



AYLESBURY VALE DISTRICT COUNCIL

Democratic Services

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3 March 2020

DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Development Management Committee** will be held at **1.00 pm on Friday 13 March 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 - 4)

To approve as a correct record the Minutes of 20 February 2020 (Copy attached as an Appendix)

4. DECLARATION OF INTEREST

Members to declare any interests.

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

6. 19/03398/APP - ODDFELLOWS HALL, 48 WEST STREET, BUCKINGHAM - SITE VISIT REPORT (Pages 15 - 26)

Report of the site visit that took place on Tuesday 25 February 2020 regarding the 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

7. 19/01769/APP- 16 A CRAFTON LODGE ROAD, CRAFTON (Pages 27 - 38)

New vehicular access road

Case officer: Janet Mullen

jmullen@aylesburyvaledc.gov.uk

8. 19/04105/APP - 48 MAGPIE LANE, WINSLOW (Pages 39 - 46)

Alteration of fenestration and raising of roof by 0.15m to detached garage to allow for ancillary bedroom.

Case officer: Megan Wright

mwright@aylesburyvaledc.gov.uk

9. SITE VISIT ARRANGEMENTS

10. HUMAN RIGHTS ACT (Pages 47 - 48)

DEVELOPMENT MANAGEMENT COMMITTEE

20 FEBRUARY 2020

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

APOLOGIES: Councillors S Morgan and M Rand.

1. MINUTES

The Committee received the Minutes of the meeting held on 9 January, 2020, and it was commented that:-

Minute 9 (Application number 18/02959/APP) – that the resolution for this Minute should correctly read:-

“That application number 18/02959/APP be Deferred and Delegated for **Approval** subject to a legal agreement as outlined in the Corrigendum to the Officer’s report.”

RESOLVED –

That the Minutes of the meeting held on 9 January, 2020 be approved as a correct record, subject to the above clarification.

2. QUARTERLY PERFORMANCE REPORT - QUARTER 3

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

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

RESOLVED –

That the report and update be noted.

3. 19/03398/APP - ODDFELLOWS HALL, 48 WELL STREET, BUCKINGHAM

RESOLVED –

That the application be deferred for a site visit to take place at 10.30am on Tuesday 25 February, 2020, and to bring the application back to Committee for decision in due course.

Note: Councillor Mills declared a personal interest as he had visited the site as Local Member but had not pre-determined his view on the application.

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Overview Report:

Introduction

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

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

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

The Development Plan

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

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

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

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

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

National Planning Policy Framework

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

Foot notes:

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

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

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

And subject to transitional arrangement set out in Annex 1

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

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

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

Local Supplementary Documents & Guidance

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

Housing supply

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

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

Neighbourhood Planning

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

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

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

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

Prematurity

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

Conclusion on policy framework

- 1.33 In considering each individual report, Members are asked to bear in mind that AVDLP (and any 'made' Neighbourhood Plans as applicable) constitutes the development plan. The emerging VALP can be given some weight in planning decisions given the stage it is at, and the evidence that sits behind it can be given weight. The Council can currently demonstrate a 5 year supply of housing land based on the latest housing land supply calculation.
- 1.34 Therefore, the Council's position is that full weight should be given to housing supply and other policies set out in any made Neighbourhood Plan Decisions should be taken in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and the NPPF as a whole, including paragraph 11 and 14.
- 1.35 Where a Neighbourhood Plan is not in place, decisions for housing developments should be taken in accordance with paragraph 11 of the NPPF, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole and where necessary each report advises Members on the planning balance.

Whether the proposals would constitute a sustainable form of development

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

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

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

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

Promote sustainable transport

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

Conserving and enhancing the natural environment

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

Conserving and enhancing the historic environment

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

Promoting healthy and safe communities.

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

Making effective use of land

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

Achieving well designed places

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

Meeting the challenge of climate change

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

S106 / Developer Contributions

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

Overall planning balance

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

Conclusions

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

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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.

Case officer: Nina Hewitt-Jones

nhewitt-jones@aylesburyvaledc.gov.uk

Nina Hewitt-Jones

Aylesbury Vale District Council
The Gateway,
Gatehouse Road,
Aylesbury,
HP19 8FF

Thames Valley

5th Floor,
Thames Tower,
Station Road,
Reading, RG1 1LX,

nexusplanning.co.uk

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:

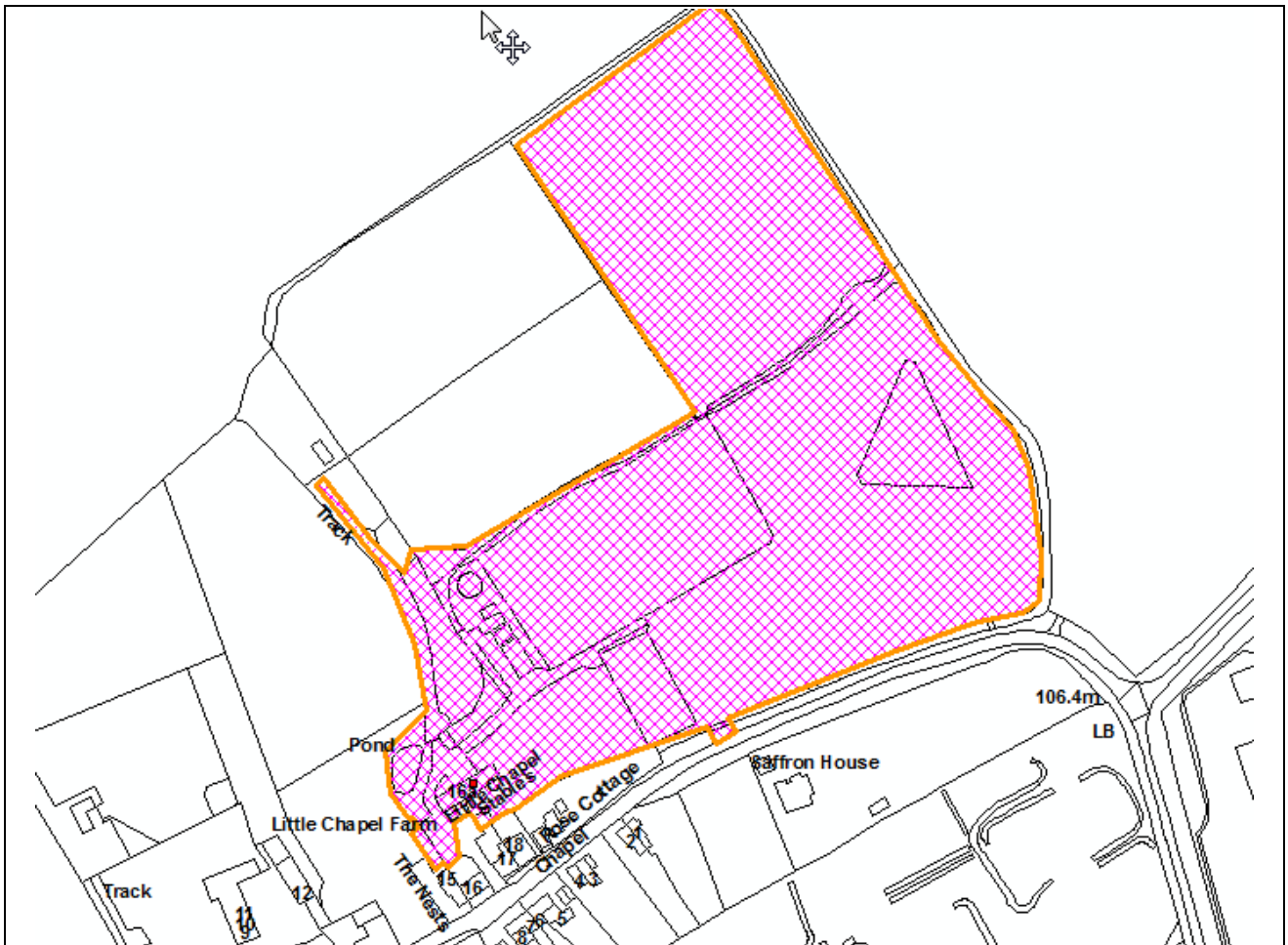
- i) Details of ~~on-site~~ staffing, including a dedicated property manager during normal office hours supported by designated wardens who will ~~reside at the premises and will~~ deal with any emergencies or incidents outside office hours including night time supervision;
- ii) Details of how the property 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”.

19/01769/APP	
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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/01769/APP	MENTMORE CA	09/05/19
NEW VEHICULAR ACCESS ROAD	The Local Member for this area is: - Councillor P Cooper	
16A CRAFTON LODGE ROAD CRAFTON LU7 0QL		
MRS JACKIE PURNELL		
STREET ATLAS PAGE NO.89		

1.0 The Key Issues in determining this application are:-

- a) Impact on the character of the street scene and wider area, including the AAL**
- b) Impact on the conservation area and nearby Scheduled Ancient Monument**
- c) Impact on residential amenity**
- d) Impact on highways**

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

CONCLUSION AND RECOMMENDATION

- 1.1 The application has been evaluated against the Development Plan, which comprises of the Aylesbury Vale District Local Plan (AVDLP), the emerging Vale of Aylesbury Local Plan (VALP) and the NPPF and the Authority has assessed the application against the planning principles of the NPPF and whether the proposal delivers 'sustainable development'. Paragraph 11 of the NPPF states planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.
- 1.2 It is considered that the proposal would result in a benefit to the area in that it would reduce the need for large vehicles to enter the main part of the hamlet and any impact in relation to the character and appearance of the site, immediate area and wider countryside are not so significant as to warrant refusal of the development on these grounds. The access is considered to have a minimal impact on the Crafton conservation area and the nearby Scheduled Ancient Monument which is to the south of Crafton Lodge Road and special regard has been had in this context, and would accord with policy GP53 of AVDLP and emerging VALP policy BE1. Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the conservation area, and so the proposal accords with section 72 of the Act. In addition, no harm would be caused to the significance of the nearby heritage asset, and as such the proposal accords with guidance contained within the NPPF.

- 1.3 In terms of the impact on the appearance character of the area including the removal of the hedge, impact on views, materials, and the ground levels and residential amenities these are considered to comply with policy GP8, GP35 and RA8 of AVDLP and NE4, NE8 and BE3 of VALP subject to conditions. .
- 1.4 The proposed works has been considered against the policies contained within the Development Plan and it is considered that the proposal accords with the Development Plan and that there are no material considerations that would warrant a departure from the plan and as such it is recommended that the development be:

