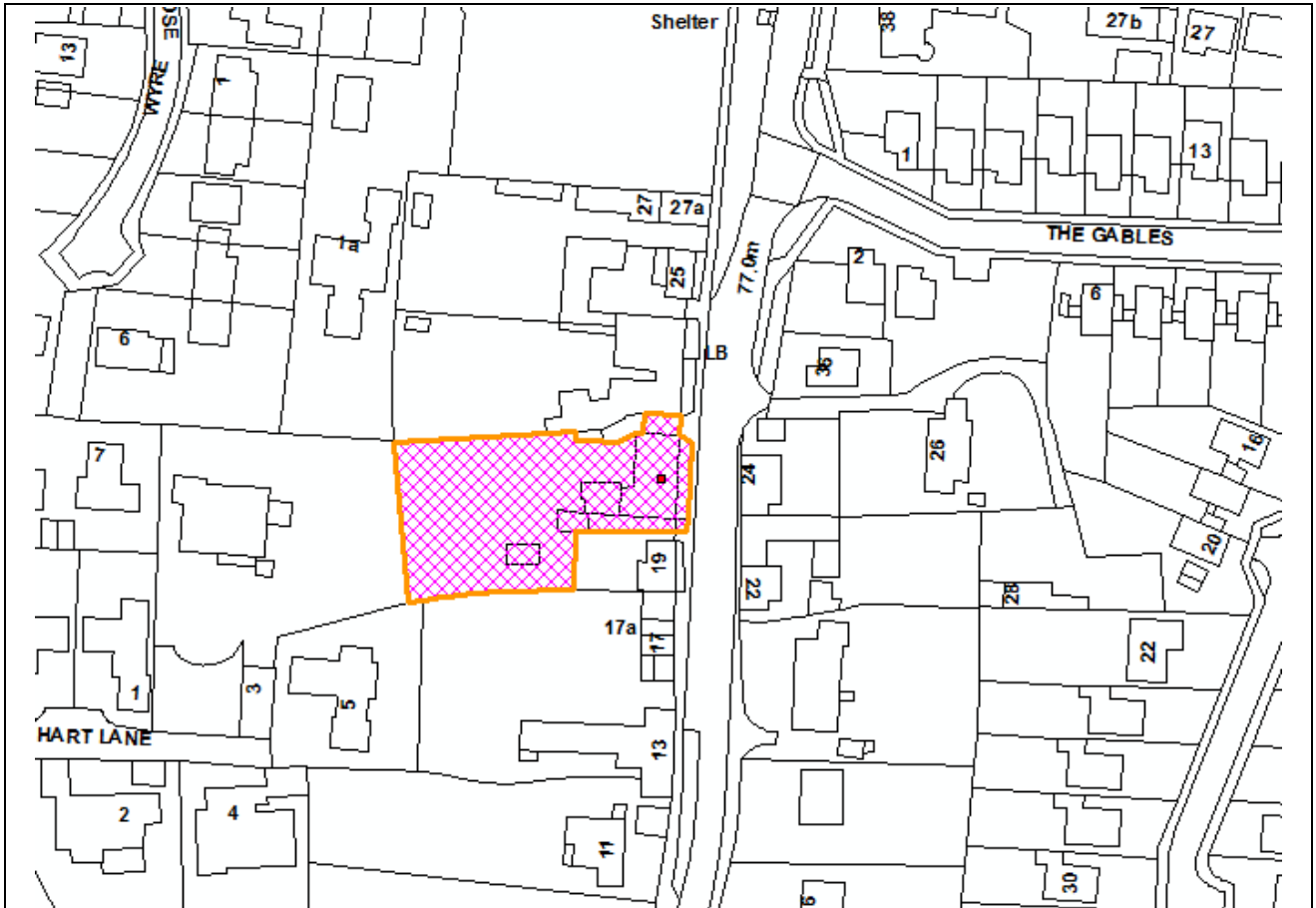
as part of an accesses suitability. The access off Scotts Farm Close is no longer sought to be used for vehicles serving the development.

9.121 Inaccurate Plans: Whilst it is acknowledged that the submitted location plan does not show the nearest three residential properties to the proposed, revised access off Towcester Road, the submitted site plan does. Furthermore, the bend on Towcester Road adjacent to Bycell Road is considered to reflect aerial photography of the area.

