



AYLESBURY VALE DISTRICT COUNCIL

Democratic Services

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25 March 2019

STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Strategic Development Management Committee** will be held at **1.00 pm** on **Wednesday 3 April 2019** in **The Oculus - Aylesbury Vale District Council**, when your attendance is requested.

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

Membership: Councillors: B Foster (Chairman), R Newcombe (Vice-Chairman), C Adams, J Blake, J Bloom, A Bond, R King, L Monger and C Paternoster (ex-Officio)

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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 the meeting held on 20 February 2019 (Copy attached).

- 4. DECLARATION OF INTEREST**

Members to declare any interests.

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

6. 17/00746/APP - FORMER RAILWAY STATION SITE, STATION ROAD, BUCKINGHAM
(Pages 15 - 42)

Erection of a new student accommodation building including ground floor parking with associated landscaping and access.

Case Officer: Sue Pilcher

7. HUMAN RIGHTS ACT (Pages 43 - 44)

Strategic Development Management Committee

20 FEBRUARY 2019

PRESENT: Councillor B Foster (Chairman); Councillors R Newcombe (Vice-Chairman), C Adams, J Blake, J Bloom, A Bond, R King, L Monger and C Paternoster

IN ATTENDANCE: Councillor W Whyte

1. MINUTES

RESOLVED –

That the minutes of the meeting held on 30 January 2019 be approved as a correct record.

2. 16/00151/AOP - LAND OFF WALNUT DRIVE AND FOSCOTE ROAD, MAIDS MORETON

RESOLVED –

That the application be deferred and delegated for **Approved** as per officer recommendation with the additional requirement for a monitor and manage strategy of the impact of traffic using Foscote Road/Lane to be secured in the S106.

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Overview Report:

Introduction

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

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

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

The Development Plan

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

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

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

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

National Planning Policy Framework

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

Foot notes:

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

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

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

And subject to transitional arrangement set out in Annex 1

- 1.14 Local planning authorities are charged with identifying a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (paragraphs 67-70) .

- 1.15 The NPPF sets out the means to delivering sustainable development. The following sections and their policies are also relevant to the consideration of all proposals:

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

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

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

- 1.18 The Planning Practice Guidance (PPG) has not yet been fully updated to reflect the new NPPF.

- 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 (June 2018)
 - 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. This is regularly updated and the latest version is dated June 2018 to take account of the new planning permissions and completions up to the new base date of the 31 March 2018. It also updates the estimated delivery of sites based on the latest information.
- 1.25 This continues to use the proposed Full Objectively Assessed Need (FOAN) identified in the Buckinghamshire Housing and Economic Development Needs Assessment (HEDNA) Update December 2016 and addendum (September 2017) (970 dwellings per annum). This represents the most appropriate need requirement figure as it considers the district's own objectively assessed needs as well as that within the housing market area. Based on the findings of the HEDNA, the housing land supply document shows we have a 11.7 year supply this year (compared with 9 years previously). Work is ongoing towards revising this calculation in accordance with the new NPPF and early indications are that the council still maintains over 5 years supply.
- 1.26 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

- 1.27 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.
- 1.28 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.
- 1.29 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.

Further advice is also set out in the NPPG which has not been fully updated since the revised NPPF.

Prematurity

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

Conclusion on policy framework

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

Whether the proposals would constitute a sustainable form of development

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

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

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

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

Promote sustainable transport

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

Conserving and enhancing the natural environment

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

Conserving and enhancing the historic environment

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

Promoting healthy and safe communities.