APPROVED subject to the following conditions:-

1. STC5
Reason:US03
2. The development hereby permitted shall only be carried out in accordance with drawing No. 2119-001 Rev A received by the Local Planning Authority on 20th January 2020.
Reason: RE39
3. Prior to occupation of the development, the new access road shall be laid out and constructed in accordance with the approved plans.
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the NPPF and policy BE1 of the emerging Vale of Aylesbury Local Plan.
4. Prior to occupation of the development, the new access shall be sited and laid out in accordance with the approved plans. The access shall be constructed in accordance with Buckinghamshire County Council's Guidance note, "Agricultural Vehicular Access Within Highway Limits" 2013.
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the NPPF and policy BE1 of the emerging Vale of Aylesbury Local Plan.
5. Prior to the installation of the gates hereby approved, details of the appearance of the gates shall be submitted to and approved in writing by the local planning authority. The gates shall thereafter be installed in accordance with the approved details and retained as approved in perpetuity. For the avoidance of doubt, no gates shall be erected within 13m of the carriageway.
Reason: To ensure a satisfactory appearance to the development and to comply with policies GP35 and GP53 of Aylesbury Vale District Local Plan, the National Planning Policy Framework and policy BE1 of the emerging Vale of Aylesbury Local Plan.
6. No development shall take place until details of the track construction and road surface treatment have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter take place only in accordance with the approved details which shall thereafter be retained.
Reason: To ensure a satisfactory appearance to the development and to comply with policies GP35 and GP53 of Aylesbury Vale District Local Plan, the National Planning Policy Framework and policy BE1 of the emerging Vale of Aylesbury Local Plan.

Informatives

1. **Badgers:** Badgers and their setts (burrows) are protected under the Protection of Badgers Act 1992. This makes it an offence to kill or take a badger, to cruelly ill-treat a badger, or to

interfere with a badger sett, including disturbing a badger which it is occupying a sett. Planning consent for a development does not provide a defence against prosecution under this act. Licences may be granted in order to close down setts, or part of setts, prior to development or to permit activities close to a badgers sett that might result in disturbance. A licence will be required if a sett is likely to be damaged or destroyed in the course of development or if the badger(s) occupying the sett will be disturbed.

2. **Nesting Birds:** The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and other vegetation are likely to contain nesting birds between 1st March and 31st August inclusive.
3. The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:-

Development Management
6th Floor, County Hall
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
Telephone: 01296 382416
Email:

4. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
5. 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.
6. In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, the applicant/agent was informed of the issues arising from the proposal and given the opportunity to submit amendments/additional information in order to address those issues prior to determination. The applicant/agent responded by submitting amended plans/additional information which were found to be acceptable so the application has been approved.

2.0 INTRODUCTION

- 2.1 The application needs to be determined by committee as Mentmore Parish Council has raised material planning objections in respect of noise, residential amenity and the impact on the Conservation Area and confirms that it will speak at the Committee meeting.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The application relates to an area of land to the north east of the hamlet of Crafton within the ownership of 16A Crafton Lodge Road. The existing dwelling and its outbuildings are currently accessed via a shared access located between No's 16 and 17 Crafton Lodge Road. There is parking for the host dwelling within the shared courtyard and to the front of the host dwelling.
- 3.2 To the north east of the host dwelling there is a paddock and there is a ménage further to the east.
- 3.3 The site is within the Crafton Conservation Area, an Area of Attractive Landscape, an archaeological notification area and there is a Scheduled Ancient Monument on the south side of the road (site of medieval village).

4.0 PROPOSAL

- 4.1 The application seeks consent for a new access off the highway and the provision of an access track that would run along the north eastern side of the ménage linking into an existing access track that runs along the north western end of the ménage leading to the applicant's outbuildings and dwelling.
- 4.2 The gated access track would measure 5m in width and would be 56m in length, finished in road plainings laid over crushed concrete. The proposed access and track would be located 80m to the east of the main dwelling.
- 4.2 At present heavy vehicles carrying animal feeds, private horse transport and oil deliveries have to access the applicant's property via the narrow village road into the shared courtyard with numbers 15, 16, 17 and 18 Crafton Lodge Road where there is limited ability to turn or manoeuvre. The new access road is required to accommodate these large vehicles to avoid them having to reverse through the village to access the courtyard.

5.0 RELEVANT PLANNING HISTORY

- 19/00039/AGN - Proposed new vehicle access – Refused as it was not demonstrated that the proposal was required for the purposes of agriculture.
- 19/00967/AGN - Proposed new vehicle access – Refused for the same reason as 19/00039/AGN.
- 19/01900/APP - Retention of the existing barn and the operation of a dog home boarding and day care business from parts of the site (Retrospective) – Approved.

6.0 PARISH/TOWN COUNCIL COMMENTS

- 6.1 Mentmore Parish Council have objected on the grounds that the proposal has not changed since the previously refused submissions and their objections still stand. These objections comprise that the road is inside the Conservation Area and immediately adjacent to the Medieval Settlement Remains which is a scheduled ancient monument and an intrinsic part of the conservation area setting. The hedgerow which will have to be removed to form the new entrance is specifically mentioned in the Conservation Area document and therefore special consideration must be given to its location, prominence, character and context as an important part of the CA.
- 6.2 The proposed use of road plainings is inappropriate for the CA as it would be visible from the public road and it would be considered usual to specify an appropriate road surface combined with appropriate kerb materials.
- 6.3 The design is inadequate and needs to take into account the location in the CA and items

such as the design of the gate and materials used should be approved by heritage.

- 6.4 The approach is a single track road and proper provision needs to be made to prevent vehicles mounting the verge and there is also a significant level change which needs proper consideration.
- 6.5 The Parish Council do not believe there is a need for the new access and local residents have commented that they are not inconvenienced by the current access arrangements.
- 6.6 The Parish Council also have concerns that following the approval of the application for the change of use of the barn, attempts may be made to convert this barn to a separate dwelling and the new access would facilitate this. They have asked that any permission issued be condition to be personalised to the applicant, the existing courtyard restricted to light motor vehicles and motor cycles and no separate dwelling is formed.
- 6.7 Attention has been brought to officers attention that there is a protected badger sett nearby but no evidence of badgers or any other protected species was identified during the inspection by the Ecology Officer.

