



## AYLESBURY VALE DISTRICT COUNCIL

### Democratic Services

Please ask for: devcon@aylesburyvaledc.gov.uk;  
Switchboard: 01296 585858  
Text Relay Prefix your telephone number with 18001  
11 February 2020

### DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Development Management Committee** will be held at **1.00 pm** on **Thursday 20 February 2020** in **The Oculus, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

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

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

### AGENDA

**1. APOLOGIES**

**2. TEMPORARY CHANGES TO MEMBERSHIP**

Any changes will be reported at the meeting.

**3. MINUTES** (Pages 3 - 6)

To approve as a correct record the Minutes of 9 January 2020 (Copy attached as an Appendix)

**4. DECLARATION OF INTEREST**

Members to declare any interests.

**5. QUARTERLY PERFORMANCE REPORT - QUARTER 3** (Pages 7 - 22)

To note the Workload and Performance Review for quarter October – December 2019.

Contact officer: Susan Kitchen

### **NOT BEFORE 1.15 PM**

**6. OVERVIEW REPORT - DECEMBER 2019** (Pages 23 - 32)

**7. 19/03398/APP - ODDFELLOWS HALL, 48 WELL STREET, BUCKINGHAM** (Pages 33 - 58)



Conversion of former meeting place (Class D1) to form 9 no. student apartments (Class C3) with associated communal facilities

Case officer: Nina Hewitt-Jones [nhewitt-jones@aylesburyvaledc.gov.uk](mailto:nhewitt-jones@aylesburyvaledc.gov.uk)

- 8. SITE VISIT ARRANGEMENTS**
- 9. HUMAN RIGHTS ACT (Pages 59 - 60)**

## DEVELOPMENT MANAGEMENT COMMITTEE

9 JANUARY 2020

**PRESENT:** Councillor T Mills (Chairman); Councillors A Bond (Vice-Chairman), J Brandis, P Cooper, N Glover, M Rand, Sir Beville Stanier Bt, P Strachan (In place of M Collins) and D Town. Councillors B Foster, D Lyons and H Mordue attended also.

**APOLOGIES:** Councillors M Collins, R Khan and S Morgan.

**1. TEMPORARY CHANGES TO MEMBERSHIP**

**2. MINUTES**

RESOLVED –

That the Minutes of the meetings held on 29 November 2019 and 19 December 2019 be approved as correct records.

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

RESOLVED –

That application 19/01900/APP to **Approved** as per the Officer's report and the corrigendum to the report and subject to the amendment to Condition 1 as follows:-

**Condition 1-** The land and building highlighted in blue on the approved block plan (titled SJ462-02), received by the local planning authority on 23 October 2019, shall not be used for any purpose except for as a dog day care facility between the hours of 0700 am and 1830 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. 19/03076/APP - 21 CHURCHWAY, HADDENHAM - SITE VISIT REPORT**

RESOLVED –

That application 19/03076/APP be **Approved** as per the Officer's report and with additional conditions relating to the repairs of the boundary wall and roof tiles to the garage to read as follows:-

**Condition 12:** Prior to demolition works to remove the garage, a scheme detailing the repairs and rebuilding of the south boundary wall shall be submitted to the Local Planning Authority for Approval. The works shall then be carried out in accordance with the approved scheme.

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

**Condition 13:** Notwithstanding the approved plans, the roof of the proposed garage shall be finished in a slate tile to match the existing dwelling.

**Reason:** To ensure a satisfactory appearance to the development and to comply with Policy 35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

**5. 19/03077/ALB - 21 CHURCHWAY, HADDENHAM**

RESOLVED –

That application number 19/03077/ALB be **granted consent** as per the Officer's report and with an additional condition relating to the repairs of the boundary wall to read as follows:-

**Condition 8:** Prior to the demolition works to remove the garage, a scheme detailing the repairs and rebuilding of the south boundary wall shall be submitted to the Local Planning Authority for approval. The works shall then be carried out in accordance with the approved scheme.

**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.

**6. 19/03535/APP - THE GREEN DRAGON, 8 CHURCHWAY, HADDENHAM**

RESOLVED –

That application number 19/03535/APP be **Refused** for the following reasons:-

The proposed change of use of a public house from a Class A4 use of the Town and Country Planning (Use Classes) Order 1987 (as amended) to a dwellinghouse (Class C3 of the Use Classes Order) would result in the loss of a local service and community facility that fulfils a local function and reduces the need to travel, and for which there is a demonstrable need. The loss of this local amenity would have adverse impacts to the local economy and social-wellbeing of residents within the village of Haddenham and would not be outweighed by the benefits of the scheme. Furthermore, it has not been demonstrated that all reasonable steps, including marketing, have been taken to retain its present use and community value as a viable concern. The proposal therefore conflicts with Policy HWS2 of the Haddenham Neighbourhood Plan, GP.32 and GP.93 of the Aylesbury Vale District Local Plan and the objectives of the National Planning Policy Framework.

**7. 19/02912/APP - FOSCOTE HILL FARM, FOSCOTE ROAD, MAIDS MORETON**

RESOLVED –

That application 19/02912/APP be **Approved** as per the Officer's report and an amended Condition 9 as outlined in the corrigendum to the report.

**8. 19/03907/APP - 1 WITTMILLS OAK, BUCKINGHAM**

RESOLVED –

That application number 19/03907/APP be **Approved** as per the Officer's report.

9. **18/02959/APP - LAND ADJACENT TO TESCO STORES LTD. LONDON ROAD,  
BUCKINGHAM**

RESOLVED –

That application number 18/02959/APP be **Approved** as per the Officer's report.

This page is intentionally left blank

## Report to Development Management Committee

### Workload and Performance Review for Quarter October to December 2019

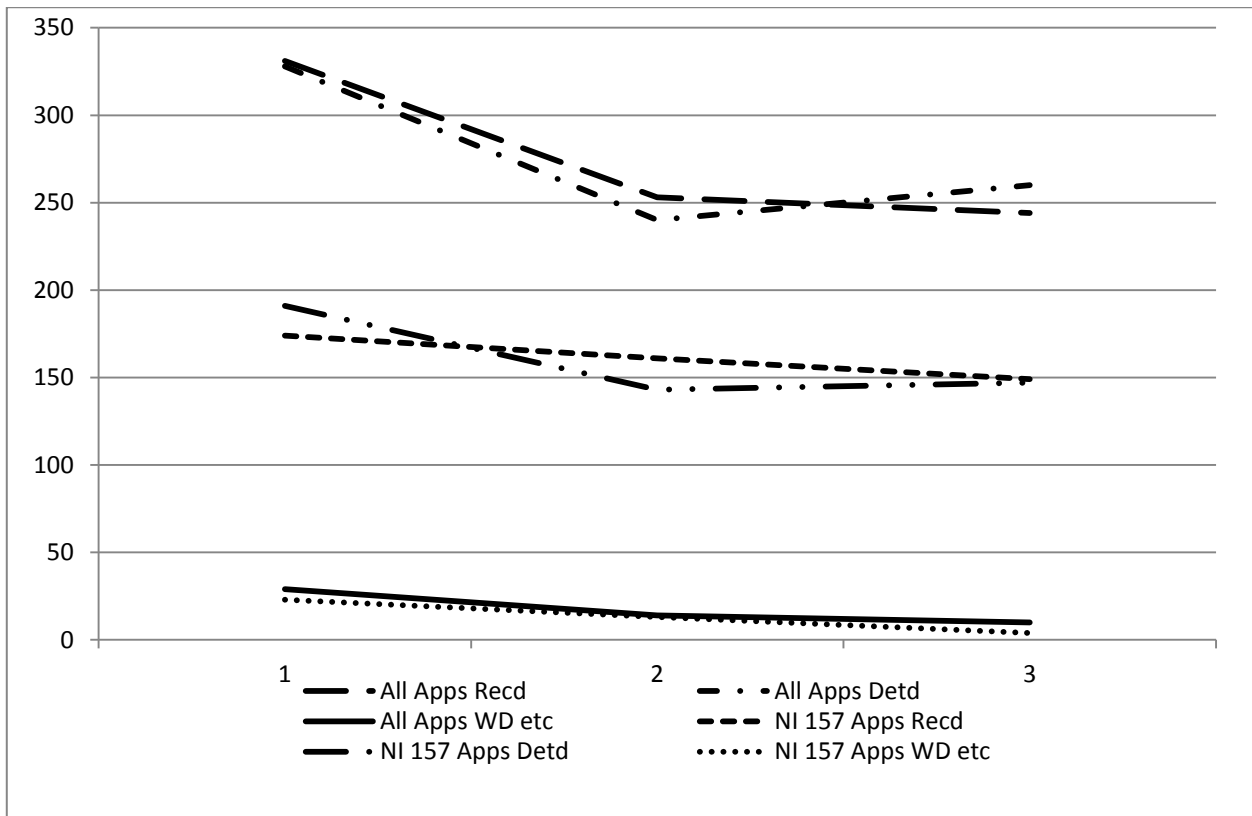
#### Introduction

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

#### Section 1: Applications received and determined

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

#### *Applications Received and Determined*



|                    | Oct | Nov | Dec |
|--------------------|-----|-----|-----|
| All Apps Recd      | 331 | 253 | 244 |
| All Apps Detd      | 328 | 240 | 260 |
| All Apps WD etc    | 29  | 14  | 10  |
| NI 157 Apps Recd   | 174 | 161 | 149 |
| NI 157 Apps Detd   | 191 | 143 | 147 |
| NI 157 Apps WD etc | 23  | 13  | 4   |
| All O/Standing     |     |     |     |
| NI 157 O/Standing  | 811 | 814 | 811 |

Major Applications Received: 21  
 Minor/Other Applications Received: 463

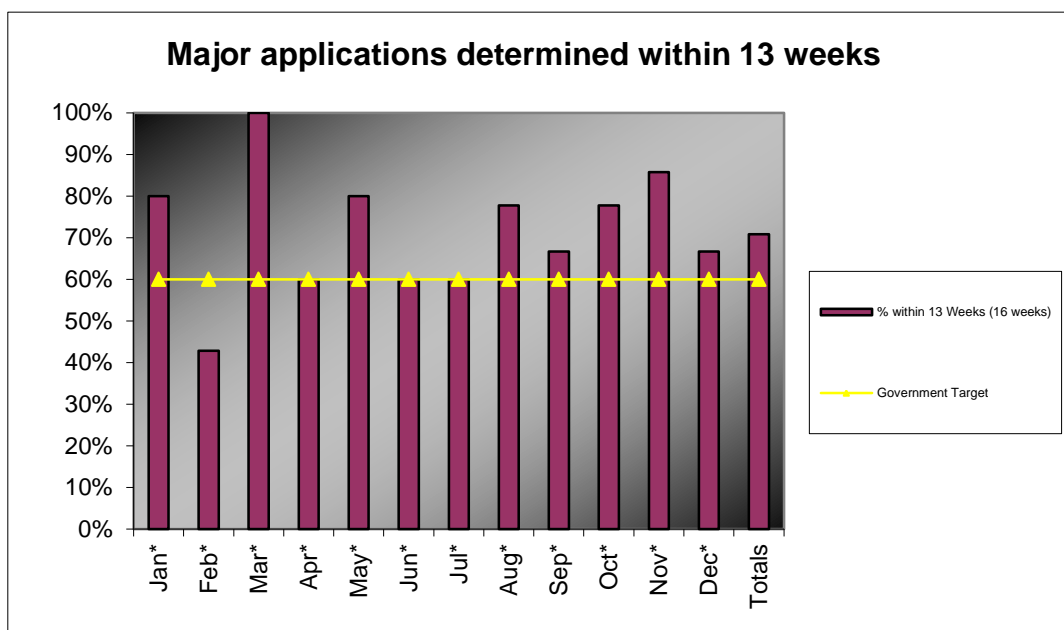
Major Applications Determined: 23  
 Minor/Other Applications Determined: 458