Case Officer: Danika Hird

(dhird@aylesburyvaledc.gov.uk)

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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/03076/APP	HADDENHAM The Local Member(s) for this area are: -	20/08/19
INTERNAL REARRANGEMENTS AND CHANGES TO CEILING, WINDOWS, WALLS AND DOORWAYS. PART DEMOLITION OF EXISTING SINGLE STOREY REAR EXTENSION, DEMOLITION OF EXISTING GARAGE AND OUTBUILDING. REMOVAL OF LINTEL, AND SMALL WALL ABOVE OVER GATEWAY. PART TWO STOREY PART SINGLE STOREY REAR EXTENSION. ERECTION OF NEW DETACHED GARAGE. CHANGE FENESTRATION AND REMOVE TILE HANGING TO PREVIOUS EXTENSION AND RE-RENDER THE PREVIOUS EXTENSION.	Councillor David Lyons Councillor Brian Foster Councillor Mrs J Brandis	
21 CHURCHWAY HP17 8AB MRS LUCY DOWSON		
STREET ATLAS PAGE NO. 127		

1.0 The Key Issues in determining this application are:-

- a) Impact on appearance and character of the dwellinghouse, street scene and wider area**
- b) Impact on the setting of the conservation area and listed building**
- c) Impact on residential amenity**
- d) Impact on trees**
- e) Impact on highways & parking**

The recommendation is that permission be **DEFERRED AND DELEGATED** , subject to the receipt of amended plans to address the manoeuvrability of vehicles around the site and subject to those condition as considered necessary by officers

1.0 Conclusion

- 1.1 The proposal is considered to accord with the relevant policies of the Development Plan, the emerging VALP and the NPPF, with the extension, garage and the internal and external changes to the existing dwelling respecting the character and appearance of the dwelling and the local area. The proposal would not result in unreasonable harm to neighbouring amenity or harm the heritage assets and their setting. Appropriate mitigation has been secured and the impact minimised to trees, the proposal would not result in

danger to highways users with appropriate parking provision on site. Therefore it is recommended that the application is deferred and delegated subject to the receipt of amended plans to address the manoeuvrability of vehicles around the site and subsequently approved with the following conditions:-

2.0 INTRODUCTION

2.1 The application needs to be determined by committee as the parish council has raised material planning objections and indicated that they will speak at the meeting.

2.2 The Parish have objected to the application on the following grounds:

1. The combined 20th century and proposed extensions are disproportionately larger than the original 19th century building resulting in harm to the listed building.
2. The design is in contravention of AVDCs design guide for residential extensions with various gables, ridges, pitches and roof styles discordant and unsympathetic and not subservient to the old building.
3. The extension will cause harm to the setting of the adjoining listed buildings.
4. The potential loss of light to and overlooking of both number 19 and 23. In particular, number 23s kitchen window is likely to be affected due to proximity to the extension, which is only around 13m..
5. The extension will be dominant when viewed from number 19 which is a smaller building and on a small plot.

2.3 The Council considers that the rear extensions follows the existing L-shaped pattern of development and is considered appropriate in relation to the listed buildings, with the main element extending from the rear of the modern side extension the ridge height stepping down resulting in the extension appearing suitably subservient. The contemporary flat roof glazed extension would extend from the rear of the original building, which would be a light weight structure and allow views through to the original building, as seen in other examples of modern extensions to listed buildings. Due to the distance from neighbouring dwellings it is not considered that the proposal would result in unacceptable harm to neighbouring amenity, the removal of the north facing first floor window and the conditioning of non-opening and obscure glazing of the south facing window have helped to achieve this.

3.0 SITE LOCATION AND DESCRIPTION

3.1 The site is located on Churchway in Haddenham village. It is semi-detached Grade II Listed Building, the original building constructed in early 19th century. It is of a stone construction with a slate roof. There are later more modern additions to the southern side and rear of the dwelling and a lintel beam and tile coping above the access at the south of the site.

4.0 PROPOSAL

4.1 The proposal involves removal of the lintel and small wall over the south-side access and changes to the fenestration including replacing the windows on the rear elevation. There would also be a new roof light on the front section of the side extension and the removal of the tile hanging to the previous extension and re-rendering of it. Part demolition of the existing single storey rear extension, demolition of existing garage and outbuilding. Part two storey part single storey rear extension and the erection of new detached garage.