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

Making effective use of land

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

Achieving well designed places

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

Meeting the challenge of climate change

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

S106 / Developer Contributions

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

Overall planning balance

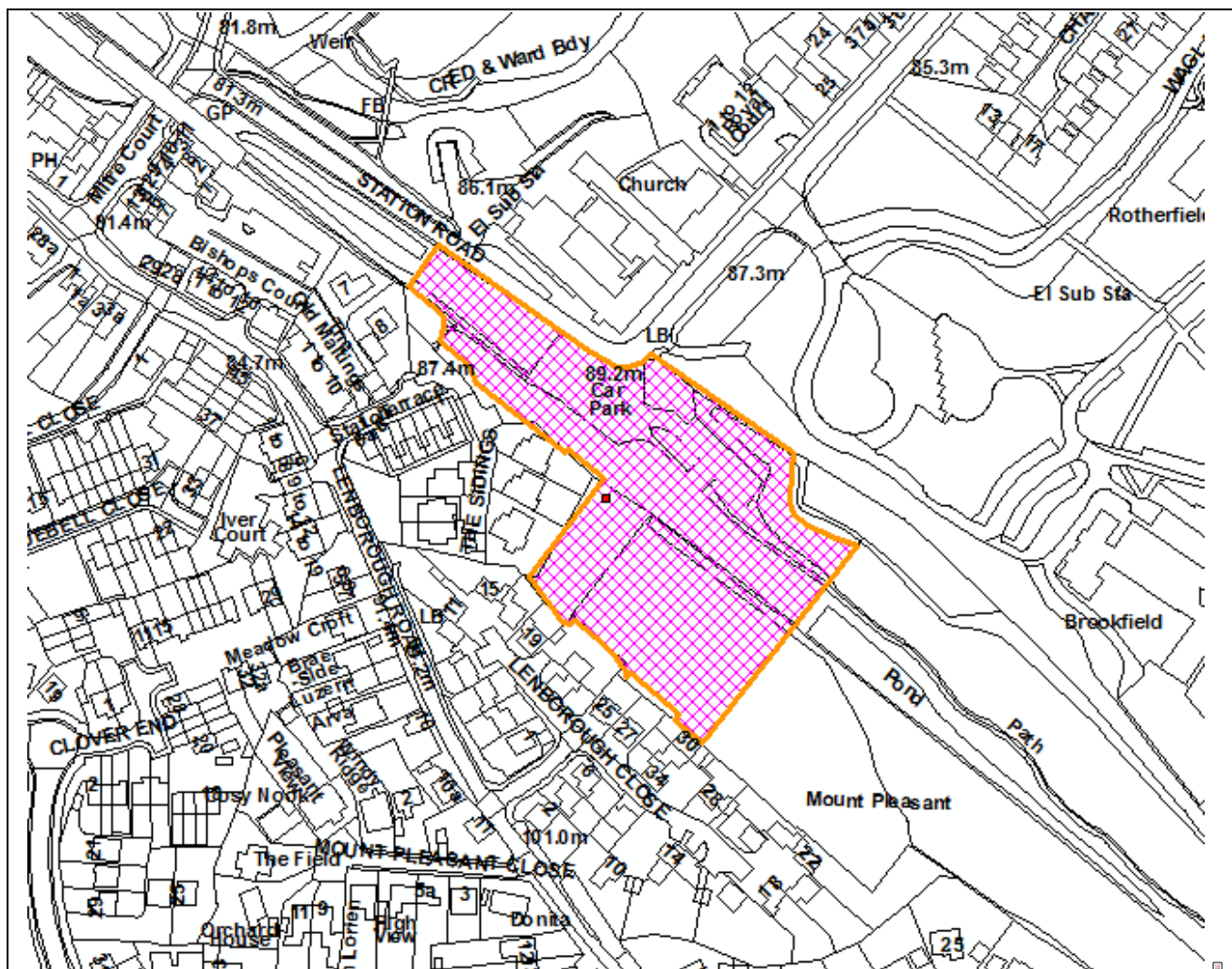
- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

Conclusions

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

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17/00746/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
17/00746/APP	BUCKINGHAM The Local Members for this area are: -	07/03/17
ERECTION OF A NEW STUDENT ACCOMMODATION BUILDING INCLUDING GROUND FLOOR PARKING WITH ASSOCIATED LANDSCAPING AND ACCESS. FORMER RAILWAY STATION SITE STATION ROAD UNIVERSITY OF BUCKINGHAM	Councillor Robin Stuchbury Councillor Howard Mordue	
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1.0 The Key Issues in determining this application are:-

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

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

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

c) Impact upon residential amenity.

d) Developer contributions

The recommendation is that permission be **DEFERRED AND DELEGATED** following **completion of the publicity period required for advertising the application as a departure from the development plan and subject to no new material comments being received and** subject to the completion of a legal agreement to secure a financial contribution towards a review of parking restrictions in Station and Chandos Roads and associated Traffic Regulation Order as appropriate and subject to conditions as considered necessary or if these are not achieved for the application to be refused.