Major Applications Outstanding: 108  
 Minor/Other Applications Outstanding: 703

**Section 2: NI 157 – Speed of Determination of applications**

Introduction

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



|   | Jan*       | Feb*       | Mar*        | Apr*       | May*       | Jun*       | Jul*       | Aug*       | Sep*       | Oct*       | Nov*       | Dec*       | Totals     |
|---|------------|------------|-------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Number of Major Applications Decided                | 5          | 7          | 3           | 5          | 5          | 5          | 5          | 9          | 3          | 10         | 7          | 9          | 73         |
| Number within 13 Weeks (16 weeks) inc. Ext of time* | 4          | 3          | 3           | 3          | 4          | 3          | 3          | 7          | 2          | 8          | 6          | 6          | 51         |
| <b>% within 13 Weeks (16 weeks)</b>                 | <b>80%</b> | <b>43%</b> | <b>100%</b> | <b>60%</b> | <b>80%</b> | <b>60%</b> | <b>60%</b> | <b>78%</b> | <b>67%</b> | <b>80%</b> | <b>86%</b> | <b>67%</b> | <b>71%</b> |
| Government Target                                   | 60%        | 60%        | 60%         | 60%        | 60%        | 60%        | 60%        | 60%        | 60%        | 60%        | 60%        | 60%        | 60%        |

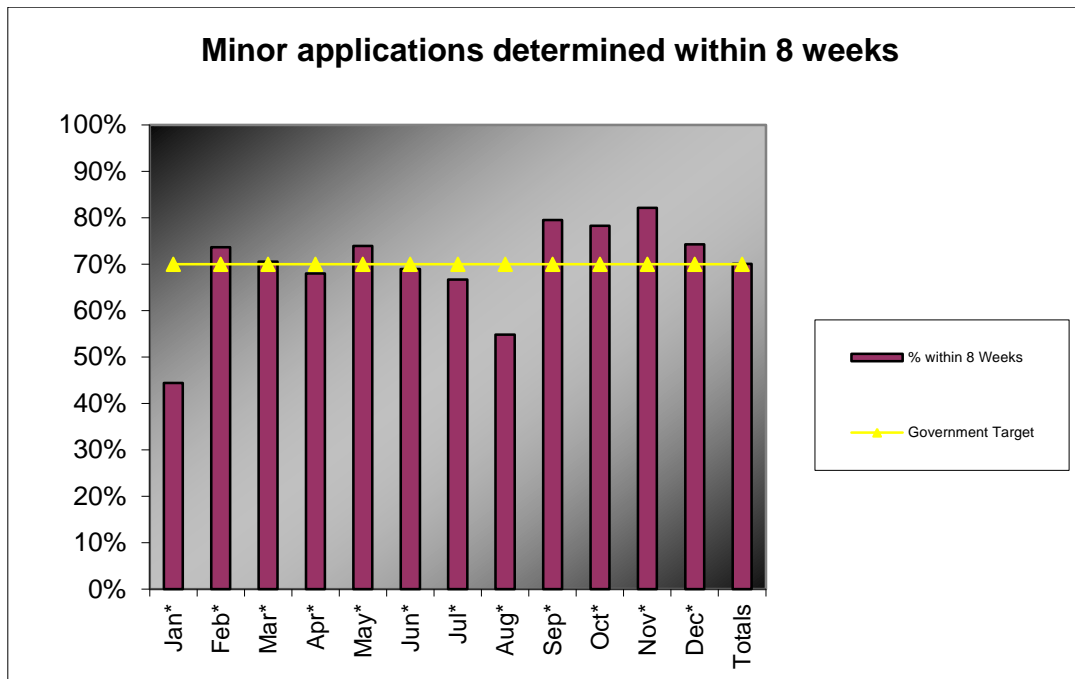
\*Including extensions of time & PPAs

The quarterly performance achieved are:

October to December 2019: 77%

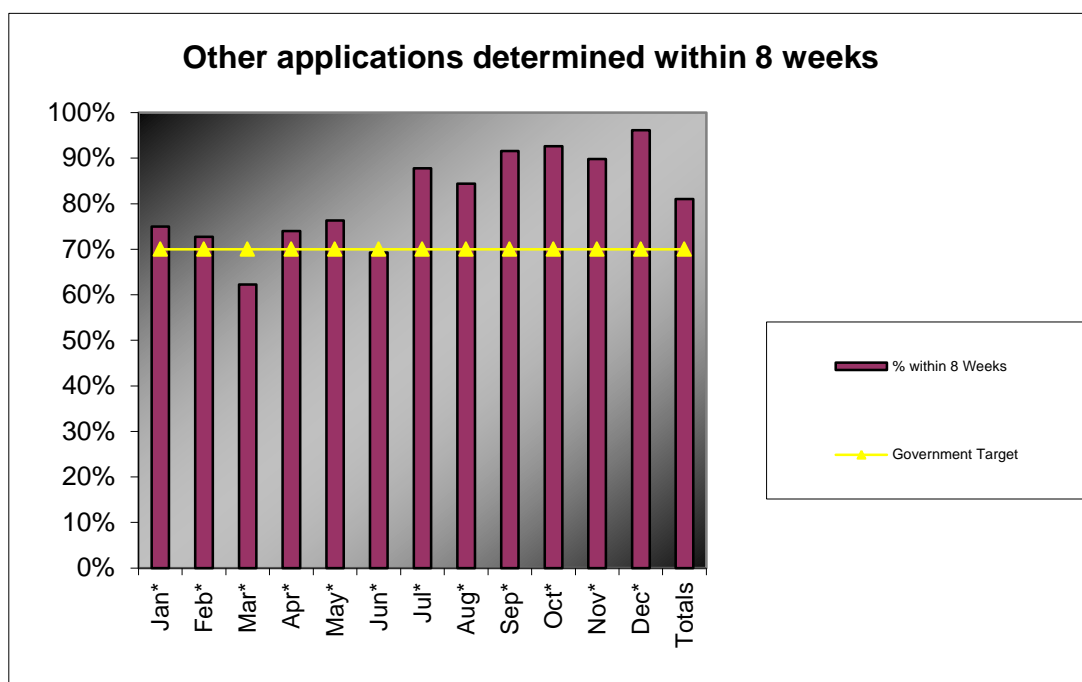
Rolling 2 year average: 74%





|   | Jan*       | Feb*       | Mar*       | Apr*       | May*       | Jun*       | Jul*       | Aug*       | Sep*       | Oct*       | Nov*       | Dec*       | Totals     |
|---|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Number of Minor Applications Decided    | 27         | 19         | 34         | 25         | 23         | 29         | 42         | 31         | 39         | 46         | 28         | 35         | 378        |
| Number within 8 Weeks inc. Ext of time* | 12         | 14         | 24         | 17         | 17         | 20         | 28         | 17         | 31         | 36         | 23         | 26         | 265        |
| <b>% within 8 Weeks</b>                 | <b>44%</b> | <b>74%</b> | <b>71%</b> | <b>68%</b> | <b>74%</b> | <b>69%</b> | <b>67%</b> | <b>55%</b> | <b>79%</b> | <b>78%</b> | <b>82%</b> | <b>74%</b> | <b>70%</b> |
| <b>Government Target</b>                | <b>70%</b> | <b>70%</b> | <b>70%</b> | <b>70%</b> | <b>70%</b> | <b>70%</b> | <b>70%</b> | <b>70%</b> | <b>70%</b> | <b>70%</b> | <b>70%</b> | <b>70%</b> | <b>70%</b> |

\*Including extensions of time



|   | Jan*       | Feb*       | Mar*       | Apr*       | May*       | Jun*       | Jul*       | Aug*       | Sep*       | Oct*       | Nov*       | Dec*       | Totals     |
|---|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Number of Other Applications Decided    | 108        | 121        | 106        | 123        | 131        | 140        | 131        | 128        | 131        | 136        | 108        | 103        | 1466       |
| Number within 8 Weeks inc. Ext of time* | 81         | 88         | 66         | 91         | 100        | 97         | 115        | 108        | 120        | 126        | 97         | 99         | 1188       |
| <b>% within 8 Weeks</b>                 | <b>75%</b> | <b>73%</b> | <b>62%</b> | <b>74%</b> | <b>76%</b> | <b>69%</b> | <b>88%</b> | <b>84%</b> | <b>92%</b> | <b>93%</b> | <b>90%</b> | <b>96%</b> | <b>81%</b> |
| Government Target                       | 70%        | 70%        | 70%        | 70%        | 70%        | 70%        | 70%        | 70%        | 70%        | 70%        | 70%        | 70%        | 70%        |

From 1 April 2018 a government target of 70% has been set for minor and other applications.

For the quarter October to December 2019 we achieved

Minors: 78% within the time period against a target of 70%  
Others: 93% against a target of 70%  
Joint minors and others: 89% against a target of 70%  
Joint rolling 2 year average: 75% against a target of 70%

Appendix 1 details the Major applications determined in the quarter.

Outstanding applications beyond determination date and without or an expired PPA/extension of time in place as at 17 January 2020.

Majors: 75  
Minors and Others: 353

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

- \* Speed: less than 60% of majors determined within 13 weeks averaged over a two year period; or within such extended period as has been agreed in writing between the applicant and the local planning authority.
- \* Quality: 10% or more of major applications that have been overturned at appeal (appeals allowed) over a two year period.

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

### **Section 3: Appeals against refusal of planning permission**

#### Introduction

This section deals numerically with our performance in relation to appeals against refusal of planning permission. Whilst the government performance target is 10% or more of major applications that have been overturned at appeal (appeals allowed) over a two year period, a benchmarking measure is that we should seek to achieve success in 65% or more of appeals against planning decisions.

|            |               |    |
|------------|---------------|----|
| Determined | Dismissed     | 12 |
|            | Allowed       | 3  |
|            | Withdrawn/NPW | 0  |
|            | Split         | 0  |
|            | Turned Away   | 0  |
|            | Varied        | 0  |
|            |               |    |
| Costs      | Against AVDC  |    |
|            | For AVDC      |    |

\*Split decisions are counted as an Allowed appeal

In the quarter between October and December a total of 23 appeals were determined, 15 of which were against refusals of planning permission. Of the 15 appeals against refusals of planning permission which are used for reporting purposes 20% were allowed which is below the Council's target of not more than 35% appeals allowed.

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

The government statistics published in March 2018 for quality show that the percentage of major applications that have been overturned at appeal is 4.8% and that for minor and other developments overturned at appeal is 1.1% for AVDC during the period of 24 months from July 2014 to June 2016. This is well below the governments threshold of 10% overturned for quality.

#### **Section 4: Enforcement**

##### Introduction

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

|                                       |     |  |     |
|---------------------------------------|-----|--|-----|
| Cases on hand at beginning of quarter | 501 | Cases on hand at end of quarter              | 539 |
| Cases Opened                          | 140 | No of Cases closed                           | 102 |
| No. of Enforcement Notices Served     | 0   | No. of Temporary Stop Notices Served         | 0   |
| No. of Stop Notices Served            | 0   | No. of Breach of Condition Notices Served    | 0   |
|                                       |     | No. of Planning Contravention Notices Served | 0   |

**In the 3 month reporting period 102 cases were resolved as follows:**

| Performance Figure                                 | Notes   |
|--|---|
| 15% of complaints were resolved within 14 days     | Generally more straightforward cases where a yes/no decision is required following initial evidence gathering                                   |
| 43% of complaints were resolved within two months. | Normally requiring more extensive evidence gathering and/or consultations involving 3 <sup>rd</sup> parties.                                    |
| 61% of complaints were resolved within 5 months.   | On top of the actions identified above these cases normally require some formal action or an application for retrospective planning permission. |
| Remainder  | Where formal legal action is involved it can take many years to resolve complaints and can include appeals and further judicial review.         |

**Enforcement Appeals**

|        |                        |   |            |              |   |
|--------|------------------------|---|------------|--------------|---|
| Lodged | PI (Public Inquiry)    | 0 | Determined | Allowed      | 1 |
|        | IH (Hearing)           | 0 |            | Dismissed    | 1 |
|        | WR (Written responses) | 0 |            | W/Drawn      | 0 |
|        | Total                  | 0 |            | Varied       | 0 |
|        |                        |   |            | Total        | 0 |
| Costs  | For AVDC               | 0 |            | Against AVDC | 0 |

**Enforcement Summary**

The volume of planning enforcement complaints received is high and increasing and geographically reflects the areas where the delivery of development is highest. The service has seen a 22% increase in the number of complaints received over the last 3 years and the current team active caseload is in the region of 400 open cases (these are cases where there is no notice or planning application pending determination). Our response to complaints is prioritised based on the level of harm the suspected breach is causing. This means that 'low' category complaints will take longer to resolve than those that are causing a 'high' level of harm.

The team has recently recruited a new planning enforcement officer and we are in the process of training her. We have temporary staff engaged to assist with the additional demand and to provide mentor and training support to the enforcement officers (some of which have been employed in the role less than 12 months).