4.2 Amended plans have been received which reduced the ridge height of the first floor rear extension, and omitted some details such as the north facing balcony of the extension and indicated the south facing window at first floor in the existing extension as obscure glazed.

5.0 RELEVANT PLANNING HISTORY

None

6.0 PARISH/TOWN COUNCIL COMMENTS

6.1 The Parish Council OPPOSES this application for the following reasons:

1. The combined 20th century and proposed extensions are disproportionately larger than the original 19th century building resulting in harm to the listed building.
2. The design is in contravention of AVDCs design guide for residential extensions with various gables, ridges, pitches and roof styles discordant and unsympathetic and not subservient to the old building.
3. The extension will cause harm to the setting of the adjoining listed buildings.
4. The potential loss of light to and overlooking of both number 19 and 23. In particular, number 23s kitchen window is likely to be affected due to proximity to the extension, which is only around 13m..
5. The extension will be dominant when viewed from number 19 which is a smaller building and on a small plot.
6. The proposed balcony is in contravention of AVDC Design Guide to resist such balconies and overlooks number 23.

6.2 Following amendments to the scheme the parish council submitted the following revised comments:

The Parish Council is pleased to note that the balcony has been removed on the amended plans but maintains its previous objections to other aspects of the application. If the application goes to committee the Parish Council would like to send a representative

7.0 CONSULTATION RESPONSES

7.1 Buckingham & River Ouzel Drainage Board – no comments

7.2 AVDC Highways Officer - Since it appears that the existing access is to be used then I have no further comments to make in this instance.

7.3 Heritage Officer – The proposals would preserve architectural and historic interest of the listed building and therefore complies with sections 16 of the Act, the proposals would preserve the character and appearance of the conservation area and therefore complies with section 72 of the Act. The proposal would cause no harm to the significance of the heritage asset.

7.4 Tree Officer - No objection subject to condition, the arboricultural impacts of the proposal are considered to present negligible residual harm, subject to the proposed mitigation measures. Consequently the suggested conditions should be attached to any planning approval.

8.0 REPRESENTATIONS

8.1 Councillor Judy Brandis - I know the parish council has objected to this. I would like it to come to committee if the officers are minded to approve it. The planning reasons are: the massing is complex and may compromise the original C19 small cottage; possible loss of light and overshadowing of the only window in the kitchen of the neighbour; possible overlooking and loss of privacy from the proposed bedroom 5 into the kitchen of neighbour; possible loss of privacy over the garden of the neighbour from the French doors of the rear reception room.

- 8.2 A further 7 representations have been received from four individuals objecting on the following grounds:
- Increase in footprint
 - Harm to the listed buildings and Conservation Area
 - Overbearing to neighbouring properties, loss of light, overshadowing and loss of privacy
 - Out of character and complexed incongruous additions in comparison to the original dwelling
 - Inappropriate materials used
 - Oversized extension and garage proposed, concerns with the use of the garage
 - Noise from new driveway
- 8.3 One representation has been received supporting the application stating that the works would improve the appearance of the dwelling and that there are similar garages and extensions in the area.

9.0 EVALUATION

- 9.1 The overview report appended to this report sets out the background information to the policy framework when making a decision on this application.
- 9.2 The application site is covered by the made Haddenham Neighbourhood Plan (HNP). However as a result of a High Court order dated 7th March 2016, Chapter 6 of the Haddenham Neighbourhood Plan has been quashed and cannot be given material weight in planning decisions. Therefore the only relevant policy for the proposal is Policy TGA1: Car and cycle Parking standards.

Emerging policy position in Vale of Aylesbury District Local Plan:

- 9.3 The overview report sets out the current position with regards to VALP. A number of policies within the VALP following the main modification consultation which started on the 5th November 2019, are now afforded some weight in the decision making process. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of particular relevance are:

T6: Vehicle Parking (moderate weight),

BE1: Heritage Assets (moderate weight)

BE2: Design of New Development (moderate weight)

BE3: Protection of Amenity (considerable weight)

NE8: Trees, hedgerows and woodlands (moderate weight)

Policy BE3 has been the subject of objections and the Inspector has not requested main modifications so can be regarded as resolved and this policy can be given considerable weight. Where the remainder of these policies have been the subject of objections and the Inspector requested main modifications, he has confirmed that he is satisfied they remedy the objection so these can be given moderate weight.