7.0 CONSULTATION RESPONSES

- 7.1 Archaeology – The nature of the works are unlikely to significantly harm the archaeological significance of the archaeological notification area or nearby schedule ancient monument. No objections.
- 7.2 Environmental Health – No objections
- 7.3 Ecology – Following and Ecology Screening Inspection, there is no likelihood of protected species being present and therefore no objections. Concerns regarding protected species being present on the site were raised by the Parish Council, however Ecology visited the site, considered the submission and retained their ‘no objection’ however advised suitable informatives should be included with any consent being granted.
- 7.4 Rights of Way Officer – Changing the main vehicular access of the route shared with the public footpath would have an advantage for walkers and therefore no objections.
- 7.5 Highways – No objections initially but requested further information to ensure that large vehicles are capable of using the access and therefore requested further details of the turning head, gates and the bellmouth. Details of the bell mouth and gates have since been received and are acceptable but further information was requested for tracking drawings demonstrating the largest vehicles likely to visit the site using the new site access and the tight turn further into the site.

Further comments: The tracking drawing submitted shows a 10m long rigid vehicle using the proposed access and manoeuvring further into the site made possible by enlarging the turning head and the access radii have been enlarged. Whilst these manoeuvres are still tight, the drawing shows the manoeuvres could physically take place and therefore taking into account that there is not expected to be any great conflict between opposing vehicles and the recently permitted dog care use using the existing access, there are no objections subject to conditions and informatives being added to any permission granted.

- 6.7 Heritage – Due to the rural nature of the Conservation Area which evidences multiple examples of similar tracks, the application is considered acceptable. The hedgerow through which the proposed new entry will be cut has been identified as an important hedgerow and the verges a characteristic. Whilst any loss is regretted, the proposal seeks to create a 5m wide opening and not to completely remove this important feature of the hedge, and likewise only to remove a small section of the verge, therefore this is considered to be minimal and in keeping with the nature and development of the settlement as a whole.

It is noted that no details of the road surface treatment has been provided or details specifying the gate design and it is recommended that if permission be granted, conditions be included to require submission of these details. Kerbs and bollards are not a feature of the conservation area and so will not be an acceptable element, however, none are proposed with the development.

8.0 REPRESENTATIONS

- 8.1 Five letters of objection have been received from local residents who have all raised several concerns, the main points being:

- There is no need for a new access as traffic levels on the highway are low and vehicle access movements minimal
- existing access has been receiving deliveries from large vehicles for many years and the residents do not suffer any inconvenience
- The design provides an insufficient turning head
- There is inadequate distance from the carriageway to the gate
- There is no bell mouth and vehicles using the access would cause damage to the soft verges
- Removal of hedge would expose the applicants stables building in views from the highway
- Inappropriate development within the Conservation Area
- Loss of an important hedgerow
- Impact on the Schedule Ancient Monument
- Difference in levels from the road to the site of 900mm
- No mitigation of the changes to the hedgerow
- The two applications do not cross reference one another

- 8.2 Another letter of representation has been received from a local resident forwarded from the Conservation Areas Officer who had been reviewing the Mentmore Conservation Area document. This letter raised concerns that due to the new bell mouth shown on the revised plan, 18m of hedge would need to be removed resulting in the loss of trees and the land either side of the access would need to be sloped at the repose gradient of 30 degrees. It notes that the hedge is on the 1798 enclosures map and is therefore historically and visually important to the character and appearance of the conservation area. Concerns are also raised that the new access would damage the verges on either side of the road which are also mentioned in the conservation plan and therefore need to be protected.

9.0 EVALUATION

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

- 9.1 Policy GP35 of AVDLP requires that new development should respect and complement the physical characteristics of the site and surroundings, existing development in the locality and the natural and historic features of the site.

- 9.2 Policy RA8 of the AVDLP relates to proposals within an Area of Attractive Landscape and advises that development that adversely affects the character of the area will not be permitted unless appropriate mitigation measures can be secured and the Council will impose conditions or seek planning obligations to ensure the mitigation of any harm caused to the landscape interest.
- 9.3 Emerging policy NE4 of the emerging VALP seeks to ensure that the districts landscape character is maintained and Policy NE8 states that development should seek to enhance the districts tree and woodlands resource. Both these policies have been afforded moderate weight.
- 9.4 The access would be to the east side of an existing ménage running north to south linking into an existing access track to the north of the ménage forming a turning head where they meet. The turning head is well within the application site and would not have an impact on the operation of the highway network.
- 9.5 The new access would be visible in the street scene and a 5m section of hedging would be removed to accommodate the opening. Details showing a bell mouth and gates 17.3m from the highway have been provided. It is considered that the works involved would not have an overly adverse impact on views in the wider area and although the new track would be visible from the highway, the hedge either side would be retained limiting views to the area immediately to the front only.
- 9.6 With regard to the concerns of the parish council regarding the appearance of the development, conditions have been included that require details of the road surface and the gates be provided before development is commenced on these elements to ensure that the impact on the character and appearance of the area is acceptable. This would also address the requests of the heritage officer to ensure the development does not have a detrimental impact on the character of the conservation area.
- 9.7 Overall it is considered that the new access and track are acceptable and would not appear visually intrusive within the AAL or wider landscape, or within the street scene, therefore is considered acceptable and to accord with policies GP35 and RA8 of the AVDLP and policies NE4 and NE8 of the emerging VALP.

