
COMMITTEE SITE VISIT

App No. 19/03398/APP

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

At the previous Committee Meeting: 20th February 2020
Officers Recommendation: Defer and delegate

Late Items:

The presenting officer drew attention to the following corrections to the report:

- On page 57 at paragraph 9.108 the word 'not' has been omitted from the final sentence which should read "It is considered that these issues would not cause such harm as to justify refusal of the application."
- The recommendation on page 34 of the report should read "Deferred and delegated for officers to determine subject to the following being achieved: as the a) b) and c) set out in the report, the final sentence of c) however should read "If any of these are not achieved, the application will either return to committee or be refused according, otherwise the application will be approved."

Public Speakers:

The Committee was addressed by:

Cllr. Mark Cole JP (Buckingham Town Council) who made the following comments:

- BTC supports the renovation and reuse of this redundant building
- Overdeveloped and cramped
- Not Class C3, would be bed sits with communal accommodation
- Policy HB2 of the BNDP supports 400 new units of accommodation for the university
- Commented that this proposal is not supported by the university (*Officers note that no representations have been received from the University in this regard*)
- Could be let to non-students
- HMO regulations should be followed, emergency exits/safety
- No ovens or sinks shown in the flats
- No disabled access to the 1st floor or basement
- BNDP policy 6 – good quality outdoor spaces
- AVDLP policy GP8 – residential amenities
- Not in the Town Centre
- Light into neighbours dwellings
- Could be up to 18 tenants in the development
- Would have impact on waste water and drainage – no plans submitted
- Is in the CA – drainage system is old
- Paragraph 6.7 of the BNDP states that the sewerage system is a planning priority
- 18 bins being left on the narrow pavement would be an eyesore and the bins

- would not fit into the proposed bin store
- Bus services don't run on Sundays
- The community hospital is care only
- Construction phase should be a planning consideration
- Members to make a site visit

Comments and clarification was sought by Member in relation to:

- Bus stops
- Transport issues
- Congestion
- Flooding
- Not being supported by the university

Mrs M Trant (Objector)

- No external access apart from the front door
- Delivery of materials would need a road closure
- No neighbouring windows of habitable rooms have been shown on the plans
- Building has never been in public use – it is a private meeting room
- New development should provide 1.5 car spaces per unit
- There is currently vacant student accommodation in Buckingham
- Habitable rooms looking into rooms of the neighbouring houses
- AVDLP – economic, social and sustainable objectives – this fulfils neither
- Against the human rights act
- Does not meet the equality act

Mr Steven Doel (Agent)

- Issues raised by the TC and objectors are non-material planning considerations/could be dealt with by condition
- Building is empty but has a Class D1 use with capacity of circa. 100 people
- Conditions could be imposed to restrict car ownership
- NPPF paragraph 109 – 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
- The proposed change of use would be a betterment as there would be less parking
- Existing windows would be used and on the eastern elevation openings would actually be reduced
- Heritage Officer has no objection
- Would bring back in to use a building of local note
- Lack of outdoor amenity space would not be contrary to policy
- Approx. £12,000 to be paid towards off-site sports and leisure project via s106
- Would make a positive contribution to housing supply
- No technical concerns remain outstanding

Site Visit: 25 February 2020 At: 10:30am

Those Attending: Members: Cllrs Mills, Town, Cooper, Stanier

Officers: Dan Ray, Sue Pilcher, Nina Hewitt-Jones

Features inspected:

Members initially viewed the site from the highway, and reviewed the floor plans. Members proceeded to enter the building, viewing the public hall area, the basement, courtyard and then the first floor area.

Members went into the garden of No. 47 and viewed the side elevation, noting the position of the gate and the window which the CPDA has requested to be laminated. The windows were viewed and their position noted on the floor plans. It was pointed out that the window frames were to be replaced with timber frames and the only new openings would be high level CA rooflights within the roof. Members walked into the rear section of the garden of No. 47 and viewed back towards the river and footpath and then up the garden noting the blank gable end of the building and the rear wall of the WC outbuilding.