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

- 9.4 AVDLP GP9 indicates that proposed extensions should accord with SPG advice, and should respect the appearance of the original dwelling and show respect for the

setting of the dwelling and other buildings in the area. AVDLP GP35 requires that development respects and complements the physical characteristics of the site and its surroundings, the building tradition of the locality, and the scale and context of the setting, the natural qualities and features of the area and the effect of the development on important public views and skylines. The NPPF sets out guiding principles including that authorities should always seek to secure high quality design.

- 9.5 The removal of the lintel above the access, the replacement of the rear elevation windows and the other repositioning and new window openings, as well as the roof light at the front of the existing modern extension are not considered harmful to the character and appearance of the dwelling or the streetscene. The windows would be like for like replacements and new windows would be timber sash and aluminium on the modern extension, the roof light would be concealed from the streetscene by the parapet detail. The changes to the modern side extension in particular such as the rendering, removal of the hanging tiles and the reconfiguration of the windows are considered to improve the appearance of the dwelling appearing more in keeping.
- 9.6 The proposed rear/side extension would increase the depth at first floor of approximately 3 metres from the previous extension and would have two single storey elements below. The first single storey section would extend with a dual pitched roof into the space currently occupied by the linked outbuildings, but at a slightly reduced depth. The second glazed flat roof section would sit alongside to the north attached to the original building. The simple design of the gabled roofs accords with the design guide and is consistent with the existing L-shaped pattern of the dwelling, with the ridge height stepping down resulting in the extension appearing suitably subservient. It is therefore not considered to overwhelm the existing dwelling, or appear unduly prominent given its location at the rear of the property and would not have an adverse affect on the streetscene. The materials used are considered appropriate, with render approving the overall aesthetic and slate to match the existing roof. The contemporary styled glazed section is considered acceptable to the rear of the dwelling also and it is not considered that it would cause harm to the character and appearance of the dwelling.
- 9.7 The rear garage replacing the demolished garage in a new position would be constructed out of plain tiles and timber cladding, it would have an appropriate pitched roof and appear subservient to the dwelling located in an appropriate position in the plot, it would not be seen in views of the streetscene and is considered to preserve the character and appearance of the dwelling. Details of the new surfacing of the driveway will be secured via condition to ensure it is appropriate in this location.
- 9.8 In summary the proposal is considered to be of a scale and design that respects the character and appearance of the existing dwelling and does not overwhelm it. In addition is considered that the proposal would not appear overly prominent within the streetscene or the locality in general. The proposals are therefore considered to comply with GP9 & GP35 of the AVDLP, policy BE2 of the emerging VALP, the Council's Design Guide Residential Extensions and the NPPF.

Impact on the setting of the conservation area and listed building

- 9.9 The Dwelling is Grade II Listed as is No. 19 to the south and No. 23 to the north. The site also lies within Haddenham Conservation Area. The external changes to fenestration of the original dwelling, including window replacements and new openings are considered appropriate and would not harm the listed building, the setting of the listed buildings or the setting of the conservation area. Likewise the changes to the existing modern side and rear extension are considered to improve its appearance and be more in keeping. The rear extensions follows the existing L-shaped pattern of development and are considered appropriate in relation to the listed building, with the main element extending from the rear of the modern side extension. The contemporary flat roof glazed extension would extend

from the rear of the original building, which would be a light weight structure and allow views through to the original building, as seen in other examples of modern extensions to listed buildings. The roof light located on the front of the existing side extension would be obscured from the streetscene by the raised parapet at the front of the building and so is considered acceptable in this instance. Acceptable materials would be used and the proposal is supported by the Heritage Officer.

- 9.10 Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and to the statutory test of preserving the setting of the listed building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which are accepted as a higher duty. It has been concluded that the development would preserve the character and appearance of the conservation area and that the setting of the listed building would be preserved and so the proposal accords with section 66 & 72 of the Act. In addition, no harm would be caused to the significance of the heritage asset, and as such the proposal accords with policy GP.53 of AVDLP, policy BE1 of the emerging VALP and the guidance contained within the NPPF.