**Section 5: Other Workload**

**Introduction**

In addition the teams have dealt with the following:-

**Discharge of Conditions and non material amendments.**

Quarter – Out 137

**Chargeable Pre-Application Advice, including commercial**

Quarter - Out 109

**Non chargeable Informals**

Quarter - Out 12

**Conclusion and Recommendation**

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

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

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

### Major Applications Determined: Quarter October to December 2019

**Bold** numbers denote applications determined outside the target period. Performance for this quarter is 76% which is above target; \* denotes those applications that had an extension of time request agreed. The small number of applications mean that performance is volatile and in this quarter involved applications where securing the right outcome outweighed the need to meet targets and applications where the revocation of the regional spatial strategy required a reassessment of the scheme.

| Reference     | Off    | Received   | Proposal  | Address  | Valid      | Decision Date | Decision            |
|---------------|--------|------------|---|--|------------|---------------|---------------------|
| 18/00388/ADP* | ANGBRO | 02/02/2018 | Application for reserved matters pursuant to outline planning permission 14/02072/AOP relating to access, appearance, landscaping, scale and layout for the erection of 64 dwellings, public open space and associated infrastructure   | Land East Of<br>New Road<br>Weston Turville<br>Buckinghamshire                       | 02/02/2018 | 20/11/2019    | Details<br>Approved |
| 18/01670/ADP* | SP     | 08/05/2018 | Approval of Reserved Matters pursuant to outline permission Phase 1 Reserved Matters application for Teaching Accommodation with associated car parking and landscaping   | Buckingham University<br>Tingewick Road<br>Buckingham<br>Buckinghamshire<br>MK18 1EF | 22/05/2018 | 15/11/2019    | Details<br>Approved |
| 18/02916/ADP* | JONBIS | 17/08/2018 | Approval of details for Phase 2a of the layout, scale and external appearance of the buildings and the landscape of the site pursuant to Condition 2 of planning permission 17/02632/APP (Demolition of existing buildings and redevelopment of site for mixed uses comprising 48 dwellings (Class C3) in Phase 1 (detailed scheme) and upto 10,000 square metres (gross) for B1 offices, and upto 35 dwellings and 15 live work units in Phase 2, 225 space multi storey car park, (outline scheme) associated parking, landscaping and alterations to vehicular access. | Land Off Gatehouse Way<br>Gatehouse Road<br>Aylesbury<br>Buckinghamshire<br>HP19 8FF | 17/08/2018 | 05/11/2019    | Details<br>Approved |

| Reference     | Off    | Received   | Proposal   | Address  | Valid      | Decision Date | Decision                          |
|---------------|--------|------------|--|--|------------|---------------|-----------------------------------|
| 18/02918/ADP* | JONBIS | 17/08/2018 | Approval of details for Phase 2b of the landscape of the site pursuant to Condition 2 of planning permission 17/02632/APP.   | Land Off Gatehouse Way<br>Gatehouse Road<br>Aylesbury<br>Buckinghamshire<br>HP19 8FF   | 17/08/2018 | 05/11/2019    | Details<br>Approved               |
| 19/01732/ADP* | SP     | 07/05/2019 | Application for reserve matters pursuant to outline planning permission 10/02649/AOP relating to access, appearance, landscaping, scale and layout for the erection of 383 dwellings and associated infrastructure   | Kingsbrook Village (part Sub Phases 3.2,3.4 And 3.50)<br>Aylesbury<br>Land East Of Aylesbury (Kingsbrook)<br>Aylesbury<br>Easting (x) 485004<br>Northing (y)214598 | 08/05/2019 | 19/12/2019    | Details<br>Approved               |
| 19/02985/ADP* | SP     | 12/08/2019 | Approval of reserved matters (external appearance, landscaping, layout and scale) for the erection of 254 dwellings pursuant to outline planning permission 15/03806/AOP and discharge of conditions 1 (landscape) 7 (materials) 8 (screen and boundary wall and fences) 9 (hard and soft landscaping) 11 (slab levels) 12 (bin and recylates storage) 13 (details of parking garaging and manoeuvring) 18 (ecological) and 30 (noise mitigation) in relation to Phases 2 and 3. | Land North Of Aston Clinton Road<br>(Former Aston Clinton MDA Site)<br>Weston Turville<br>Buckinghamshire  | 15/08/2019 | 17/12/2019    | Details<br>Approved               |
| 17/04157/AOP* | JONBIS | 01/11/2017 | Outline application (for layout, scale, landscaping and access) for the Demolition of existing buildings and phased redevelopment of the site comprising the erection of five buildings including up to 9 individual   | Land On West Side Of College Road North<br>Aston Clinton<br>Buckinghamshire  | 06/11/2017 | 21/10/2019    | Outline<br>Permission<br>Approved |

| Reference     | Off    | Received   | Proposal   | Address  | Valid      | Decision Date | Decision                    |
|---------------|--------|------------|--|--|------------|---------------|-----------------------------|
|               |        |            | units with a total of 14,484sqm gross external floorspace to be occupied under Use Class B1(c) Light Industrial, B2 'General Industrial' or B8 'Storage and Distribution', together with associated parking, vehicular access, servicing and landscaping (Revised Plans submitted 24.10.2018). |  |            |               |                             |
| 19/01241/AOP* | SP     | 01/04/2019 | Outline application with access to be considered and all other matters reserved for a residential development of up to 17 dwellings including a new access point off Whaddon Road  | Land Off Whaddon Road<br>Newton Longville<br>Buckinghamshire   | 01/04/2019 | 18/10/2019    | Outline Permission Approved |
| 18/00934/APP* | JASTRA | 14/03/2018 | Erection of 25 dwellings, formation of new highway access onto Brookside following demolition of No.28, provision of estate roads and associated garaging/parking areas and landscaped public open space   | Land Between Mill Lane And Brookside<br>Weston Turville<br>Aylesbury<br>HP22 5RG                         | 14/03/2018 | 28/10/2019    | Refused                     |
| 16/00877/APP* | CBR    | 08/03/2016 | Residential development of 14 dwellings with associated garaging and parking and formation of new access.  | Land Off Nash Road<br>Great Horwood<br>Buckinghamshire   | 11/03/2016 | 04/11/2019    | Approved                    |
| 17/02999/APP* | NKJ    | 04/08/2017 | Erection of 112 dwellings including parking, garaging, roads, landscaping and associated works   | Part Parcels HW11, HW12<br>And HW13<br>Berryfields Mda<br>Bicester Road<br>Quarrendon<br>Buckinghamshire | 28/09/2017 | 16/12/2019    | Approved                    |
| 17/04425/APP* | SCOHAC | 16/11/2017 | Erection of 29 two storey dwellings, together with a new access of the Leighton Road, garaging, parking,   | Land Off Leighton Road   | 24/11/2017 | 29/11/2019    | Approved                    |



| Reference           | Off    | Received   | Proposal  | Address  | Valid      | Decision Date | Decision |
|---------------------|--------|------------|---|--|------------|---------------|----------|
|                     |        |            | public open space, landscaping and all enabling development.  | Wingrave<br>Buckinghamshire  |            |               |          |
| <b>18/02380/APP</b> | DANRAY | 05/07/2018 | Erection of six dwellings (comprising of 2 x 3-bedroom semi-detached and 4 x 4 bedroom detached) with associated garaging, parking, landscaping, infrastructure and two new vehicular accesses off North End Road   | North End Nurseries<br>North End Road<br>Quainton<br>Buckinghamshire<br>HP22 4BE     | 16/07/2018 | 14/10/2019    | Approved |
| <b>18/02599/ADP</b> | DAVMIL | 23/07/2018 | Application for Approval of Reserved Matters pursuant to outline permission 13/02112/AOP for B1(Business) B2 (General Industry) and B8 (Storage and Distribution) Uses with ancillary office accommodation, provision of rail station with associated parking, landscaping and access | Land At<br>Buckingham Road<br>Winslow<br>Buckinghamshire                             | 23/07/2018 | 18/12/2019    | Approved |
| 18/02680/APP*       | NKJ    | 25/07/2018 | New Roman Road Park comprising of a new village hall, sport facilities, allotments, wildlife reserve and play areas   | Berryfields Mda<br>Bicester Road<br>Quarrendon<br>Buckinghamshire                    | 08/08/2018 | 24/10/2019    | Approved |
| 18/03504/APP*       | JONBIS | 05/10/2018 | Residential development of 12 dwellings with parking, access and amenity space  | Land Rear Of Harrow Public<br>House<br>Bishopstone<br>Bishopstone<br>Buckinghamshire | 05/10/2018 | 04/12/2019    | Approved |
| <b>18/03343/APP</b> | JONBIS | 24/09/2018 | Construction of 38 apartments in two part three-, part four-storey buildings, including external cycle stores and associated parking.   | Land Adjacent To Edge<br>Street<br>Bicester Road<br>Aylesbury<br>Buckinghamshire     | 24/09/2018 | 24/12/2019    | Approved |

| Reference     | Off    | Received   | Proposal  | Address   | Valid      | Decision Date | Decision |
|---------------|--------|------------|---|---|------------|---------------|----------|
| 18/04556/APP* | HOLREN | 19/12/2018 | Extension to agricultural building and construction of menage (Retrospective)               | Stone Court Barn<br>Stone Court Farm<br>West Street<br>Steeple Claydon<br>Buckinghamshire<br>MK18 2LJ | 24/04/2019 | 31/10/2019    | Approved |
| 19/00433/APP* | MICDAV | 05/02/2019 | Construction of three industrial units (B1c, B2, B8) and associated ancillary works         | Land Off<br>Farmbrough Close<br>Aylesbury<br>Buckinghamshire  | 07/02/2019 | 04/10/2019    | Approved |
| 19/00529/APP* | DANHIR | 11/02/2019 | Erection of 7 self contained cabins for letting   | Panshill Leisure Ltd<br>Nr Mercott<br>Kidlington<br>Oxon<br>OX5 2RG                                   | 13/02/2019 | 29/10/2019    | Approved |
| 19/00399/APP* | LAUASH | 01/02/2019 | Extension to dairy (Final Phase as approved by 11/00962/APP dairy consent - revised scheme) | Arla Foods Ltd<br>Aylesbury Dairy,<br>Samian Way,<br>Aston Clinton<br>Bucks<br>HP22 5WJ               | 06/02/2019 | 20/12/2019    | Approved |
| 19/00172/APP* | SCOHAC | 16/01/2019 | Erection of Care Home (Use Class C2) providing 69 rooms.                                    | Haddenham Care Home<br>Westland Close<br>Haddenham<br>Bucks<br>HP17 8FJ                               | 17/01/2019 | 24/10/2019    | Approved |

Page 18

| Reference     | Off    | Received   | Proposal   | Address   | Valid      | Decision Date | Decision |
|---------------|--------|------------|--|---|------------|---------------|----------|
| 19/03004/APP  | MICDAV | 13/08/2019 | Proposed mezzanine (1,025 sqm mezzanine on first floor and 276 sqm mezzanine on second floor) for storage use only in Unit dbs 1.  | Land North To East<br>College Road North<br>Aston Clinton<br>Buckinghamshire                                  | 19/08/2019 | 12/12/2019    | Approved |
| 19/03328/APP  | BMO    | 12/09/2019 | Proposed hangar for maintenance and avionic fit-outs of light aircraft.  | Turweston Flight Centre<br>Turweston Aerodrome<br>Whitfield Road<br>Biddlesden<br>Buckinghamshire<br>NN13 5YD | 16/09/2019 | 06/11/2019    | Approved |
| 19/01084/ADP* | SCOHAC | 21/03/2019 | Approval of reserved matters pursuant to outline permission 14/03289/AOP relating to access, appearance, landscaping, layout and scale and the provision of service areas and car parking for the development of a vacant employments plot of land to create a multi-unit estate of an industrial buildings with B1c, B2 & B8 employment uses. | PLot N Haddenham Business<br>Park<br>Pegasus Way<br>Haddenham<br>Buckinghamshire                              | 26/03/2019 | 12/12/2019    | Approved |

### Appeal performance – Quarter October to December 2019

In the quarter between **October** and **December** a total of 23 appeals were determined, 15 of which were against refusals of planning permission. Of the 15 appeals against refusals of planning permission which are used for reporting purposes 20% were allowed which is below the Council's target of not more than 35% appeals allowed.