Members entered into No. 49 and viewed the site from within that garden area, looking at the relationship of the windows with the garden of No. 49 and looked across to the modern care home. Other examples of rooflights were viewed on the adjoining buildings.

Members walked back to the frontage of the site and viewed the front elevation, street scene and traffic/parking.

Discussion:

All Members noted that the site inspection was beneficial as it assisted Members with a greater understanding of the building.

One Member felt that the proposal would form a satisfactory conversion and was not so concerned about the parking now that it had been seen on site.

One Member expressed that this proposal would provide accommodation for which there is a gap in the market but had concern about fire controls and the need to meet regulations. It was noted that there would be an element of conflict and upheaval for residents whilst work is being carried out, although it is important to get this building back into use. The proposal would likely provide short term accommodation, not necessarily for students, could be professionals, etc. How parking is to be enforced would be down to the property management to control. The existing building is wasted at the moment and the proposal would appear a worthwhile project.

One Member commented that the building fits well into the streetscene and needs to be preserved; in particular the frontage keeping its stonework, stained glass, gates and door along with the bollards also, although it is noted that these maybe on highway land. The accommodation appears slightly overcrowded and it was raised whether the accommodation would comply with Class C3 use. Its was commented that Officers should consider conditions carefully. No concerns regarding flooding, but there may be potential impact upon views from the riverside footpath relating to the dining room extension considering the additional height of the existing wall, so the materials and height need careful thought. The side elevation facing No. 49 would have potential overlooking from the stairs which rise alongside the windows and it was commented that obscured glazing should be considered. It was stated that the proposed rooflights would

be acceptable given that there are other examples on nearby properties. In relation to the parking issue it was felt that this could be controlled by properly written conditions.

One Member commented that there appears to be no planning reason to recommend refusal. The front façade would largely be retained with minimal changes and the building fits well into the CA. Concern was expressed with regard to the apparent lack of fire exits, although it was noted that this is a building regulations requirement. It was noted that the height of the basement ceiling appeared rather low, but if that was acceptable under the relevant regulations then it would be no issue. Concern was raised relating to access for building work to be carried out and that no skips are allowed within the street. It was felt that inside the units would be cramped but not necessarily unacceptable. The windows to the ground floor would be better obscured glazed to protect privacy, although this would raise a potential conflict with the amenity of the future residents being the only light source to the ground floor of the apartments. Whilst it can not be assumed that there would be future occupier's cars parking on the street, it would be useful, for a balanced view, to see if any comparable appeals have been dismissed due to car parking. It is noted that the NPPF supports disused and redundant buildings being brought back into use.

A Member raised concern that potential obscure glazing could look awful, therefore a condition requiring the submission of details should be considered.

Additional Information received following the Committee meeting:

Town Council Comment

On the 28th February 2020 the TC commented in relation to the minor amended information, which included an Engineer's report, survey and manhole plans, received on 31st January 2020:

"As this application had been considered at the previous week's DMC meeting, Members judged further comment to be superfluous"

Supporting information

A letter has been circulated to Members of the Committee by the Agent, a copy of which is attached to this report for information.

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Nina Hewitt-Jones

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21st February 2020

Ref: 19/03398/APP

Dear Nina,

Proposed Student Accommodation, Oddfellows Hall, Buckingham

I write in connection with planning application ref. 19/03398/APP for the conversion of the vacant "Oddfellows Hall" to form 9 student apartments. Specifically I write following consideration by Members at the Development Management Committee of 20th February 2020 and their decision to delay a determination in this case until a site visit has been undertaken, now scheduled for 25th February 2020.

It was clear from the debate that further clarification is required regarding the nature of the application and the issues involved. I seek to do that below. But first, for context I want to be absolutely clear that the existing building has a D1 "Assembly and Leisure" use. It has historically been used to accommodate circa 100 people. It is not subject to any restriction on the hours of use, the frequency of use or parking.