10.0 Impact on residential amenity

- 10.1 AVDLP policy GP8 notes that planning permission will not normally be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents, unless the benefits of the proposal outweigh any harm to amenity.
- 10.2 In terms of privacy amended plans have been received to omit the north facing first floor window of the rear extension. The extension would provide views to the rear of the property at a greater depth, and therefore to an extent there would be indirect views towards the properties at either side. The extension will push views further away from the dwellings towards the rear gardens and it is not considered to be materially different to the existing rear views that would justify a refusal on these grounds. In regards to No. 19 to the south the dwellings are approximately 4 metres apart and the extension would be approximately 6 metres from this neighbour at the closest point. Due to this distance, with the extension located to the north-east of the dwelling, it is not considered that there would be any harm in terms of amenity to this neighbour. There would be two roof lights proposed in the roof slope of the south flank one at ground floor and one at first floor, which would be above head height. The only new window proposed is in the south flank of the existing modern extension which would be obscure glazed and can be secured as such via a planning condition.
- 10.3 No. 23 to the north is at a slightly higher ground level than the host dwelling, and has a similar layout to the host with a wing extension to the western rear of the dwelling. No. 23 is approximately 9.4 metres from the location of the proposed first floor rear extension at its closest point due to a slightly tapered boundary. There are no habitable windows that would be adversely affected by the proposal at this point and from this distance in terms of sunlight or daylight and it is not considered that there would be a sense of overbearing created from the proposal. Concerns have been raised in regards to the neighbouring south facing ground floor kitchen window on this elevation, this is set-in to the elevation and at a further distance to the proposal due to this of approximately 13 metres from the proposed extension. Due to the tapered boundary, that the window is set-in and the courtyard that it lies within, there is a limited amount of natural light to this window in the daytime. However, due to the considerable distance it is not considered that the proposal would have an unacceptable adverse affect in terms of neighbouring amenity that would justify a refusal of planning permission in this instance and it is considered that there would not be an

unacceptable material worsening in terms of amenity in comparison to the existing arrangement.

- 10.4 Despite the boundary wall a section of the proposed garage would be visible above the boundary, however the proposed garage would have a dual pitched roof and be single storey, due to the proposed distance from No. 19 of over 11 metres away to the west and a greater distance to No. 17A further south, it is not considered to have an adverse affect on neighbouring amenity.
- 10.5 The dwelling known as Bakers Keep is located to the eastern rear of the dwelling approximately 48 metres away from the proposal and so there is no adverse affect in terms of amenity to this neighbour.
- 10.6 In summary, given the positioning of the proposal and its relationship relative to the neighbouring properties in terms of scale, position of windows and orientation it is considered that the proposal would not have an unacceptable adverse impact upon the neighbouring amenity. Therefore the proposal accords with GP.8 of AVDLP, policy BE3 of the emerging VALP and NPPF.

11.0 Impact on Trees

- 11.1 Policy GP.39 of AVDLP seeks to protect existing trees and hedgerows. Following previous informal comments additional information has been provided which clarifies that two trees are to be removed to facilitate the proposed development. The drawing proposed plans Ref: CWEH/04H has also been submitted showing indicative locations of proposed replacement trees, the drawing also shows an apple tree whose RPA abuts the new area of hardstanding/retaining wall. Given that the existing garage structure is within the RPA of the tree, the proposals can be considered to offer an improved root environment, however the demolition and construction will need to be carefully undertaken, and the tree appropriately protected, to avoid harm. Details of this can be provided via condition. The two trees to be removed are intended for replacement, and it is considered there is sufficient scope for this. Full details can be secured via condition. Therefore the proposal accords with policy GP.39 of the AVDLP, policy NE8 of the emerging VALP and the NPPF.