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

|  |                            |
|--|----------------------------|
| <b>Application Reference: 18/04423/APP</b>   | <b>Decision: Delegated</b> |
| Site: Beech Cottage □ 14 Bishopstone □ Bishopstone □ Buckinghamshire □ HP17 8SF  |                            |
| Development: Demolition of existing outbuildings and the erection of a detached single storey dwelling with access, parking and amenity space, with new access and parking to existing dwelling.   |                            |
| <p>Note:</p> <p>This proposal for a new dwelling was refused on a site to the north west of the village of Bishopstone for reasons that it would be an unsustainable form of development situated on a highway with no footpath access or public transport.. Future occupiers of the dwelling would not have access to a safe pedestrian footpath nor frequent and reliable public transport services. As such, this would result in the majority, if not all, of trips to and from the dwelling being made by private vehicles. Furthermore, there is also an existing paucity in public services in Bishopstone, thereby further reducing the locational sustainability of the scheme. The proposal would therefore fail to comply with the principles of The Framework on sustainable development. A second reason related to the requirement for a drainage strategy</p> <p>The Inspector that the appeal proposal and its location would be proportionately appropriate acknowledging its scale, rural context, and the level of services available close by. The Inspector was "satisfied that although predominantly reliant upon private vehicle transportation the appeal site and scale of the proposed development would not conflict with the sustainable transport strategy under the Framework. Therefore, in my judgement the proposed single storey dwelling and associated works would be located in a suitable location for housing, having regard for the accessibility to services."</p> |                            |

|   |                            |
|---|----------------------------|
| <b>Application Reference: 18/04454/ACL</b>  | <b>Decision: Delegated</b> |
| Site: Greenlands Oak Farm □ Brackley Road □ Water Stratford □ Buckinghamshire □ MK18 5DP  |                            |
| Development: Application for a Lawful Development Certificate for a Proposed use of a replacement mobile home with new twin unit mobile home, foul water services to be linked into existing septic tank system.  |                            |
| <p>Note:</p> <p>This relates to a certificate of lawfulness which seeks to establish if permission is required for the proposal. It was refused for reason that the proposed twin unit caravan shown on drawings submitted does not falls within the definition of a "caravan" under the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended). As a consequence it is concluded that the development does not comprise the use of land for the stationing of a mobile home for residential use and certified as being lawful by 17/02910/ACL, but operational development as defined by section 55 of the Town and Country Planning Act 1990.</p> <p>The Inspector referred to the construction test "that the unit must not have more than two sections and should be designed to be assembled on site by means of bolts, clamps and other devices. In this case the unit is manufactured in Romania as a kit. It is shipped to the site and constructed there. The two halves are assembled on site from the kit pieces. Having created the two halves they are fastened together by means of bolts and clamps. This process is not disputed by the Council but they argue it is essentially a pre-fabricated dwelling not a caravan</p> |                            |

and the manufacturer has manipulated its specification to suit the requirements of the Act.

The appellant has provided an appeal decision<sup>1</sup> from 2002 where the Inspector considered there was no requirement for the two halves to be constructed off-site, as long as the final act of assembly met the requirements of the Act, then the construction test was passed. This decision seems to be well known and was given to me when determining a similar appeal<sup>2</sup> in Wimborne earlier this year which involved a similar mobile home from the same company. I have no reason to demur from that view. The appellant has also provided a survey report from an expert in mobile home construction describing the method of construction as that described above. In other words the mobile home would comprise two halves joined together on site by means of bolts and clamps. I have no evidence to suggest any of this is inaccurate and in the Wimborne appeal I was able to see the finished product on site and had considerable evidence as to its construction. There would seem to be no reason therefore why the construction method test is not satisfied in this appeal.

The mobility test is that once constructed the mobile home should be capable of being transported by road. Again the appellant, as part of the survey report has provided a quote from a crane company claiming to be able to do just that. As there is no counter evidence from the Council it would seem the mobility test is passed.

I agree with the Council this whole process has an element of artificiality simply designed to ensure the structure falls within the limits set by the Act, but that is not really relevant. It is either a mobile home or not and in this case it is. I shall allow the appeal and grant the certificate applied for.”

The Inspector awarded partial costs against the council and commented

“ In my view the mobile home subject to the appeal was at the very limit of what could be considered to be a mobile home. As the Council point out the company supplying the unit make a large number of different types and it is not unreasonable that evidence should be provided to demonstrate the type under consideration here is actually capable of being constructed and moved in the manner proposed...

However, once that evidence was provided during the course of the appeal, it should have been obvious that without any counter evidence the appeal would be lost. At no point have the Council provided any evidence of their own so from the time they received the appellant’s statement on 2 July 2019, with the updated surveyor’s report, they were unreasonable not at that point to agree the LDC should be issued. As there was no site visit, only a small amount of expense was incurred in final comments, but that was wasted and a partial award of costs on that basis is justified.”

|   |                            |
|---|----------------------------|
| <b>Application Reference: 19/02354/APP</b>  | <b>Decision: Delegated</b> |
| Site: The Laurels□Old Farm□Pitstone□Buckinghamshire□LU7 9RD   |                            |
| Development: Two storey side extension and single storey rear extension   |                            |
| Note:<br>This relates to extensions to a detached house to the rear of 35-39 Old Farm. It was refused permission for reason that it would create a cramped and squashed addition to one side of the site and would compromise the sense of space within the plot, be highly conspicuous from the highway and from neighbouring properties, which would be exacerbated by the removal of the adjacent mature laurel hedging. Overall, the sense of spaciousness as well as the character and appearance of the host building would be harmfully eroded contrary to policies 6 of the PNP, GP9 and GP35 of AVDLP . A second reason related to the over bearing effect on the outlook of NO37 contrary to those policies GP8 and GP9 of AVDLP. |                            |
| The Inspector considered that the proposal would be in harmony with the character and appearance of the area, and commented that the view of the appeal site from between Nos 37 and 39 is dominated by the two-storey flank elevation of the host building and the openness of the site is therefore not apparent from this viewpoint. Consequently, while the proposed development would be visible from the highway, it would not adversely affect the open character  |                            |

and appearance of the appeal site or wider area.

Consequently, the proposed development would not harm the character and appearance of the host building and surrounding area. Therefore, it would not conflict with Policy 6 of the Pitstone Neighbourhood Plan (PNP) which requires alterations to existing buildings to reflect and enhance the character and scale of the surrounding buildings among other things. It would also not conflict with Policies GP9 and GP35 of the AVDLP

The Inspector also considered that while the proposed two storey side extension would bring the flank elevation closer to the garden of No 37, since the outlook to the rear of the garden would remain open and given that the existing outlook to the north of the garden is currently somewhat restricted by the existing building, the outlook of the occupiers of this adjacent property would not be significantly altered or unduly detrimentally affected as result of the proposed development, and would not conflict with LP Policies GP8 and GP9.

## **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-date<sup>7</sup>, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.



Foot notes:

6: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 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 required<sup>9</sup> over the previous three years.

And subject to transitional arrangement set out in Annex 1

- 1.14 Local planning authorities are charged with identifying a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (paragraphs 67-70) .
- 1.15 The NPPF sets out the means to delivering sustainable development. The following sections and their policies are also relevant to the consideration of all proposals:
- Building a strong competitive economy
  - Promoting sustainable transport
  - Delivering a sufficient supply homes
  - Achieving well designed places
  - Making efficient use of land
  - Promoting healthy and safe communities
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
  - Meeting the challenge of climate change and flooding
  - Supporting high quality communications

- 1.16 The NPPF sets out that transport issues should be considered from the earliest stages including the impact of development on the network, opportunities from transport infrastructure, promoting walking, cycling and public transport, environmental impacts of traffic and transport infrastructure, patterns of movement. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. (Paragraphs 102-103)

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

#### 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 policies<sup>16</sup>.
- 1.27 Paragraph 30 states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.
- 1.28 The Neighbourhood Planning Act 2017 (the “Act”) came into force on 19 July 2017 and makes two provisions which are relevant:

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

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

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

### *Prematurity*

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

### Conclusion on policy framework

- 1.33 In considering each individual report, Members are asked to bear in mind that AVDLP (and any 'made' Neighbourhood Plans as applicable) constitutes the development plan. The emerging VALP **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..

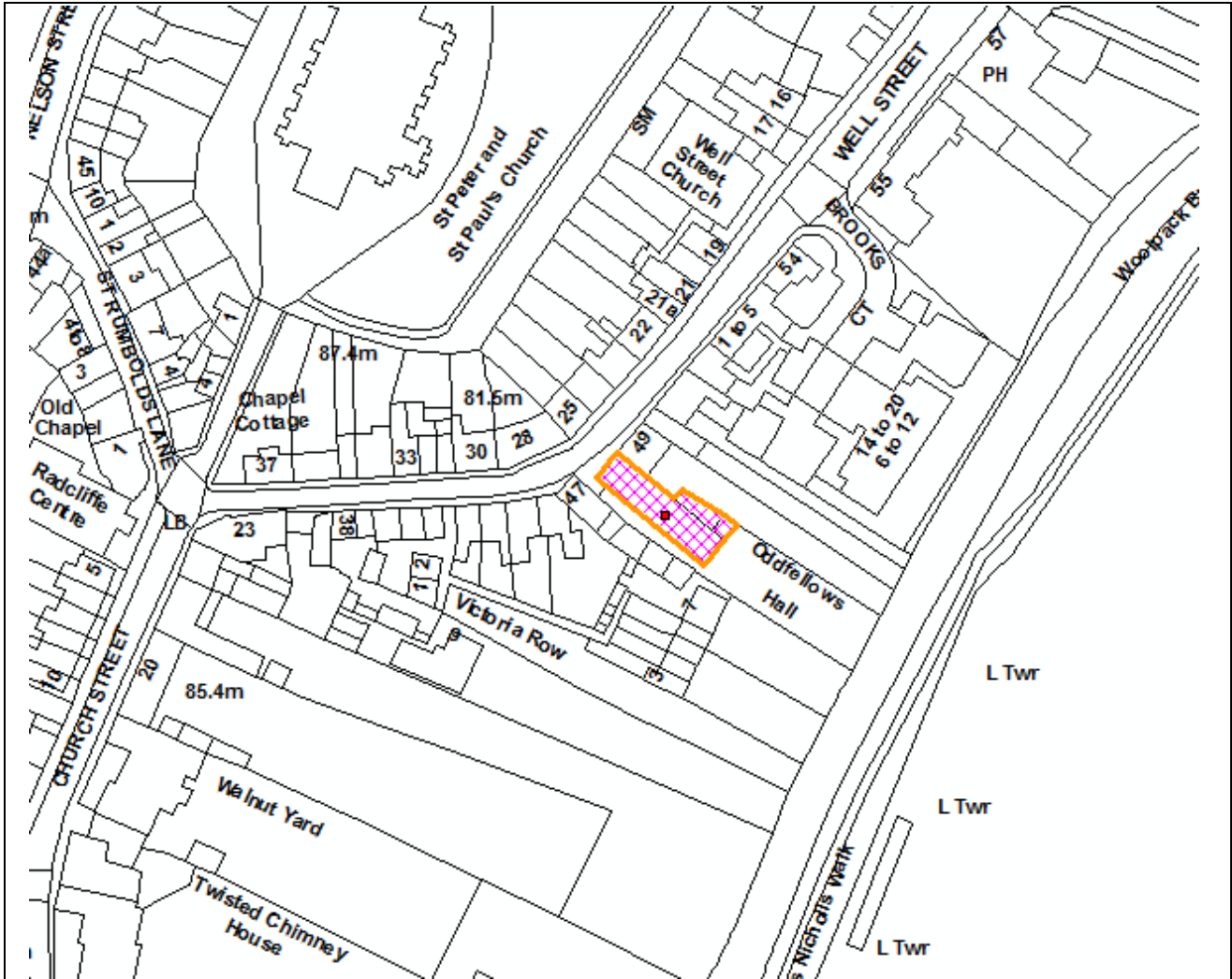
### **Conclusions**

- 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.