As such, the applicant would be permitted to change the use of this building without any form of planning consent whatsoever to a series of other uses including, but not limited to:

- **Clinics,**
- **Health centres,**
- **Crèches,**
- **Day nurseries,**
- **Schools,**
- **Places of worship.**

It was suggested by Members at the Planning Committee that we are somehow seeking to "cash-in" on the extant use of the building. That is a puzzling statement. The extant use of the building is, and always will be,

a material planning consideration in this case, as it is in any other. It is within that context that I make the points below.

USE

The application in this case is for purpose built student accommodation. Your Committee Report has considered the proposal as 9 self-contained units of C3 market housing. You do not propose that the use be restricted to students by way of condition. For the avoidance of doubt the proposal does not constitute a House of Multiple Occupation (HMO) and a subsequent change to form this type of accommodation would require further planning permission and the requisite licence.

Whilst I agree with your assessment, it has always been the case that a restriction to student accommodation only can be secured by way of condition if it is felt to be necessary. Example conditions are attached at Appendix 1.

Imposing this standard condition would prevent any further speculation over the proposed or subsequent use of the building and we would be content for it to be imposed.

ENGAGEMENT WITH BUCKINGHAM UNIVERSITY

For clarity, the Applicant did discuss the proposal with Buckingham University at an early stage but they did not wish to partner with the Applicant in any formal sense, as is their right. These discussions took place prior to my involvement as agent and I was unaware of the full extent of discussions at the Committee Meeting.

However, at the meeting I pointed to the fact that the university continues to expand and there is continuing demand for accommodation. The submitted Planning Statement quotes from the Buckingham Neighbourhood Development Plan in that regard. At Paragraph 1.7 of the BNDP it states that:

"Buckingham has seen a significant amount of housing development in recent years and has a noted problem with accommodating the transient student population, which affects the local housing market".

It outlines further commentary at Paragraph 2.7 when it states that:

"Due to the expansion of the University of Buckingham there has been an increase in the cost of private rental accommodation as students seek accommodation within close proximity to the campus. This in turn increases pressure on social housing, as many are priced out of the private sector. During consultation this was an expressed concern".

As such, it is clear that there is continuing demand for accommodation of this type. In any event:

1. there is no cap on the number of student homes that can be provided;
2. the applicant is satisfied that this is a commercially viable proposition; and
3. THE DEMAND FOR THE PROPOSED DEVELOPMENT CANNOT CONSTITUTE A REASON FOR REFUSAL.

TRANSPORT AND PARKING

The application is for car free student development. You set out quite rightly in the Committee Report that even if parking were not restricted it would have a reduced impact when compared to the existing D1 use. That is quite clearly the case and there should be no suggestion whatsoever that traffic and parking issues would represent a credible reason for refusal in this instance.

However, in the event that Members (erroneously) are concerned about parking, we have provided examples of suitably worded conditions at Appendix 1 that would ensure zero parking is enforced via a Student Management Plan and Tenancy Agreement.

Within the submitted Planning Statement, I refer to examples in Falmouth and Chester where just this approach was accepted by Inspector's on appeal. This point was not dealt with at length during the Committee meeting so for the avoidance of doubt, I repeat the information below.

Within appeal ref. APP/D0840/W/17/3175637 for **128** bedrooms at Kimberley Park Road, Falmouth the Inspector at Paragraph 28 states that:

"The issue of parking was a concern for local residents. However, the tenancy agreement that the students would have to enter into would have a clause stipulating that they would not be able to have the use of a car in Falmouth. The Council have also proposed a condition requiring a parking management plan and a travel plan and I note that they had no objections to the proposed development on highway/parking grounds. I acknowledge that at the start and end of terms there may be some congestion caused by students being dropped off and picked up. However, these days would be few and far between and do not in my view justify dismissing the appeal".

The appeal ref. APP/A0665/W/17/3178946 at Hoole Way Chester also set out details of a Student Management Plan, to include measures for deterring use of the private car and penalties for doing so. Specifically the Inspector set out that:

"Considerable concern was expressed by residents about the pressure for parking spaces in the area throughout the day for various geographic and financial reasons"

"In any event, occupants would, except for people with disabilities, be discouraged from bringing cars to the building. There would be a series of penalties for occupants found to be in breach of the SMP. While visitors could park nearby and they would not be subject of the SMP, they would not be in the area all the time unlike the occupants of the proposal who would spend long periods of time there. Hence, I do not consider that the proposal would place further undue pressure on the availability of parking spaces on nearby streets".