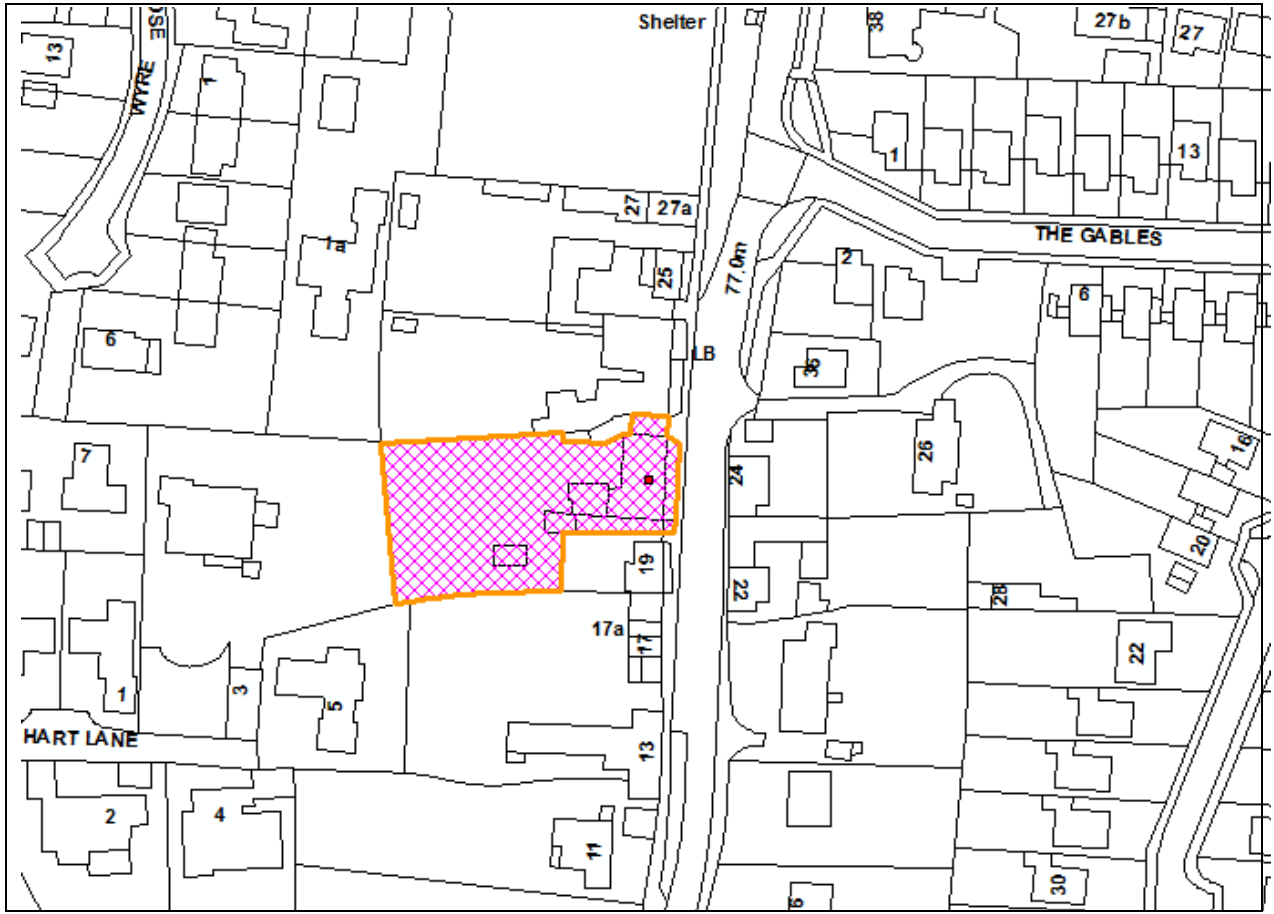
12.0 Impact on highways & parking

- 12.1 The existing access would be retained with the removal of the lintel improving the usability. The existing garage is proposed to be demolished and a new garage constructed further into the site with an extended driveway, therefore a tracking plan to show the achievability of vehicle movements around the site has been provided. The submitted plan fails to demonstrate feasible vehicle movements within the site as confirmed by the Highways Officer, therefore it has been advised that the applicant submit amended plans to address this issue of manoeuvrability around the site and as such that the application is deferred and delegated to address this matter. The proposal would reduce the number of bedrooms from six to five. From the plans it can be seen that three parking spaces can be provided on site, the standards are for an optimal level of parking and it is considered that the proposal is therefore acceptable and the application should not be refused on this basis.
- 12.2 Therefore the proposal is considered to accord with policy T6 of HNP, GP.24 of AVDLP, TGA1 of the emerging VALP, the NPPF and the Council's SPG Parking Guidelines.