This page is intentionally left blank



19/03398/APP



© Crown Copyright and database right 2020. Ordnance Survey 100019797

| REFERENCE NO | PARISH/WARD | DATE RECEIVED |
|--------------|-------------|---------------|
|--------------|-------------|---------------|

19/03398/APP

BUCKINGHAM

19/09/19

Conversion of former meeting place (Class D1) to form 9 no. student apartments (Class C3) with associated communal facilities  
Oddfellows Hall  
48 Well Street  
MK18 1EP  
Mr Matthew Smith

The Local Member(s) for this area are:  
Councillor T Mills  
Councillor S Cole

STREET ATLAS PAGE NO. 52

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

**c) Impact upon residential amenity**

**d) Developer contributions**

**e) Other matters**

The recommendation is that permission be **DEFERRED AND DELEGATED** subject to the following:

**a: Subject to no new adverse material comments being received not already addressed by the report;**

**b: subject to the satisfactory completion of a legal agreement to secure a financial contribution towards a specific sport and leisure project as appropriate; and**

**c: and subject to the imposition of appropriate conditions as considered necessary.**

**If any of these are not achieved, the application will return to committee or be refused accordingly.**

## **1.0 Conclusion and recommendation**

- 1.1 The application has been evaluated against the Development Plan, the emerging VALP and the NPPF and the Authority has assessed the application against the 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 provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In this case there is a made neighbourhood plan, the Buckingham Neighbourhood Development Plan and therefore it must be considered whether the proposal accords with the Development Plan.
- 1.2 The proposal, whilst indicating use as student accommodation, would, from a planning perspective, provide unrestricted class C3 residential accommodation. As such, it is considered that the proposal would not fall to be assessed under BNDP policy HP2, in that this is a private proposal for residential accommodation and is not being proposed as dedicated student accommodation by the University of Buckingham. That said, it is considered the proposed development would not go against the overarching principles of the BNDP nor the general support in the BNDP for student accommodation in the town. For these reasons it is not considered that the objectives of the neighbourhood plan would be undermined as a result of the proposal, and it is acknowledged that the proposal has potential to accord with the other relevant policies in the BNDP, AVDLP, and emerging VALP, subject to matters to be secured as part of a S106 and subject to conditions.
- 1.3 The development would provide Class C3 residential accommodation which is indicated as to be occupied by students. There is an identified need for student accommodation in the Buckingham NP and this accommodation would contribute to the range of types and tenure of housing available within the town which would be a significant benefit of the proposal. It is also acknowledged that there would be economic benefits in terms of the construction of the development, its operation and those associated with the contribution of the future occupants to the local economy through living within Buckingham which is a significant benefit of the proposal.
- 1.4 Special regard has been given to the statutory tests under sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. The proposed development would result in no harm to the significance of the non designated heritage asset, the character of the CA or the setting of the adjacent listed buildings and therefore the proposal would comply with the NPPF and section 66 and 72 of the Planning (LB&CA) Act 1990.

- 1.5 The Highway Authority are satisfied that the development would not have a severe impact on the safety and convenience of the highway network. Having regard to the particular nature of the application and the small scale of the proposed residential units, which would likely provide student accommodation, and noting the contents of the proposed Student Management Plan, the existing use of the building and the location of the site within an accessible area of the town, it is considered that the level of car parking and cycle storage provided would be acceptable.
- 1.6 The development represents the use of previously developed land. Compliance with some of the other objectives of the NPPF have been demonstrated or could be achieved in terms of the impact on trees, biodiversity, public rights of way, healthy and safe communities, design, contamination, residential amenities, flood risk and surface water drainage. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to the extent that the development would not be contrary to the development plan or the aims of the NPPF.
- 1.7 In order to make the proposal acceptable a financial contribution is required towards an appropriate off-site sport and leisure project which is to be identified by the Town Council; this financial contribution would be secured via a s106 agreement.
- 1.8 It is therefore recommended that the application could be approved subject to the satisfactory completion of a S106 agreement to secure a financial contribution towards an appropriate sport and leisure project.
- 1.9 Appropriate conditions would also be applied to any consent granted.

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

- 1.10 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.
- 1.11 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.
- 1.12 In this case, AVDC worked with the agent to revise the application to address concerns and the Council has considered the application as amended and the application is supported in principle.

## **2.0 INTRODUCTION**

- 2.1 The application needs to be determined by committee as the Town Council opposes the development and confirms that it will speak at the Committee meeting.

## **3.0 SITE LOCATION AND DESCRIPTION**

- 3.1 The application site is located to the southern side of Well Street. The curtilage of the site is defined principally by the built extent of the building itself. It includes a small courtyard area on the northern part of the site, but does not include any land to the rear.
- 3.2 The building is not listed, although it sits within the setting of a number of listed buildings and is located within the Conservation Area. The building is two storey, constructed of red brick construction with stone dressings and a slate roof. The north gable facing onto Well Street contains an ornate central doorway with brick piers and decorative stone capitals and spandrels. To either side of the doorway are two coloured stained glass windows. Centrally above the entrance doorway is a three paned window with a date stone above.

- 3.3 The existing ground floor contains an open hall area with a stage. The hall has retained the existing full height casement windows and includes a door to access the courtyard on the north side. The front part of the building includes a WC, two offices and the staircases for the first floor and basement. The current first floor area comprises a relatively modest mezzanine area, containing office space and storage areas. The basement, made of stone, remains largely unaltered structurally and opens up to the original kitchen area with fireplace retained. Access to the external courtyard area comes from this kitchen space, with a marked downward slope from the main building.
- 3.4 The rear of the building consists of a blank gable which is visible from the public realm along the Great Ouse. The prominence of the hall is softened by landscaping and the riverside frontage is dominated by the Brooks Court care home to the east.
- 3.5 The site is located between the nearby Church of St Peter and Paul Church (0.3 miles) and the River Great Ouse. The river runs close to the site to the south-east – the majority of the building is within Flood Zone 1, save for a small section of its south eastern corner of the building which is within Flood Zone 2.
- 3.6 The building is in the proximity of the High Street, only 0.3 miles away north east, which is the centre for the shops and services including buses, and 0.5 miles from the Buckingham Community Hospital.
- 3.7 The University of Buckingham at Hunter Street is located around 500m away from the site to the west.

#### **4.0 PROPOSAL**

- 4.1 The application seeks full planning permission for the refurbishment and conversion of the existing meeting place to provide student accommodation, comprising 9No apartments along with associated communal facilities.
- 4.2 Eight of the proposed apartments would be duplexes; the ground floor of which would include a kitchen/study/living area, with a bedroom and en-suite at first floor level.
- 4.3 One single studio apartment is proposed at first floor level at the front elevation of the building. Containing the same facilities as the proposed duplexes although on one level.
- 4.4 The communal spaces include bike and bin stores on the ground floor at the front of the building; and a kitchen, laundry, dining room and lounge at basement level. The basement level will also provide storage rooms for the use of the future residents.
- 4.5 The ground floor and the basement are currently linked by an existing staircase at the front of the building; this staircase connects the ground floor with the first floor (at the front of the building) which will be converted in the studio apartment described above. A new staircase will be created at the end of the corridor to link the ground floor with the basement's facilities.
- 4.6 The exterior of the building would remain almost unaltered, save for the creation of a single storey extension at the basement level to create a communal dining room opening to the existing courtyard. This extension would replace the existing two WCs and will continue to be enclosed by the existing boundary wall and existing neighbouring planting.
- 4.7 The door from the hall on the ground floor accessing the north courtyard would be converted into a window to match the existing, although maintaining the existing width of the door.
- 4.8 A total of eight conservation style roof lights would be added to the property, four on the eastern elevation and four on the western elevation.

## 5.0 RELEVANT PLANNING HISTORY

5.1 No formal planning history

## 6.0 PARISH/TOWN COUNCIL COMMENTS

6.1 Original comments from Buckingham Town Council received 20/9/19 – **OBJECT & ATTEND** Committee:

*“While Members welcomed a proposal to bring the hall back into use, there were many criticisms of this particular scheme:*

- Rooms were shown with double beds, so there could be 18 tenants - this was felt to be too many;*
- There was no evidence that the water supply and disposal was adequate to this increased demand (BNP policy I5); use of the toilet during occasional meetings was not a valid precedent, and the sewerage system in Well Street was antiquated;*
- This was true also of other utility services - no evidence of capacity was presented;*
- There was no detail of the refuse disposal arrangements; the room provided would not accommodate 18 individual bins, and a large skip bin would not be able to access the room - this could lead to bins being left out on the pavement permanently, to the detriment of pedestrian passage;*
- Continuous as opposed to occasional use will lead to light and noise nuisance for the neighbouring properties to side and rear;*
- There was no evidence of liaison with the University (confirmed by a member of the University staff present), so the flats could well be let to non-students, with a related difficulty in enforcing the terms of the Management Plan;*
- BNP policy EE3 does not include support for class C3 accommodation; policy EE8 is for University-led development of student accommodation*
- None of the flats, or the kitchen etc in the basement, are completely accessible for those with mobility problems;*
- There are no alternative exits to the main door onto Well Street for use in emergency (which is surely required for a licensed HiMO);*
- The building is not entirely in Flood Zone 1, so a Flood Risk Assessment is required; BNP policy I4 also applies;*
- There is no asbestos report or method statement for safe removal;*
- There does not appear to have been an accurate survey of the fabric, in particular the rear wall, reported to be cracked;*
- There are no to-scale sections of the site - particularly those showing the relationship of the building and its windows to the surrounding properties; the insertion of a new floor across these windows will lead to overlooking of neighbouring properties;*
- The ceiling height in the basement is reported to be only 1.8m;*
- The proposal is contrary to AVDLP policy GP8 (protection of the amenity of existing residents) and BNP policy DHE6 (provision of good quality of outdoor space) - the small stepped walled yard cannot be considered 'good quality';*
- Buckingham students are more likely to use taxis than bicycles and Well Street is too narrow for additional traffic and unsuitable for U-turns to avoid the even narrower streets between the site and the main campus buildings; furthermore the taxi-drivers' custom of using the horn to announce their arrival will cause nuisance to neighbours; there is likely to be additional takeaway delivery traffic as well;*

- *Concern was expressed at the efficacy of an offsite management company only available during office hours, when most complaints are likely to be about night-time disturbance ...*
- *... and the policing of the no-car condition of the tenancy agreement;*
- *The lack of parking space would also affect the actual building works and deliveries of materials; closing the road off for safety reasons would not be feasible and could deny access to the adjacent houses;*
- *The carelessness in the preparation of documents and drawings does not inspire confidence.*

*Members felt that a site visit by the District Committee would be advantageous.”*

6.2 Subsequent Town Council comments dated 20/12/19 state that:

*“Minor amendments include:*

- *The directions on the elevation drawing have been corrected.*
- *Existing front door and fanlight to be retained, not replaced*
- *Existing street window to Flat 9 to be retained*
- *Timber-framed double glazed windows instead of powder-coated white aluminium*
- *Secure mailboxes to be installed on the walls each side of the main door*
- *New door to amenity space in basement*
- *New doors to cycle and bin stores; access controlled by fob; self-closing and locking*
- *New doors to all flats, to include door viewer; access by fob*

*Members felt that the changes, though welcome, did not address their concerns, and therefore their original response of **OPPOSE & ATTEND** still stood.”*

## **7.0 CONSULTATION RESPONSES**

7.1 Ecology – no objections and no supporting ecological information required

7.2 Buckingham and River Ouzel Drainage Board – no comments to make

7.3 Environment Agency – the site is located within Flood Zones 1 and 2, an FRA is required, but the EA do not wish to be consulted further

7.4 Heritage – no objections; the proposal would cause no harm to the significance of the NDHA, the character of the CA or the setting of the other heritage assets identified above and therefore the proposal would comply with the NPPF and section 66 and 72 of the Planning (LB&CA) Act 1990. However, suggests a notwithstanding condition for details of windows including materials (noting that as before aluminium is not considered appropriate for the conservation area or for the non designated heritage asset and only timber would be acceptable), also a photographic recording condition would be applicable under NPPF paragraph 199 on the basis of the impact on the heritage asset

7.5 CPDA – no objection to the amended plans

7.6 Archaeology – no objections

7.7 LLFA –further information relating to drainage has been submitted by the applicant and the LLFA raise no objections to the proposed development subject to conditions

7.8 BCC Highways – no objections subject to appropriate informatives

## 8.0 REPRESENTATIONS

8.1 Councillor Warren Whyte raises the following concerns:

- *“Over-development: Squeezing 9 studio apartments into the existing building with minimal communal space.*
- *Impact on the amenity of neighbours will be considerable - from intensification of use of the building in a quiet street to visual overlooking from the side windows into existing gardens and dwellings*
- *The proposal has communal spaces which will mean longer hours of windows being lit up and this will have a detriment to the night time darkness in the gardens with light pollution overspill.*
- *The lack of any parking, or indeed a safe drop off zone, is a very big problem for a street with a historic parking problem. Nine apartments could mean up to 18 residents. The Management Plan is well meaning but I do not see how anyone can enforce the no-car tenancy or covenants in this location. There is no private parking, all parking is in the public highway.*
- *Concerns raised about the ability of the old water and sewerage infrastructure to cope from occasional use to intensified multi-occupancy residential use.*
- *It would be nice to see this building back in use, but I am unable to support this level of development in such a tight and historic part of the town centre without proper consideration of access and amenity issues caused by such over-development.”*

8.1 14 letters of representation have been received which make the following comments:

### Noise/disturbance

- Substantially increased activity level would create significant increase in noise
- Taxi’s waiting outside in the street
- Students will keep later hours than many of the neighbouring residents
- The proposal would be overdevelopment with an unacceptably high density level of units – intensification of use
- Prolonged construction period with daytime noise

### Residential Amenity

- There is no rear access for occupants
- 9 apartments with minimal communal space
- Outdoor smoking
- The substantial side windows directly overlook neighbouring garden



- Where is the ventilation for the proposed toilets, kitchens, and bathrooms?
- Light pollution from the communal rooms/areas

#### Traffic/Highways

- Building fronts a blind corner with a double yellow lined narrow road; there is no where safe to stop outside the building and drop off/pick up
- Road and pavements already congested with parked vehicles; there is no room for anymore on street parking
- Public transport is inadequate and constantly being reduced
- Previous use only resulted in meetings being held once or twice a week rather than daily occupancy
- The presence of builders vehicles and delivery lorries on the street would cause significant disruption to the highway during the construction phase
- Lack of emergency exit provision; how would fire engine access cottages to the rear?