Impact on the Conservation Area and the nearby Scheduled Ancient Monument

- 9.7 Policy GP53 of the AVDLP seeks to ensure that development proposals respect the character and appearance of the Conservation Area and Section 16 of the NPPF relates to conserving and enhancing the historic environment, however this policy predates the NPPF and does not take in to consideration the balancing of harm against public benefit. As such, the policy receives reduced weight however it is still of relevance. In addition, emerging policy BE1 of the VALP is also of relevance which relates to heritage assets and this policy discusses the importance of the unique character, quality and diversity across the Vale of heritage assets. The policy is afforded moderate weight and helps to assist in ensuring the significance, including their setting of historic assets is appropriate considered and protected.
- 9.8 The new access would result in a 5m wide section of hedge being removed and an access road that would run alongside an existing ménage. The access would be located within an important hedgerow as defined in the Craffton Conservation Area document but would be opposite an existing access into garden land of 1 Craffton and would not look out of place in the rural area, especially in the context of the area where there are plenty of examples of

access points on to the road frontage in this area.

- 9.9 The Conservation Area document identifies an important view looking from the north towards the ménage but as the access track would run to the side of the ménage and the land would be lowered to accommodate the new road, it is not considered that this development would be overly prominent in views and therefore this important view would be preserved.
- 9.10 Mentmore Parish Council have commented that the access is within the conservation area and immediate adjacent to the Medieval Settlement Remains. The Scheduled Ancient Monument is to the south of Chapel Lane and the proposal would not impact on this heritage asset. BCC Archaeology have been consulted and do not consider the proposal would impact on the significance of the nearby archaeological assets.
- 9.11 The Heritage Officer considers the proposal acceptable in heritage terms commenting that the loss of the hedge is regretted but the hedge would not be completely removed and similarly only a small section of verge would be removed. The Heritage Officer considers the works to be minimal and in keeping with the nature and development of the settlement as a whole. Furthermore given the distance and the nature of the proposal there would not be any negative impact on the setting of the registered Historic Park and Garden. The Heritage Officer therefore has no objection subject to conditions regarding the design of the gate and the details of the track construction and surface materials.
- 9.12 It is considered that the proposed development would not have a harmful impact on the character, appearance and setting of any heritage assets, including the nearby SAM and the Crafton conservation area, thereby no conflict with policy GP53 of the AVDLP takes place nor with policy BE1 of the emerging VALP. In addition special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the conservation area, and so the proposal accords with section 72 of the Act. In addition, no harm would be caused to the significance of the nearby heritage asset, and as such the proposal accords with guidance contained within the NPPF.

Impact on residential amenity

- 9.12 Policy GP8 of the AVDLP seeks to preserve the residential amenities of neighbouring properties by protecting their character of outlook, access to natural light and privacy and GP95 seeks to protect the amenities of existing occupiers from the adverse affects of existing uses and policy BE3 of the emerging VALP states that planning permission will not be granted where the proposal would unreasonably harm any aspect of the amenity of existing residents. This policy has been the subject of objections and the Inspector has not requested main modifications so can be regarded as resolved and this policy can be given considerable weight.
- 9.13 The access is not in close proximity to any neighbouring properties with Saffron House opposite being the closest at 30m away. The access is required to take larger vehicles away from the existing access between the properties that front the main road and therefore resulting in less traffic using the shared access and courtyard that would be to the advantage of the neighbours that share this access. Notwithstanding that a neighbour has commented that their amenities are not affected by the existing situation, the availability of the proposed alternative access for the use of larger vehicles would reduce the impact on the amenities of the occupiers of the existing dwellings adjacent to the existing access, in terms of noise and disturbance.

- 9.14 Given the substantial separation between the proposed access and the neighbouring properties and the benefit that removing traffic from the shared access would provide, the new access is considered to be an acceptable addition to the host property that would not give rise to a loss of amenity to the occupiers of neighbouring dwellings complying with Policy GP8 of the AVDLP, policy BE3 of the emerging VALP and the NPPF.

Impact on highways and parking

- 9.15 GP24 of AVDLP seeks that new development is required to provide vehicular parking in accordance with the SPG on Parking Guidelines which is reflected in Policy T6 of the emerging VALP which can be given moderate weight.
- 9.16 The property is currently served by an access off Crafton Lodge Road, which is an unclassified road subject to a 30mph limit, through a shared courtyard with parking for three cars within the courtyard and a further three cars can be parked to the front of Little Chapel Stables, the host property.
- 9.17 BCC Highways originally had concerns regarding the location of any gates, that there was no bell mouth, and the layout may be difficult for large vehicles to manoeuvre and therefore requested additional information. Revised drawings have since been received showing a bellmouth and gates set back 17.3m from the edge of the carriageway which are considered acceptable to the Highway Authority.
- 9.18 In addition, revised tracking drawings have also been provided showing a 10m long rigid vehicle using the proposed access and manoeuvring further into the site. The internal manoeuvring has been made possible by enlarging the turning head, and the access radii have been enlarged. The BCC Highway Officer has commented that although manoeuvres are still tight, the drawings show that the manoeuvres could physically take place, and therefore are considered acceptable and it is not expected that there would be any great potential for conflict between opposing vehicles along this access track due to the agricultural and private equestrian use of the site and the characteristics of the vehicle movements associated with these uses as the recently permitted dog care use will be served by the existing access.
- 9.19 It is worth noting that between equestrian/agricultural uses on the site and that of the dwelling and dog day care unit, there is a gate that separates the existing parking courtyard and the other elements on the site. The intention of the owners is for the agricultural and equestrian vehicle movements to use the new access track rather than rely upon the existing entrance in to the site. The result of this would be to separate the different forms of traffic and reduce the potential conflict between vehicles.
- 9.20 Fundamentally it is considered that the separation of the different uses would lead to a betterment in terms of vehicle movements within the site, as the larger vehicles associated with the private equestrian use and agriculture would no longer have to pass in close proximity to the residential dwellings, thereby improving the experience of neighbouring residents in terms of volume and size of traffic. As such in respect of parking and highway matters the development would accord with policy GP24 of the AVDLP and policy T6 of the emerging VALP and with the NPPF.