Case Officer: Mr Adam Thomas

(athomas@aylesburyvaldc.gov.uk)

19/03077/ALB	
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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/03077/ALB	HADDENHAM The Local Member(s) for this area is/are: -	20/08/19
INTERNAL REARRANGEMENTS AND CHANGES TO CEILING, WINDOWS, WALLS AND DOORWAYS. PART DEMOLITION OF EXISTING SINGLE STOREY REAR EXTENSION, DEMOLITION OF EXISTING GARAGE AND OUTBUILDING. REMOVAL OF LINTEL, AND SMALL WALL ABOVE OVER GATEWAY. PART TWO STOREY PART SINGLE STOREY REAR EXTENSION. ERECTION OF NEW DETACHED GARAGE. CHANGE FENESTRATION AND REMOVE TILE HANGING TO PREVIOUS EXTENSION AND RE-RENDER THE PREVIOUS EXTENSION.	Councillor David Lyons Councillor Brian Foster Councillor Mrs J Brandis	
21 CHURCHWAY HP17 8AB MRS LUCY DOWSON		
STREET ATLAS PAGE NO. 127		

1.0 The Key Issues in determining this application are:-

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

The recommendation is that consent be **GRANTED**

CONCLUSION

It is considered that the extensions and the internal and external changes would not cause harm to the heritage asset or to its significance and therefore the works accord with the guidance contained within the NPPF and section 66 of the Act. The consent should be granted subject to the following conditions: -

The application should be approved subject the following conditions:

1. STC6 – Standard time condition
2. US07 – Materials as shown on form

3. LC22 – Fenestration details
4. No work permitted by this consent shall commence until details of the new doors and rooflights to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved details.
5. During the works of the fireplace removal in the sitting room hereby approved, a detailed recording of what is found must be carried out by an archaeological / building recording consultant or organisation approved by the Local Planning Authority. It shall be maintained throughout the works and submitted on completion of the works to the 'Historic Environment Record' and the Local Planning Authority notified.
6. No work permitted by this consent shall commence until details of any new flue and/or vents to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved details. Please also see note no's 5 and 6.
7. No work permitted by this consent shall commence until details of how the flat roof extension will be attached to existing building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved details. Please also see note no's 5 and 6.

Reasons:

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

2.0 INTRODUCTION

- 2.1 The application needs to be determined by committee as the parish council has raised material planning objections to the application on the following grounds:
- 2.2 The combined 20th century and proposed extensions are disproportionately larger than the original 19th century building resulting in harm to the listed building with various gables, ridges, pitches and roof styles discordant and unsympathetic and not subservient to the old building.
- 2.3 The Council considers that the rear extensions follows the existing L-shaped pattern of development and is considered appropriate in relation to the listed building, with the main element extending from the rear of the modern side extension the ridge height stepping down resulting in the extension appearing suitably subservient. The contemporary flat roof glazed extension would extend from the rear of the original building, which would be a light weight structure and allow views through to the original building, as seen in other examples of modern extensions to listed buildings.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The site is located on Churchway in Haddenham village. It is semi-detached Grade II Listed Building, the original building constructed in early 19th century. It is of a stone construction with a slate roof. There are later more modern additions to the southern side and rear of the dwelling and a lintel beam and tile coping above the access at the south of the site.
- 3.2 House. Early c19. Coursed rubblestone with dressed stone jambs lintels and quoins. Slate roof. 3 bays with 4th over carriageway at right. 2 storeys. 5 panel central door with diamond ornament on horizontal panel in centre and 3 pane fanlight. Recessed barred sashes 4 panes to outer bays 3 above door. At right first floor oriel window installed in 1879 over carriageway which has board doors. Flanking stacks to main 3 bays. Cast-iron spear standards to wrought iron railings and gate on brick dwarf wall in front of house.