#### Drainage

- The rear aspect of the building lies below flood defences so is vulnerable to flooding
- The sewerage backs-up, blocks and erupts

#### Other

- Building not suitable as multi occupancy for students; The property would be better suited to private owner-occupied housing development
- The area has independent shops, fine restaurants and friendly pubs to which the planned development would not contribute
- Electricity and telephone supply
- 9 units could result in 18 tenants
- Number of bins and amount of waste
- Lack of space for scaffolding
- Asbestos present in the building
- No. 47 not accurately shown on the drawings; no cross sections to show the existing windows nor site levels; the reduced head height in the basement (1.8m) is not indicated; no structural report
- Difficult to see how managing car ownership could be controlled by tenancy agreement/Student Management Plan – how would this be enforced and what implications would there be if the units were to become generally available in the future?

## 9.0 EVALUATION

### a) **The planning policy position and the approach to be taken in the determination of the application in terms of whether the development is in accordance with the Buckingham Neighbourhood Development Plan, AVDLP, and the emerging VALP.**

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

9.2 The starting point for decision making is the development plan. In this case the Development Plan comprises the “saved” policies of AVDLP and the Buckingham Neighbourhood Development Plan (BNDP). 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 and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the Development Plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of any formal application would need to consider whether the proposal constitutes sustainable development having regard to Development Plan policy and the NPPF as a whole.

Buckingham Development Neighbourhood Plan(BNDP)

9.3 The BNDP was made in October 2015 and covers the period 1<sup>st</sup> April 2011 to 31<sup>st</sup> December 2031 and is afforded full weight in the decision making process. There are a number of policies which are relevant to the determination of this application including:

- HP4 – Provide a diverse housing mix. This policy supports the sustainable development of a wide range of housing types, sizes and tenures within the Town that meet local needs;
- HP7 – Guidelines for Windfall sites. This policy supports the development of small sites (10 or less dwellings) within the settlement boundary, including the use of previously developed land;
- DHE2 - Standard of ecological information required to minimise the impact on natural habitats. This policy seeks to ensure that development proposals should minimise impact on natural habitats and species;
- DHE6 – Outdoor space
- I3 - Rainwater collection; I4 – Development upon the flood plain; and I5 - Sewage Management. These policies seek to mitigate and improve the capacity of the town to deal with flooding.

9.4 BNDP policy HP2 - Allocates land for 400 new rooms for University expansion (which is the minimum figure that would allow for university accommodation for all first year students), however this site is not shown as an allocation in Table 4, nor is it being promoted by the University and as such this policy is not relevant to this application. In addition, whilst the application site is not shown in Figure 9 of the BNDP relating to Policy EE8, Land allocated to University expansion, the associated text with policy EE8 notes that through the expansion of the University new facilities are needed to provide academic space and other facilities associated with a university and the principle of the proposed development would complement and work with the aims of Policy HP2 of the BNDP.

Aylesbury Vale District Local Plan (AVDLP)

9.5 Whilst the proposal indicates that it would provide student accommodation the use would fall within that of use Class C3 “dwelling house” and therefore falls to be considered in relation to the housing policies, which are out of date as discussed in the Overview Report.

9.6 A number of saved policies within the AVDLP are considered to be relevant for the determination of this application and are consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP.8, GP.24, GP.35, GP.45, GP.59, GP.84, GP.88, GP.91, and GP.95. They all seek to ensure that development meets the three objectives (economic, social and environmental) of sustainable development and are otherwise consistent with the NPPF.

9.7 AVDLP Policy GP.53 states in Conservation Areas the Council will seek to preserve or enhance the special characteristics that led to the designation of the area. Proposals for development will not be permitted if they cause harm to the character or appearance of Conservation Areas, their settings or any associated views of or from the Conservation Area. Proposals for development or redevelopment 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. Whilst not entirely consistent with the 'language' of the NPPF, this policy nevertheless seeks to ensure that the significance of the heritage assets (the conservation area) is preserved or enhanced, and to that extent is consistent with it. The policy does not however go on to include the balancing elements of NPPF paras. 195 and 196 in circumstances where either substantial or less than substantial harm is found, and in that respect is out of date. Given this, the weight to be applied to this policy must be reduced but limited weight can still be afforded to it.

*Emerging policy position in Vale of Aylesbury District Local Plan (proposed modifications VALP)*

9.8 The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. The draft Vale of Aylesbury Local Plan was published and subject to public consultation in summer 2016. Following consideration of the consultation responses, and further work undertaken changes have been made to the draft plan. A report has been considered by the VALP Scrutiny Committee on 26 September and Cabinet on 10 October 2017 on the proposed submission plan. The Cabinet's recommendations were considered by Council on 18 October 2017. The proposed submission was the subject of consultation from, 2 November to 14 December 2017. Following this, the responses have been submitted along with the Plan and supporting documents for examination by an independent planning inspector at the end of February 2018. The examination hearing ran from Tuesday 10 July 2018 to Friday 20 July 2018. The Interim Findings have been set out by the Inspector, and consultation on modifications will be required before adoption can take place. Further to this AVDC has provided the VALP Inspector with its suggestions for the Modifications to the Plan. 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 ran until 17 December 2019. The adoption of the Vale of Aylesbury Local Plan is planned to be early 2020.

9.9 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 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 policies of particular relevance are:

S1: Sustainable development for Aylesbury Vale (considerable weight)

S2: Spatial strategy for growth (moderate weight)

S3: Settlement hierarchy and cohesive development (moderate weight)

S5: Infrastructure (moderate weight)

S7: Previously developed land (considerable weight)

D3 Proposals for non-allocated sites at strategic settlements, larger villages and medium villages

D7: Town, village and local centres to support new and existing communities (considerable weight)

D8: Town Centre redevelopment (moderate weight)

H6a: Housing mix (moderate weight)

H6c: Accessibility (moderate weight)

T1: Delivering the sustainable transport vision (moderate weight)

T4: Capacity of the transport network to deliver development (limited weight)  
 T5: Delivering transport in new development (moderate weight)  
 T6: Vehicle Parking (moderate weight)  
 T8: Electric vehicle parking (moderate weight)  
 BE1: Heritage Assets (moderate weight)  
 BE2: Design of new development (moderate weight)  
 BE3: Protection of Amenity (considerable weight)  
 NE1: Biodiversity and Geodiversity (moderate weight)  
 NE5: Pollution, air quality and contaminated land (considerable weight)  
 C3: Renewable energy (moderate weight)  
 I3: Community facilities, infrastructure and assets of community value (moderate weight)  
 I4: Flooding (moderate)  
 I5: Water resources and waste water infrastructure (moderate weight)

- 9.10 The majority of the above policies (not mentioned in the below paragraphs) 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.
- 9.11 Policies NE5 - Pollution, air quality and contaminated land, S1 - sustainable development and BE3 - Amenity can be given considerable weight meaning that there were objections but the Inspector has not requested main modifications (and as such the policy will not be changed in a material way) and the objections can therefore be regarded as being “resolved”.
- 9.12 Policy T4 - Capacity of the transport network can be given limited weight as it is a new and untested policy introduced by a main modification and subject to consultation.
- 9.13 Policy S1 - Sustainable development for Aylesbury Vale states that 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). Where there are no policies relevant to the application then the council will (a) grant permission unless material considerations indicate otherwise and in assessing development proposals, consideration will be given to: b. providing a mix of uses, especially employment, to facilitate flexible working practices so minimising the need to travel c. delivering strategic infrastructure and other community needs to both new and existing communities d. giving priority to the reuse of vacant or underused brownfield land. e. minimising impacts on local communities f. building integrated communities with existing populations g. minimising impacts on heritage assets, sensitive landscapes and biodiversity h. providing high-quality accessibility through the implementation of sustainable modes of travel including public transport, walking and cycling i. providing access to facilities including healthcare, education, employment, retail and community facilities j. meeting the effects of climate change and flooding. This policy may be given considerable weight at this stage.
- 9.14 Policy D7 -Town, village and local centres to support new and existing communities, states amongst other things that the council will promote the sustainable growth and regeneration of Aylesbury, Buckingham, Haddenham, Wendover and Winslow. Within defined town centres, development proposals for retail, leisure, commercial, office, tourism, cultural, community and residential development will be supported (subject to compliance with other policies in the VALP) where they: a. retain or enhance the town

centre's historic character and appearance, vitality and viability b. sustain or enhance diverse town centre uses and customer choice, incorporating residential accommodation above ground floor level where possible, and c. are readily accessible by public transport, walking and cycling. This policy may be given considerable weight at this stage. The above policies accord with the aims of the NPPF to secure sustainable development and the individual requirements are picked up in the report below.

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

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

• ***Sustainable location***

9.16 It is only if a development is sustainable when assessed against the NPPF as a whole that it would benefit from the presumption in paragraph 11 of the NPPF.

9.17 The AVDLP identifies Buckingham as an Appendix 4 settlement indicating that it is considered to be appropriate to allow small-scale infill residential or mixed use development at the settlement in accordance with policy RA13.

9.18 This site has not been assessed for development within the HELAA (Jan 2017) given its limited size. As explained above the HELAA can be seen as a starting point for assessing whether a site would be suitable for development.

9.19 Buckingham is identified in the Settlement Hierarchy Assessment (September 2017) as a 'Strategic Settlement' being the second largest settlement which is one of several small towns and rural villages (along with Winslow, Haddenham and Wendover) that play an important part in the economic and social functioning of the district whilst acting as a focal point for trade and services. The assessment identified Buckingham as one of the five largest settlements which typically offers a choice of shops and services, a range of employment opportunities and is well served by public transport. Buckingham is specifically identified as the second largest strategic settlement with branches of national retail multiples as well as having an independent university, two secondary schools, community hospital, indoor sports centre and strong employment base. In addition, the settlement has regular bus services to Aylesbury, Milton Keynes, Oxford and Cambridge. The assessment concludes that Buckingham is one of the five 'Strategic Settlements' that offer the most sustainable opportunities to accommodate future development.

9.20 It is therefore accepted firstly that Buckingham is a sustainable location to accommodate new development, and secondly that the site is highly sustainably located in relation to the close proximity of facilities and services provided in Buckingham. It is therefore considered that the site would constitute sustainable development, in locational terms, in accordance with the NPPF. The below sections will set out whether the proposals can be considered 'sustainable development' in regard to all other aspects.

• ***Delivering a sufficient supply of homes***

9.21 Local planning authorities are charged with delivering a sufficient amount 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.