10.0 Other matters

- 10.1 The parish council also have concerns that the new access would facilitate the conversion of the outbuilding (as initially approved under planning permission 13/00373/APP as an agricultural barn and regularised under planning permission 19/01900/APP as building to be used in conjunction with the dog day-care business) into a separate unit for residential accommodation. This is not a matter which is a relevant planning consideration in this

application, as it does not form part of the proposal. Any such development would require a separate grant of planning permission. Members will recall that when planning consent 19/01900/APP was approved, a condition was imposed on the permission restricting the use of this building to a dog day care facility and hours of operation. t

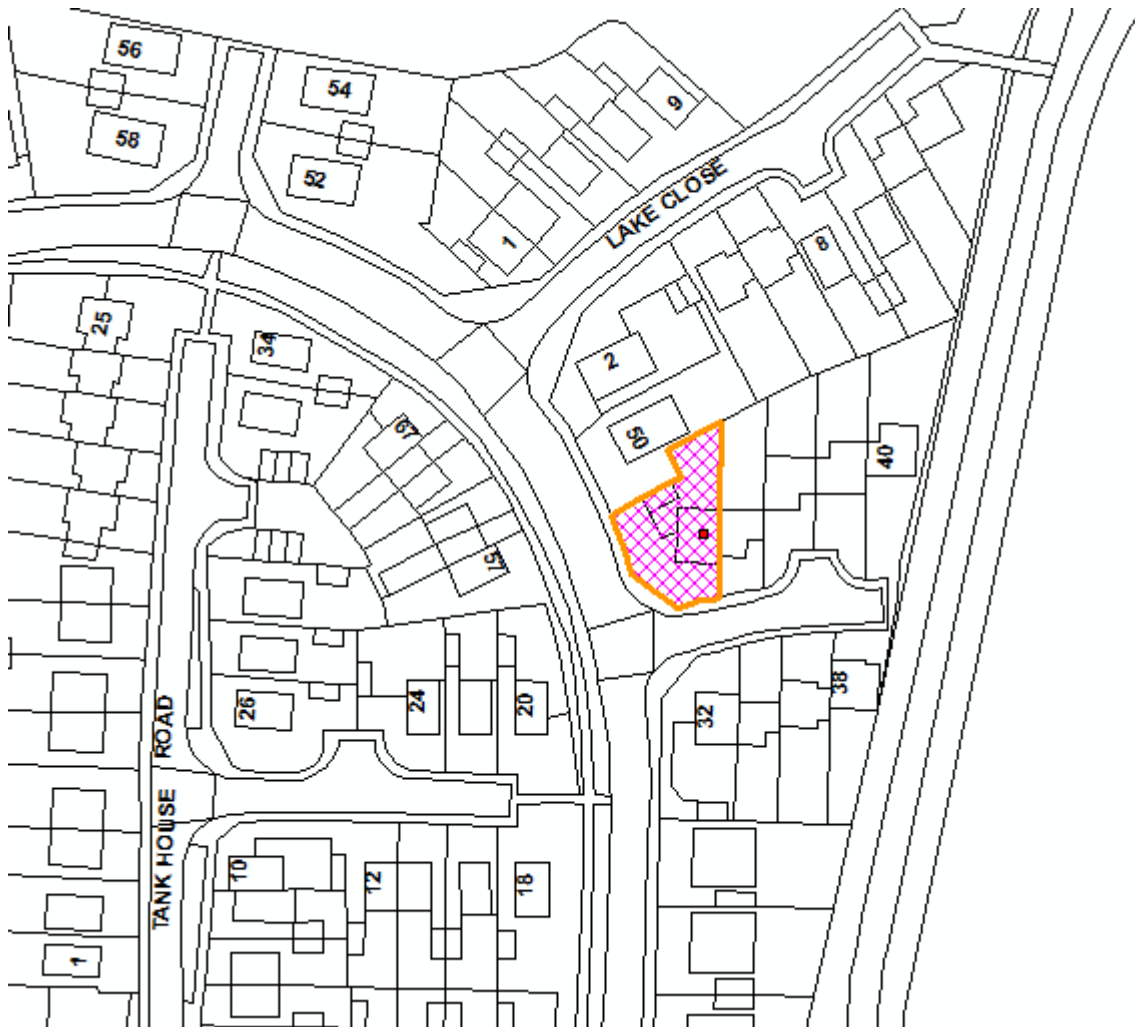
- 10.2 Ecology: the ecologist did not find any evidence of badgers or protected species on the site and no harm would arise from the proposal. It is suggested that an informative be included to draw attention to the provisions of the relevant Acts. The proposal would accord with the NPPF and emerging policy NE1.