To be clear, Aylesbury Vale District Council has also adopted precisely the same approach for comparable schemes as follows:

- 13/03041/AOP - Demolition of factory building with exception of office building and redevelopment of site for Class D1(teaching accommodation) erection of D1 (teaching accommodation) building and C2 (student accommodation) with associated access, car parking, landscaping and a footbridge - Buckingham University (former Inov8 Site) Tingewick Road Buckingham Buckinghamshire MK18 1EF - **Approved Jan 2015**
- 17/00746/APP - Erection of a new student accommodation building including ground floor parking with associated landscaping and access - Former Railway Station Site Station Road Buckingham Buckinghamshire - **Approved Apr 2019**

Both schemes were approved by the AVDC Planning Committee. In both cases car parking was controlled via a Student Management Plan and Tenancy Agreement just as we suggest it could be in this case.

Even so, we are fundamentally in agreement that the proposal can only ever result in reduced parking demand when compared to a meeting place containing 100 people. It would also represent a significant reduction when compared to any of the other uses for this building which do not require planning permission. However, if for some inexplicable reason Members disagree with that assessment, the option of imposing the same type of condition is available.

NEIGHBOURING AMENITY

I note that a neighbouring resident spoke against the scheme at the Committee meeting, partly on the grounds of neighbouring amenity. I feel that a sense of perspective is required here. The re-use of existing ground floor windows in an unrestricted D1 meeting place cannot possibly result in material harm to neighbouring living conditions. There is no view from the first floor windows.

The potential number of occupants was questioned and specifically whether there could be two people per room. Whilst I discussed with you at an early stage whether a restriction on occupancy would be necessary you, quite rightly, came to the view that it would not, because the potential level of harm simply would not warrant it.

Even if the scheme contained two residents per room, there would be no unacceptable impact in terms of transport and parking. There would be no overlooking of neighbouring properties for the reasons set out above.

It was put to me during questioning that neighbouring residents would be concerned about noise and disturbance. WHEN COMPARED TO THE UNRESTRICTED USE OF A D1 FACILITY BY CIRCA 100 PEOPLE? I hardly think that the proposed use is in any way comparable and even without the extant use, I consider that the impact of this modest scheme has been massively overblown and subject to scaremongering by local residents.

Perhaps this goes to the heart of the matter, but there can be no place for baseless allegations and supposition about the future conduct of tenants, whether in full time education or in the workplace. In truth these miscomprehensions are out-dated in any event and do not apply to the overwhelming majority of those pursuing a university education and paying tens of thousands of pounds in order to do so.

But come what may, planning policy simply does not allow a planning application to be refused on that basis. As set out by you in the Committee Report and by me at the meeting, separate legislation exists to deal with a statutory noise nuisance if it arises, wherever it arises. This is a modest residential conversion, there is no evidence to suggest that the proposal would cause such harm to neighbouring amenity via noise or any other form of disturbance that it would warrant refusal.

NON MATERIAL PLANNING CONSIDERATIONS

There was, as there so often is, much debate about non-material planning considerations and matters that can be dealt with by way of condition. Meeting fire regulations, the number of exists, the efficacy of the management company. You deal with them all in your report and I don't repeat them here but as a matter of record, I consider it unfortunate that they should constitute such a distraction from the main facts in this case.

CONCLUSION

The fact in this case is that this is an excellent use of an historic building which, are as far as neighbouring residents are concerned, would not be harmful and would likely result in betterment over the extant use and the myriad of possible alternatives that do not require planning permission. What impact in terms of noise and traffic would a new crèche have for example?

It would also be of benefit to Aylesbury Vale by providing much needed housing on a brownfield site in a highly sustainable location within the urban area. Precisely the kind of location that developers are so often told to look at 'first' before considering green field development. If development of this type, in this location, is not acceptable, then I feel the planning system really must be broken.