4.0 PROPOSAL

- 4.1 The proposal involves removal of the lintel and small wall over the south-side access and changes to the fenestration including replacing the windows on the rear elevation. There would also be a new roof light on the front section of the side extension and the removal of the tile hanging to the previous extension and re-rendering of it. Part demolition of the existing single storey rear extension, demolition of existing garage and outbuilding. Part two storey part single storey rear extension and the erection of new detached garage.
- 4.2 Internal rearrangements are also proposed including a new ensuite, new entrance into the side extension, removal of a 1950's fireplace and secondary glazing, as well as various changes to the ceiling, walls and doorways.

5.0 RELEVANT PLANNING HISTORY

- 5.1 None

6.0 PARISH/TOWN COUNCIL COMMENTS

- 6.1 The Parish Council OPPOSES this application for the following material reasons: The combined 20th century and proposed extensions are disproportionately larger than the original 19th century building resulting in harm to the listed building with various

gables, ridges, pitches and roof styles discordant and unsympathetic and not subservient to the old building.

- 6.2 Following amendments to the scheme the parish council submitted the following revised comments:

The Parish Council is pleased to note that the balcony has been removed on the amended plans but maintains its previous objections to other aspects of the application. If the application goes to committee the Parish Council would like to send a representative.

7.0 CONSULTATION RESPONSES

- 7.1 Heritage Officer – The proposals would preserve the architectural and historic interest of the listed building and therefore complies with sections 16 of the Act causing no harm to the significance of the heritage asset therefore the application should be approved.

8.0 REPRESENTATIONS

- 8.1 Councillor Judy Brandis objected on the following material grounds: The massing is complex and may compromise the original C19 small cottage.
- 8.2 A further 5 representations have been received from 3 individuals objecting on the following material grounds:
- Harm to the listed buildings through an out of character, complexed, oversized and incongruous additions in comparison to the original dwelling.
 - Inappropriate materials used

9.0 EVALUATION

9.1 Impact on the special architectural and historic interest of the listed building

- 9.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving the Listed Building, its setting, and any features of special architectural or historic interest which it possesses. The policies of the AVDLP relating to listed buildings are not 'saved'. Policy BE1 of VALP (moderate weight) states that development proposals should conserve heritage assets in a manner appropriate to their significance.
- 9.3 The external changes to fenestration of the original dwelling, including window replacements and new openings are considered appropriate and would not harm the listed building. The changes to the existing modern side and rear extension are considered to improve its appearance and be more in keeping. The rear extensions follow the existing L-shaped pattern of development and are considered appropriate in relation to the listed building, with the main element extending from the rear of the modern side extension. The contemporary flat roof glazed extension would extend from the rear of the original building, which would be a light weight structure and allow views through to the original building, as seen in other examples of modern extensions to listed buildings. The roof light located on the front of the existing side extension would be obscured from the streetscene by the raised parapet at the front of the building and is considered to be an acceptable addition in this instance. Acceptable materials would be used and the proposal is supported by the Heritage Officer.

- 9.4 In regards to the internal changes, most of the changes would occur in the modern side extension and therefore not impact the original historic fabric. The scheme reverts many of the rooms back to the original layout which is welcomed including the new ensuite which makes use of an original door in the historic core of the building. A new access will be created by lowering the cill of an existing side window of the historic core building. Whilst this will result in the loss of some historic fabric, this harm is outweighed by resulting in the more simple historic layout of the building being reinstated (bedroom 3 and opening of the landing area) whilst also providing a more usable layout in the side extension, therefore the proposal is acceptable. In regards to the ceiling beam in the sitting room the opening works are considered to have taken place in C20th and so this is likely to be steel work, investigation is considered appropriate and should it be a historic timber beam its exposure is likely to be acceptable. The removal of the 1950's fireplace is considered acceptable, however recording of the original fireplace behind is considered necessary. The proposal includes the installation of secondary glazing to the windows within the front elevation of the listed building. Details submitted with the application confirm the frames, transoms and mullion details of the secondary glazing units will match up with the existing windows and therefore this element is considered acceptable.
- 9.5 Special regard has been given to the statutory test of preserving the listed building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. It has been concluded that the listed building would be preserved, and so the proposal accords with section 66 of the Act. In addition, no harm would be caused to the significance of the heritage asset, in NPPF terms, and as such the proposal accords with guidance contained within the NPPF.

Case Officer: Mr Adam Thomas

(athomas@aylesburyvaldc.gov.uk)

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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