Case officer: Janet Mullen

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19/04105/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/04105/APP	WINSLOW The Local Members for this area are: -	18/11/19
ALTERATION OF FENESTRATION AND RAISING OF ROOF BY 0.15M TO DETACHED GARAGE TO ALLOW FOR ANCILLARY BEDROOM 48 MAGPIE WAY WINSLOW MK18 3JT MS J COLINS	Councillor Llew Monger Councillor Susan Renshell	
STREET ATLAS PAGE NO.	66	

1.0 The Key Issues in determining this application are:-

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

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

2.0 CONCLUSION AND RECOMMENDATION

The proposal is considered to be of a scale and form that respects the appearance of the host dwelling and would not appear incongruous nor have a detrimental impact upon the character and appearance of the street scene. Furthermore, the proposal would not impact upon the amenity of neighbouring dwellings and would satisfy the Council's Parking Guidelines. The proposal would therefore accord with policies GP8, GP24 and GP35 of the AVDLP and Policies BE2, BE3 and T6 of the emerging Vale of Aylesbury Local Plan and with the NPPF.

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

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans; JC/CH/01 Rev A; JC/CH/03.

The materials to be used for the external surfaces, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building.

3. The annex hereby permitted shall not be used or occupied for any purposes other than as ancillary to the residential use of the property on the site, currently known as 48 Magpie Way, Winslow.
4. The hardstanding area to the front of the property identified for the parking of two vehicles on drawing no. JC/CH/01 Rev A shall be retained for the parking of vehicles.

Reasons:

1. Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with policy GP35 of the Aylesbury Vale District Local Plan, emerging policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.
3. Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of the Aylesbury Vale District Local Plan, emerging policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.
4. Reason: The proposed annexe has no independent curtilage and is therefore not acceptable as a separate dwelling unit and to comply with policy GP35 of the Aylesbury Vale District Local Plan, emerging policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.
5. Reason: To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with Policy GP24 of the Aylesbury Vale District Local Plan and emerging Policy T6 of the Vale of Aylesbury Local Plan and with the National Planning Policy Framework.

Informative:

1. **WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and

appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, the applicant/agent was informed of the issues arising from the proposal and given the opportunity to submit amendments/additional information in order to address those issues prior to determination. The applicant/agent responded by submitting amended plans/additional information which were found to be acceptable so the application has been approved.

3.0 INTRODUCTION

- 3.1 The application needs to be determined by committee as Winslow Town Council has raised material planning objections and indicated that they wish to speak at committee.
- 3.2 Winslow Town Council object to the scheme as they consider that the application contains insufficient detail on which to make an informed judgement and would produce a building that is out of keeping with the current street scene.
- 3.3 The applicant responded by submitting additional details on the scheme, however, the Town Council maintain their objection.

4.0 SITE LOCATION AND DESCRIPTION

- 4.1 The application site is a semi-detached bungalow located on the east side of Magpie Way, set within a corner plot. The dwelling is constructed of brick, with a tiled gable roof, and small porch on the front elevation. The site benefits from a detached single garage and area of hardstanding to the front which provides car parking for two cars.
- 4.2 The site is located within a residential estate on the north east side of Winslow, which comprises a mix of styles and designs of dwellings. Adjacent to Magpie Way, to the east, is Little Horwood Road, and beyond this, open countryside. Winslow Town Centre lies to the south west of the site.

5.0 PROPOSAL

- 5.1 The application seeks full planning permission for the conversion of the existing detached garage to ancillary accommodation to provide an additional bedroom and bathroom. Permitted Development Rights relating to the enlargement, improvement or other alteration, amongst other matters, were withdrawn for the dwelling under Condition 9 of planning permission 81/00964/AV, and therefore these works require full planning permission.
- 5.2 The proposed external changes comprise of raising the roof by 0.15m and alterations to fenestration, including replacing the existing garage door with a window, the replacement of a door with a window in the north east (rear) elevation, and an access door in the south east elevation.
- 5.3 The proposed materials would match those of the existing building which is constructed of brick, with a felt roof and UPVC windows and doors. The existing boundaries are marked by close boarded fencing.
- 5.4 The applicant has submitted additional information, including a revised layout plan, drawing No. JC/CH/01 Rev A, to clarify the relationship between the proposed accommodation and the existing dwelling and a letter containing further information in regards to the proposed use of the building, the parking provision and details of building regulations.

6.0 RELEVANT PLANNING HISTORY

6.1 None relevant.

7.0 PARISH/TOWN COUNCIL COMMENTS

7.1 Winslow Town Council object to the scheme as the application contains insufficient detail on which to make an informed judgement and would produce a building which is out of keeping with the current street scene.

7.2 The applicant/agent responded by submitting additional information, as set out above. The Town Council reviewed this information and decided to maintain their objection to the application.

8.0 CONSULTATION RESPONSES

8.1 Buckingham and River Ouzel Drainage Board – No comments.

8.2 AVDC Highways – If the planning officer is satisfied with the proposed parking arrangements, then no further comments to make.

9.0 REPRESENTATIONS

9.1 None.

10.0 EVALUATION

10.1 The application site is covered by the made Winslow Neighbourhood Plan and the policies in the neighbourhood plan should be attributed full weight. However, there are no specific policies relating to the proposed development within the Winslow Neighbourhood Plan in this instance.

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

T6: Vehicle Parking (moderate weight)

BE2: Design of New Development (moderate weight)

BE3: Protection of Amenity (considerable weight)

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

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

10.4 Policy GP35 of the AVDLP requires that developments respect and complement the physical characteristics of the site and surroundings; the building tradition of the locality; the scale and context of the setting; the natural qualities and features of the area and the

effect of the development on important public views and skylines. Policy BE2 of VALP is consistent with the aims of Policy GP35 of the AVDLP.