Clearly we hope that the impending site visit provides the necessary clarity for Members so that they feel able to defer and delegate the application back to officers for approval. I do very much hope that the time consuming process of an appeal (and claim for costs) can be avoided in this instance, it does seem wholly unnecessary.

Yours sincerely,



Steven Doel
Associate Director



Oddfellows Hall

Suggested Planning Conditions

Date January 2020

Restriction on Use

Appeal Ref. APP/D0840/W/17/3175637 – 128 managed bed spaces – 110 Kimberley Park Road, Falmouth.

Condition 4:

“The development hereby permitted shall remain in single ownership and the development shall be residentially occupied solely by persons who are students registered with and pursuing a course of full-time educational study, including graduate and post graduate study, at any institute college or university within ~~Falmouth and Penryn~~Buckingham. Such occupation shall be deemed to include any guest, partner or dependent of a student satisfying the above criteria and temporarily resident in the same unit of residential accommodation at the same time as the occupying student. The names of the occupiers of the development shall be kept on a register on site along with proof of their registration”.

Appeal Ref: APP/W2465/W/15/3141406 – multiple student flats – 52 Western Road, Leicester

Condition 13:

“The development shall not be occupied other than as student accommodation. Other than staff associated with the management, maintenance and security of the development, no person other than a full time student attending the University of ~~Leicester or De Montfort University~~Buckingham (or such other higher/further educational establishment as may be approved by the local planning authority) shall occupy any part of the development at any time. ~~At no time shall more than 279 students occupy the development.~~ The owner, landlord or authority in control of the development shall keep an up to date register of the name of each person in occupation of the development

together with course(s) attended, and shall make the register available for inspection by the local planning authority on demand at all reasonable times”.

Student Management Plan / Parking Restriction

Planning application ref. 17/00746/APP – Erection of a new student accommodation building including ground floor parking with associated landscaping and access. – Former Railway Station Site, Station Road, Buckingham.

Condition 27:

“Prior to first occupation of the student accommodation a site parking management scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include measures to enforce a 'no car policy' for students occupying the approved accommodation.

Reason: Having regard to the provision of car parking and impact on the highway network and to accord with the NPPF”.

Appeal Decision ref. APP/A0665/W/17/3178946 – student accommodation - Land at Hoole Way, Chester

Condition 19:

“Prior to the first occupation or use of the approved development, a Student Management Plan (SMP) shall be submitted to and approved in writing by the local planning authority. The use hereby approved shall only be carried out in accordance with the approved SMP.

For the avoidance of doubt, the SMP shall include the following:

- i) Details of ~~on-site~~ staffing, including a dedicated property manager during normal office hours supported by designated wardens who will ~~reside at the premises and will~~ deal with any emergencies or incidents outside office hours including night time supervision;
- ii) Details of how the property manager ~~and wardens~~ will liaise with local residents (primarily but not exclusively in ~~Black Diamond Park and Black Diamond Street~~ Well Street) throughout each academic year and how residents can make contact in the event of any disturbance, litter, car parking breaches, emergencies or any other management issues;
- iii) The proposed management of servicing and deliveries including arrangements for the drop off/pick up of students and their belongings at the start and end of term;
- iv) Waste disposal and waste management measures;
- v) Details of noise management including measures to ensure that noise disturbance to neighbouring residential properties is minimised. The penalties shall include as an ultimate sanction the termination of a student's lease. The details shall include a complaints and investigation procedure and information as to how third parties can access that procedure.
- vi) Details of how students will be deterred from bringing cars to the accommodation and how tenancy agreements will make provision for penalties to be imposed on students (excluding those with disabilities) found to be parking on - street. The penalties shall include as an ultimate

sanction the termination of a student's lease. The details shall include a complaints and investigation procedure and information as to how third parties can access that procedure.

vii) Details of how students will be incentivised to use public transport including information within the reception area of key bus and train services as well as key pedestrian and cycle routes to the city centre and relevant campus facilities.

viii) Details of the ongoing management regime to ensure that all of the elements included in the SMP will be enforced by the operator whilst the development is occupied and to set out the process by which sanctions will be applied in the event of non-adherence".