- 9.22 The overview report addresses the Council's current 5 year housing land position. The proposed development would provide 9 units of Class C3 residential accommodation which would contribute towards the Council's housing land supply, also, the proposal would contribute to the addressing the wider needs of the community as required by the NPPF.
- 9.23 The proposal seeks the re-use of an existing building to provide 9 units of residential accommodation, the site is located in an existing built-up area, within the defined settlement boundary, and is bounded by existing residential dwellings. The development would comply with policy HP4 as the smaller units would provide a diversity of housing type, size and tenure within the area. Being a development of 9 units, within the settlement boundary and utilising previously developed land the proposal would accord with policy HP7.
- 9.24 The proposal would deliver 9 one-bedroom residential units, which the application states are to be promoted as student accommodation. The site does not form part of either the Innov8 or Verney Park sites which are allocated for student accommodation by Policy HP2 of the BNDP. However the supporting text to the policy acknowledges that the University has plans to expand student provision within the town and that if this expansion materialises a minimum of 400 extra student rooms would be needed. The text acknowledges that the allocated sites in the table would aid in fulfilling this requirement and that expansion would require adequate student accommodation delivered concordantly with teaching facilities. It is further noted that the allocated sites must be developed before or in partnership with the progress made on policy EE8 as there is a need to make up provision for the identified existing deficit in university accommodation. Whilst this application is not promoted by the University, it is considered that the development would not go against the overarching principles of the BNDP nor the general support in the BNDP for student accommodation in the town.
- 9.25 In addition to the above there is no reason why the site would not come forward for development making a contribution to smaller units of residential accommodation/student accommodation in the town and wider accommodation in the District. This is considered to represent a significant public benefit, although tempered to limited in this context due to the small number of units proposed. The design of the units, which provides a communal kitchen and living space in addition to the private space on offer, would also suit professionals for short term or week time lets for those working within the town or surrounding area.
- 9.26 Policy GP2 of the AVDLP and the Supplementary Planning Guide 'Delivering Affordable Housing' sets out the Council's position with regard to affordable housing. The threshold for affordable units is 25 units however in accordance with para 64 of the NPPF, major development schemes (10 or more units) are required to provide 10% affordable housing unless they comply the exemptions set out para 64. It is also noted that the emerging VALP policy adjusts the threshold for affordable housing provision to schemes of 11 or more units, which at present can be given moderate weight. The submitted scheme proposes 9 units and as such there would be no requirement for provision of affordable housing on site in accordance with the AVDLP, emerging VALP, and NPPF advice.

- ***Build a strong competitive economy***

- 9.27 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.

9.28 It is considered that there would be economic benefits in terms of the construction of the development itself, its operation and the resultant contribution that the future occupants would bring to the local economy. This is a matter which weighs in favour of the proposed development.

- ***Promoting healthy and safe communities***

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

9.30 Policy I3 of the emerging VALP requires applications for residential development to provide financial contributions to provide or enhance community facilities or community infrastructure reasonably related to the scale and kind of development proposed.

9.31 In accordance with policy GP88 of AVDLP an off site contribution for Sport and Leisure (off site recreation in lieu of on-site provision) would be necessary to provide for recreation needs of the resulting development. The Council has an adopted Supplementary Planning Guidance "Sport and Leisure Facilities" and accompanying Ready Reckoner August 2005, which identifies the requirements for on site provision for sport and leisure facilities and financial contributions to off-site provision. The formula for calculating that contribution is included in the Ready Reckoner. The submitted scheme proposes 9 residential units and as such there will be a requirement to contribute towards the provision of sport and leisure facilities.

9.32 ADVLP Policy GP94 and BCC Education's adopted s106 policy require development proposals for dwellings to contribute towards education. This application proposes 9 small; scale one-bedroom units, and as such it is unlikely that there would be school age children living within the new development. As such it is considered that a financial contribution towards education provision would not be required in this case.

9.33 Having regard to the above matters, overall it is considered that the development would promote healthy and safe communities in accordance with the AVDLP, emerging VALP, and the guidance set out in the NPPF.

- ***Promoting sustainable transport***

9.34 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.

- 9.35 Policy GP24 (and the associated SPG) of the AVDLP sets out the parking requirements for development within the District, the specific standard for one bedroom flats is a maximum of 1.5 spaces per unit. The emerging VALP policy T6, which can be given moderate weight at this time, advises that the accessibility of the site, the availability of public transport, local car ownership, and the type, mix and use of the development are criteria which can be taken into account in determining the appropriate level of parking provision in accordance with its optimum parking standards set out in Appendix B of the plan.
- 9.36 In respect of transport sustainability and accessibility, as discussed above, Buckingham is considered to be a sustainable location for development and the site is considered to be sustainably located. The town centre is within walking distance with good links to the local highway network, frequent bus services, cycling, walking, shops and local amenities. There are a number of commercial bus services that operate within Buckingham providing access to Aylesbury, Bicester and Milton Keynes along with the surrounding areas. In addition the site is located close to the University campus.

#### *Traffic Impact*

- 9.37 The proposed development is for the conversion of an existing meeting hall to student apartments which is unlikely to generate an increase in traffic movements. No alterations are proposed to the existing highways arrangement. Well Street is an unclassified road and the proposed development site lies on a part of the road which is a subject to a 30mph speed limit. Footways run either side of Well Street.
- 9.38 The site has been designed as a car free development and as such needs to be evaluated as such. The site is located in a central location within Buckingham and is with 350m of the University. The site is located within 400m of the nearest bus stop and between 500 to 550m from the bus stops located on the high street. The high street contains a number of amenities including banks, retail, eating and drinking options. The Highways Authority comment that the site is in a sustainable location and as such a suitable for a car free development.
- 9.39 Given that the existing building has no parking provision and the proposed use would be a car free development, there is no vehicular access to the site nor is it proposed to alter this situation. It is noted that the site is located on a bend in the road and that Well Street is subject to high levels of on-street parking associated with the existing dwellings and other uses within the vicinity, that reduces the carriageway width in places. However, it is also acknowledged that there are parking restriction marking on Well Street and that the existing Class D1 use of the building has no parking restrictions in place.

#### *Refuse*

- 9.40 The refuse and recycling store would be located at ground level to the front of the building and collection would take place on the highway. There is concern that collections would restrict visibility on the corner however, this would only be for a limited period of time and it is not considered that this would be unacceptable, given that refuse from the existing building could be collected in a similar manner.

#### *Car parking and cycle storage provision*

- 9.41 The site lies close to the town centre and is within walking distance of all key services and a number of the key bus routes linking the town to Milton Keynes, Bicester, Aylesbury and beyond. It is also within walking distance of a bus station which runs regular services to



local areas, and provides connections to Milton Keynes (the location of the nearest train station), Aylesbury and nearby towns.

- 9.42 There are parking restrictions along Well Street, but the application proposes no parking in this case. Also the application confirms that future residents will not be permitted to bring cars to Buckingham and it is proposed that this restriction will be secured by the developer through both the tenancy agreements and a Student Management Plan (SMP).
- 9.43 In terms of policy T8 of the emerging VALP, which encourages the inclusion of some electric vehicle (EV) charging spaces, as this development would be promoted as a zero parking scheme, there would not be a requirement to provide EV charging facilities.
- 9.44 It is considered in this instance, given the type of accommodation on offer, suitable for students or professionals educating or working in the area, the requirement for dedicated parking would likely encourage the use of the rooms for potential occupants not associated with the university or local businesses. The lack of parking in this instance, would ensure that the housing is suitable for people with local needs and requirements and thus ensure the building functions and provides for those identified within the application.
- 9.45 A secure cycle store has been provided in the proposal for future residents that would like to cycle across the town and to the University.

*Conclusions on highway matters*

- 9.46 The development would provide a car free scheme. There are no alterations proposed to the existing highway. The Highway Authority have no objection to this development.
- 9.47 The site is located within an accessible location such that there would not be undue reliance on the private car. The applicant asserts that a SMP and the tenancy agreements would set out how alternative means of transport will be encouraged and monitored.
- 9.48 The current use of the building is as a meeting hall (Class D1) and has no associated car parking provision. Notwithstanding that the proposal would be a car free development, the existing use could generate a potential parking demand far greater than the proposed 9 small one-bedroomed units and as such, regardless of the developers advised SMP and tenancy restrictions, it is not considered that the lack of parking provision would result in an increase in potential on street parking in the vicinity.
- 9.49 Having regard to the above matters it is considered that the development would not result in significant highway concerns nor result in an adverse impact on highway safety or convenience and that it would accord with the aims of the BNDP, the AVDLP, emerging VALP and with the guidance set out in the NPPF.

• ***Conserving and enhancing the natural environment***

- 9.50 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, trees and hedgerows and biodiversity.
- 9.51 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.

9.52 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.

9.53 Policy BE2 of the emerging VALP has similar objectives to the saved AVDLP policy GP35, and can be given moderate weight at this time.

*Landscape and Settlement Character Impacts and visual impacts:*

9.54 The site is an existing building located within a built up urban area. The proposal seeks to reuse and convert the existing structure with minimal external alterations. It is considered therefore that the development would not adversely affect the wider landscape of the locality nor the character of the settlement itself.

9.55 Overall it is considered that the scheme would have an acceptable impact on landscape matters and in accordance with the aims of the NPPF and development plan policies.

*Trees and hedgerows*

9.56 Policy DHE1 of the BNDP refers to the protection of existing trees and provision of trees in developments and seeks to retain existing trees where possible and for new trees to respect landscape character and to enhance existing retained planting offering a mix of species, including native species. 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.

9.57 There are no trees affected by the proposed development and as such the development would accord with development plan policies and with the NPPF in this regard.

*Biodiversity/Ecology*

9.58 Policy DHE2 of the BNDP refers to the standard of ecological information required to minimise the impact on natural habitats requiring development proposals result in net gains to biodiversity. Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.

9.59 The Council's Biodiversity Officer has inspected this building and no evidence of roosting bats was discovered in the loft space. As such it is considered that there is not a reasonable likelihood of other protected and priority habitats or species being affected by the proposal, and there is no objection to the scheme.

9.60 It is therefore considered that the development would accord with Policy DHE2 of the BNDP and with the NPPF.

• ***Achieving well designed places***

9.61 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.

- 9.62 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 and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space). 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.
- 9.63 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. Emerging VALP policy BE2 - Design of new development can be given moderate weight and mirrors the aims of GP35.
- 9.64 Policy GP.45 of the AVDLP is also relevant and this states that any new development would also be required to provide a safe and secure environment for future occupiers of the site.
- 9.65 The proposal seeks to convert an existing building with only limited changes proposed to the exterior of the building. The development proposes no material changes to the principle elevation of the building so its appearance will not be altered and would continue to complement the existing buildings along Well Street in respect of the materials proposed (discussed below) and in terms of its design.
- 9.66 The exterior of the building would remain almost unaltered, save for the creation of a single storey extension at the basement level to create a communal dining room opening to the existing courtyard. This extension would replace the existing two WCs and will continue to be enclosed by the existing boundary wall and existing neighbouring planting.
- 9.67 The door from the hall on the ground floor accessing the north courtyard would be converted into a window to match the existing, although maintaining the existing width of the door.
- 9.68 Replacement windows with powder coated aluminium finish were proposed, although following discussion with the Heritage Officer timber is now proposed which would be more in keeping with this NDHA, and this would be secured by condition to ensure an acceptable high quality finish in this conservation area location. With regard to the windows of the main gable; the two on the ground floor will be retained and the one on the first floor will be replaced maintaining the original glass. On the east elevation the reveal of one window will be infilled with brickwork, which will be set back by 20/25mm to retain the profile of the original window.
- 9.69 A total of eight conservation style roof lights would be added to the property, four on the eastern elevation and four on the western elevation. As conservation style roof lights, these would sit flush in the roof slope and as such would have a minimal impact upon the street scene and the character and appearance of the existing building.
- 9.70 Overall it is considered that the proposed conversion would represent good design, that careful consideration has been given to its context in terms of the external appearance of the building and that the indicated materials would be appropriate for the area. The

resultant building would complement existing development in the locality and would not detract from the character and appearance of the area, nor would it appear unduly imposing or alien within the street scene. As such it is considered that the development would accord with policy GP35 of the AVDLP, policy BE2 of the emerging VALP, and with the aims of the NPPF.

- 9.71 The CPDA raised concern about the recess created by the gate located to the side of the building and the lack of defensive space that will be present. The applicant has pointed out that the gate is not their access and therefore can not be brought forward to design out the recess and provide protection for the window for Flat 1 as was initially suggested by the CPDA. In light of this it is agreed that this window is to be laminated to prevent unauthorised access and damage, and this could be controlled by condition. In addition the CPDA considers it appropriate to impose a condition requiring the developer to achieve 'Secured By Design' due to the proposed potential student occupancy, and to accord with policy GP45 of the AVDLP.
- 9.72 The Town Council have raised a concern that none of the flats, or the kitchen in the basement, are completely accessible for those with mobility problems. Policy H6c of the emerging VALP can be given moderate weight and advises that developments are required to meet and maintain high standards of accessibility so that all users can use them safely and easily. The policy goes on to explain that development will need to meet at least category 2 accessible and adaptable dwelling standards (as set out in Approved Document M which provides guidance for satisfying Part M of the building regulations) unless it is unviable to do so. Category 2 requirements are met when a new dwelling provides reasonable provision for most people to access the dwelling and includes features that make it suitable for a range of potential occupants, including older people, individuals with reduced mobility and some wheelchair users. In this case the proposal seeks to convert an existing building, as such the existing structure forms a constraint making it impracticable and unviable for such features to be incorporated within the scheme. As such there is not considered to be a conflict with Policy H6c of the emerging VALP.