- 10.5 Section 12 of the NPPF sets out guiding principles including that authorities should seek to secure high quality design.
- 10.6 The proposal seeks to convert the existing detached garage to a bedroom and bathroom ancillary to the residential occupation of 48 Magpie Way, including raising the roof by 0.15m and alterations to the existing fenestration, including the insertion of windows in the front and rear elevations and a door in the south east elevation.
- 10.7 There is no clear defined characteristic of the immediate area in regards to the appearance of garaging given the range of examples apparent and therefore the loss of the existing garage door and its replacement with a window with the remainder of the elevation being finished in matching materials, would not appear out of place along Magpie Way or within the wider estate. The window to the rear and access door in the flank elevation would not be visible from any public viewpoints, due to the close boarded fencing located at the boundary.
- 10.8 The proposed materials would match those of the existing, with UPVC windows and doors, a common material found within the estate and on the host dwelling, and therefore would not have a detrimental impact upon the character and appearance of the area.
- 10.9 The proposed increase in height of the outbuilding is minimal and the resultant building would still appear subordinate to the host dwelling and would not overwhelm it. Furthermore, due to its simple design and set back of 6.3m from the frontage, the changes to the outbuilding would not appear overly prominent when viewed from Magpie Way.
- 10.10 The AVDLP policy in regard to annexes within built up settlements is not saved. The proposed conversion would allow for the creation of an additional bedroom and bathroom to serve the host dwelling. However, the annex is not of a scale that could easily function as an independent unit, and would have a reliance on the host dwelling. The occupant would still rely on the host dwelling for a number of day-to-day activities, as there is no kitchen and limited space for washing facilities located within the proposed annex. The applicant provided additional information requested by Winslow Town Council, outlining that the proposal annex was to be used by the applicant's daughter when home from university, and that it would comply with building regulations.
- 10.11 Given the minimal increase in height of the outbuilding by 0.15m and the size of the building, it is considered that the annex would remain visually and functionally subordinate to the host dwelling. A condition has been recommended to ensure the proposed annex is only used for purposes ancillary to the main dwelling.
- 10.12 In summary, the proposal is considered to be of a scale and design that respects the character and appearance of the existing dwelling and would not overwhelm it. In addition, the proposal would not appear overly prominent within the street scene or the locality in general. The proposals are therefore considered to comply with policy GP35 of the AVDLP, policy BE2 of the emerging VALP, the Council's Design Guide on Residential Extensions and the NPPF.

b) Impact on residential amenity

- 10.13 Policy GP8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. Policy BE3 of the emerging VALP is consistent with this policy.
- 10.14 The NPPF states that authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

- 10.15 The application site is located on a corner plot, sharing boundaries with No. 50 Magpie Way to the north and No. 46 Magpie Way to the east.
- 10.16 The proposal includes openings in the south west, south east and north east elevations. Due to the single storey nature of the proposal, these openings would all be at ground floor level.
- 10.17 The garage door in the south west elevation would be replaced with a window, which would look out onto Magpie Way to the front. The existing door in the north east elevation would also be replaced with a window, which would look out into the rear garden. of the dwelling. The door proposed on the south east elevation would face towards the host dwelling, and allow access to the annex. There would therefore be no unacceptable overlooking as a result of the proposal.
- 10.18 In regards to the increase in height, the building is located 6m from the shared boundary with No. 46 and is built up to the shared boundary with No. 50. The south east elevation of No.50 is set in 6m from this boundary. At 0.15m, the increase in height would not have a significant impact upon the light levels reaching these properties, nor appear overbearing when viewed from these dwellings.
- 10.19 In summary, given the positioning of the proposal and its relationship relative to the neighbouring properties in terms of scale, position of windows and orientation, it is considered that the proposal would not have an unacceptable adverse impact upon the neighbouring amenity. The proposal therefore accords with policy GP8 of the AVDLP, policy BE3 of the emerging VALP and the NPPF.

c) Impact on highways and parking

- 10.20 Policy GP24 of the AVDLP seeks to maintain car parking appropriate to levels of development. SPG Parking Guidelines state that, for a three bedroom dwelling, two spaces are required within the curtilage of the dwelling. These spaces, at a minimum, must be 2.4m in width and 4.8m in depth.
- 10.21 Policy T6 of the emerging VALP states that all development must provide an appropriate level of car parking, in accordance with the standards set out in Appendix B. This states that three bedroom dwellings must provide an optimum standard of 2.5 spaces.
- 10.22 The existing dwelling has two bedrooms. It is acknowledged that the proposed development would result in the loss of one parking space within the garage and the additional of one bedroom, however, plan no. JC/CH/01 Rev A shows provision for two parking spaces within the existing hardstanding to the front of the detached garage. This would be retained and would provide the two parking spaces within the curtilage of the dwelling, as required by the current parking guidelines.
- 10.23 It is acknowledged that policy T6 of the VALP makes reference to an additional half a space for a three bedroom dwelling. However, this policy makes reference to an additional visitor space for every two dwellings, and as this application relates to alterations to a single existing dwelling only, the parking provision is considered adequate in this instance. In addition, this policy holds only moderate weight at this time.
- 10.24 The proposal is therefore considered to comply with AVDLP policy GP24, emerging policy T6 of the VALP, the Council's SPG Parking Guidelines and the NPPF.

Case Officer: Megan Wright

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

DETERMINATION OF PLANNING APPLICATIONS

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

HUMAN RIGHTS ACT 1998

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

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

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

SECTION 17 CRIME AND DISORDER ACT 1998

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

EQUALITY ACT 2010

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

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