- ***Making effective use of land***

- 9.73 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.
- 9.74 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, the Authority should take into account the importance of the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 9.75 The proposed development would re-use an existing building. It would provide needed residential accommodation and would make effective use of the land. Regard has been had to the environment, living conditions and character of the area as well as securing a well-designed development as discussed elsewhere in this report. Overall it is considered that the development would make effective use of the land and as such it would accord with the NPPF in this regard.

- ***Meeting the challenge of climate change, flooding and coastal change***

- 9.76 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. Policy I3 of the BNDP requires schemes to have a scheme to collect rainwater for use. Policy I4 of the BNDP relates to development with the flood plane. Policy I5 of the BNDP requires developments to demonstrate an appropriate solution to sewerage management.

9.77 The Environment Agency's mapping shows that a small section of the building is in flood zone 2 and therefore the applicant has provided a Flood Risk Assessment (FRA) in accordance with section 14 of the National Planning Policy Framework (Footnote 50). Buckinghamshire County Council as Lead Local Flood Authority has reviewed the application, including the FRA which was received in January 2020, the Drain Survey Engineers Report (01/5668, 31st January 2020, Just Surveys Ltd) and the Drainage Layout Plans (31.01.2020, Just Surveys Ltd). The LLFA raise no objection to the proposed development subject to a condition requiring the development to be carried out in accordance with the FRA (ref.89390-Smith-OddfellowsHll, January 2020, UNDA), in order to prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to ensure that surface water is managed in a sustainable manner, in accordance with Paragraph 163 of the National Planning Policy Framework

#### *Flood risk*

9.78 The Flood Map for Surface Water provided by the Environment Agency shows that the site lies in an area of very low risk of surface water flooding (meaning there is less than 0.1 % likelihood of flooding occurring in a given year). The area to the rear of the site although not considered within the redline boundary it should be noted that this has between a 1 % and 3.3% likelihood of flooding occurring in a given year. This is anticipated to have a flood depth of 0.3m.

9.79 Groundwater emergence potential mapping, provided by Jeremy Benn Associates 2016, shows the groundwater level in the location of the proposed development to be between 0.025m to 0.5m, below the ground surface for a 1 in 100 year return period. The Infiltration SuDS Map provided by the British Geological Survey 2016, indicates that the water table is anticipated to be at depths less than 3 metres below the ground surface.

9.80 The LLFA highlight that the anticipated high groundwater may have implications on subsurface components and structures, as such the applicant will need to provide flood resistance and resilience measures. It is noted that the applicant will be implementing resilience and resistance measures as part of their mitigation for fluvial flood risk, and this would be controlled by condition.

#### *Surface water drainage*

9.81 The above application does not provide a surface water drainage strategy as the proposed development is a change of use of the existing building. Details of the existing drainage of this site have been provided in the drainage survey (01/5668). The survey shows an existing drainage layout where the rainwater downpipes convey water from the roof to several shared manholes. The survey shows that remedial work is required in order to address the various defects in the existing system. The LLFA advises that these issues are fixed, in order to increase the efficiency and longevity of the existing drainage system.

9.82 In respect of foul drainage and rainwater collection, conditions can be imposed to ensure that suitable details are secured such that the requirements of Policies I3 and I5 of the BNDP are addressed.

9.83 Having regard to the above, it is considered that the development would have adequate regard to flooding, surface water and foul water drainage and that it would accord with the aims of Policies I3, I4, and I5 of the BNDP and with the NPPF.

- **Conserving and enhancing the historic environment**

- 9.84 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Paragraph 196 of the NPPF states '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 securing its optimum viable use. Any harm or loss should require clear and convincing justification. Paragraph 189 extends this provision to non-designated heritage assets with an archaeological interest.
- 9.85 Policy GP.53 of AVDLP requires new developments in and adjacent to conservation areas to preserve and enhance the character and appearance of the Conservation Areas.
- 9.86 The site is located in the conservation area and adjacent to a number of Grade II listed buildings (those to the north of the site) and also near to a number of other Grade II listed buildings and the Grade I Church on the opposite side of the road. It is also located in an archaeological notification area. The existing building has been identified as a building of local note in the Conservation Area Appraisal and therefore, as well as its contribution to the setting and significance of the designated heritage assets identified above, in itself it is considered a non designated heritage asset (NDHA).
- 9.87 The heritage assessment of this application is the impact on the character and appearance of the conservation area, the setting of the listed buildings and the significance of the non designated heritage asset.
- 9.88 The main external change is the addition of roof lights on the sides of the rear roof range. Given rooflights can be seen on the rear of the adjacent listed building which is also located in the conservation area, that conservation roof lights would be used and given the tight grain of the road the rear roof slope is not seen from the road, this part of the proposal is not felt to impact on the setting of the listed building, the character of the conservation area or the significance of the non designated heritage asset.
- 9.89 The revised drawings now show the windows/doors, which are considered of interest and significance of the NDHA, to be retained which is welcomed. Also the latest revised plans show the removal of the post boxes that were previously proposed on the front elevation of the building, which is an improvement.
- 9.90 The windows to the side of the building are plainer than those to the front and therefore the principle of their replacement could be accepted, pending detail which could be controlled by a suitably worded condition.
- 9.91 Special regard has been given to the statutory tests of preserving the conservation area and protecting listed buildings under sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. The Council's Heritage Officer considers that, subject to appropriate conditions, the proposal would cause no harm to the significance of the NDHA, the character of the CA or the setting of the other heritage assets identified above and therefore the proposal would comply with the NPPF, policy GP53 of the AVDLP and policy BE1 of the emerging VALP.

- **Supporting high quality communications**

- 9.92 Paragraph 114 of the NPPF requires Local Planning Authorities' to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services. Given the nature and location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a

result of the development. It is therefore considered that the proposal would accord with the guidance set out in the NPPF.

**c) Impact on residential amenities.**

- 9.93 Policy DHE6 of the BNDP requires the provision of good quality private outdoor space for new developments which will provide an area where people can spend quality time and enjoy their surroundings.
- 9.94 The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.95 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. In addition policy GP95 advises that development that exacerbates any adverse effects of existing uses will not be permitted.
- 9.96 Emerging VALP policy BE3, which can be given considerable weight, also seeks to protect the amenity of existing residents and to achieve a satisfactory level of amenity for future residents.
- 9.97 Policy DHE6 of the BNDP seeks to achieve the provision of good quality of outdoor space - the Town Council are concerned that the small stepped walled yard proposed cannot be considered 'good quality'. It is noted that the BNDP requires that applications should demonstrate that amenity has been considered and appropriate solutions have been incorporated into schemes, and states that in relation to flats outdoor space can be provided in the form of a communal outdoor space and/or in providing other areas for example balconies. The BNDP set out that for family dwellings, private garden areas would be expected to be of at least 10 metres in length, however there are no such requirements stated for other forms of dwelling. In this case the small-scale one-bedroomed units proposed would not lend themselves to family occupation, also it is acknowledged that the existing building does not benefit from any landscaped or open space within the site edge of this application, thus it is considered that the proposed yard area would offer an appropriate solution relative to the scale and anticipated use of these proposed units. In addition, as set out above, a financial contribution would be secured via a s106 towards an appropriate off-site sport and leisure project, and whilst the details of such a project have yet to be agreed with the Town Council, it is likely that this contribution could be put towards local outdoor facilities which may be enjoyed by the future occupants. As such there is not considered to be a conflict with Policy DHE6 of the BNDP.
- 9.98 This proposal would convert an existing building into residential use; the existing windows would be replaced but would remain of the existing scale, save for one window to the eastern elevation which would be infilled with brickwork. The ground floor windows currently serve the main hall and an office and the stairs; the proposed ground floor plan shows that these windows would serve a staircase and the downstairs living area of the proposed duplex flats. Eight of the proposed residential units would be duplexes with the bedroom and ensuite facilities located on the first floor; this first floor accommodation would be served by conservation style roof lights. Each roof light would be set 2800mm from the finished floor level to the first storey, thus ensuring privacy to the neighbouring dwellings, whilst providing a good level of natural daylight and ventilation to the bedrooms of the future occupants. Concern has been expressed by the Town Council that the insertion of a new floor across these windows will lead to overlooking of neighbouring properties; however, the proposed first floor plan shows that the bedroom and ensuite accommodation is only to be lit by the insertion of roof lights and the existing windows will remain serving

the ground floor only and thus there will be no further overlooking or loss of privacy to the neighbouring properties than that of the existing public use of the building as a meeting hall/office. It is considered that there would not be an unacceptable level of overlooking or loss of privacy to existing residential occupiers to the extent that would justify the refusal of the development on these grounds.

- 9.99 The Town Council have also raised concern that the continuous as opposed to occasional use of the building will lead to light and noise nuisance for the neighbouring properties to side and rear. Whilst it is noted that there would be some noise and disturbance as a result of the development, the existing use of the building as a Class D1 meeting hall could at present result in some existing harm to amenity, and it is considered that the proposal would not exacerbates any adverse effects of the existing uses to a level which would justify refusal of the application.
- 9.100 Ultimately the occupation of any residential dwelling can give rise to disturbance and there are legal powers to control such issues. In this case the developer would be able to control anti social behaviour of the occupants of the building through the SMP and tenancy agreements, and if necessary action can be taken to control any statutory nuisance. It is not considered that the proposed development would result in such demonstrable harm to the amenities of neighbours such that the refusal of the development would be justified on these grounds.
- 9.101 Having regard to the above, it is considered that the impact on residential amenities would be acceptable and as such the development would accord with the relevant development plan policies and with the guidance set out in the NPPF.

**d) Developer contributions**

- 9.102 As noted above, in order to make the development acceptable a S106 would be required to secure a financial contribution towards an appropriate sports and leisure project, which is to be identified by the Town Council.
- 9.103 It is considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 places into law the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development of this nature if the obligation does not meet all of the following tests; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 9.104 In the context of this application the development is in a category to which the regulations apply. The requirement for the above-named measures, if the proposals were to be supported, would need to be secured through a Planning Obligation 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.

**e) Other matters**

- 9.105 *There are no alternative exits to the main door onto Well Street for use in emergency (which is surely required for a licensed HiMO)* – the application details to the provision of 9 self-contained Class C3 residential units and would not constitute a HMO (Class C4). Regardless, this would be a licensing matter if the building were to become a HMO in the future.



- 9.106 *There is no asbestos report or method statement for safe removal – this is not a material planning consideration and would be covered by separate regulations.*
- 9.107 *The ceiling height in the basement is reported to be only 1.8m – this is not a material planning consideration and is a matter for Building Regulations.*
- 9.108 *Buckingham students are more likely to use taxis than bicycles and Well Street is too narrow for additional traffic and unsuitable for U-turns to avoid the even narrower streets between the site and the main campus buildings; furthermore the taxi-drivers' custom of using the horn to announce their arrival will cause nuisance to neighbours; there is likely to be additional takeaway delivery traffic as well – cycle storage facilities are proposed to be provided on site to encourage the use of bicycles by future occupants. The existing use as a Class D1 meeting hall has potential to generate the issues identified in relation to taxi use, albeit of a potentially greater scale. It is considered that these issues would cause such harm as to justify refusal of the application.*
- 9.109 *Concern was expressed at the efficacy of an offsite management company only available during office hours, when most complaints are likely to be about night-time disturbance ... and the policing of the no-car condition of the tenancy agreement – these are civil matters between the developers and the potentially affected residents and are not material planning considerations.*
- 9.110 *The lack of parking space would also affect the actual building works and deliveries of materials; closing the road off for safety reasons would not be feasible and could deny access to the adjacent houses – this matter is not a material planning consideration; the construction phase is only a temporary potential disturbance. An informatives would be added to any permission granted to inform the developers that no vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.*
- 9.111 *The carelessness in the preparation of documents and drawings does not inspire confidence – the application and its associated documents from a valid submission and is considered acceptable for the purpose of determination.*

Case Officer: Mrs Nina Hewitt-Jones

[nhewittjones@aylesburyvaldc.gov.uk](mailto:nhewittjones@aylesburyvaldc.gov.uk)

This page is intentionally left blank

## **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.

This page is intentionally left blank