1.0 Conclusion and recommendation

- 1.1 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the objectives of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In this case there is a made neighbourhood plan, the Buckingham Neighbourhood Development Plan and therefore it must be considered whether the proposal accords with the development plan.
- 1.2 It is considered that the proposal would not accord with BNDP policy HP2, in that this is not one of the allocated sites and represents an alternative siting for the student accommodation to the sites identified in the BNDP and a further 12 rooms are proposed than anticipated. There are material considerations put forward by the applicants in support of the application in that since the BNDP was made the University has changed its accommodation strategy, and would be focused on a campus based approach. It is considered that the development would not go against the overarching principles of the BNDP nor the general support in the BNDP for student accommodation in the town. For these reasons it is not considered that the objectives of the neighbourhood plan would be undermined as a result of the changed circumstances of the University. The proposal accords with the other relevant policies in the BNDP and AVDLP. Given this, it is considered that there are material considerations which indicate a decision not strictly in accordance with BNDP policy HP2 . It is therefore necessary to treat this as a departure from the development plan and this has been advertised accordingly.
- 1.3 The development would provide student accommodation of which there is an identified need by the University of Buckingham and this accommodation would contribute to the range of types and tenure of housing available which would be a significant benefit. It is also acknowledged that there would be economic benefits in terms of the construction of the development, its operation and those associated with the contribution of the students to the local economy through living within Buckingham rather than commuting in for the day which is a significant benefit.
- 1.4 Special regard has been given to the statutory test of preserving the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. The proposed development would represent a significant building, partly located within the conservation which would also affect its setting, although this development would result in less than substantial harm and at the lowest end of the scale in terms of the NPPF. Paragraph 196 of the NPPF states that where development will lead to less than substantial harm to the significance of the asset this should be weighed against the public benefits of the proposal. Such public benefits of the scheme comprise a contribution to the range of accommodation available in Buckingham and economic benefits as set out above and these benefits are considered to outweigh any harm. As such there would not be a conflict with the NPPF.

- 1.5 The application is considered to be acceptable on highway grounds subject to matters to be secured as part of a S106 and subject to conditions. On this basis the Highway Authority are satisfied that the development would not have a severe impact on the safety and convenience of the highway network. In addition there would be improved footway links for pedestrian safety. Having regard to the particular nature of the application which would provide student accommodation and noting the contents of the Travel Plan and the location of the site within an accessible area of the town, it is considered that the level of car parking and cycle storage provided would be acceptable.
- 1.6 The development largely represents the use of previously developed land. Compliance with some of the other objectives of the NPPF have been demonstrated or could be achieved in terms of the impact on trees, biodiversity, public rights of way, healthy and safe communities, design and contamination and residential amenities. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to the extent that the development would not be contrary to the development plan or the aims of the NPPF.
- 1.7 It is therefore recommended that the application could be GRANTED subject to the satisfactory completion of a S106 agreement and departure publicity in accordance with the recommendation above.

WORKING WITH THE APPLICANT/AGENT

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

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

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

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

2.0 INTRODUCTION

- 2.1 The application needs to be determined by committee as the Town Council opposes the development and confirms that it will speak at the Committee meeting.
- 2.2 The Local Member, Cllr Stuchbury, has requested that the application be considered by the Committee given his objections to the lack of a public right of way through the site.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The site is located on the corner of Chandos Road and Station Road to the south of the town centre of Buckingham and currently forms a car park for the Buckingham University. To the north-east and east of the site is an area of woodland and Chandos and Station Roads are to the front of the site. To the north-west of the site is a woodland area which forms part of a local wildlife site. To the south-west is some new housing development and also existing development forming Station Terrace.
- 3.2 The majority of the site is located outside of the conservation area but a proportion to the west is within the conservation area. The site is within flood zone 1. A tree protection

order (30/1993) covers the woodland to the south-east, north-west and other individual trees within the site and adjacent to it.

- 3.3 The site was historically occupied by the Buckingham Railway Station which opened in 1861 but which closed in 1966. All that remains of the original site is the dilapidated platform edges and the infilled track bed.

4.0 PROPOSAL

- 4.1 The university of Buckingham was opened in 1976 as an independent institution which has expanded through the years and now requires new improved residential facilities to enable more students to be located on the main campus and which would increase the number of those within walking distance of their departments.
- 4.2 The former Innov8 factory site has received planning permission for a campus expansion and student accommodation. The Vinson centre has received planning permission for teaching facilities and the Station Road site is the next key site to be progressed. Originally the further student accommodation was proposed to be located at the Verney Road campus but there has been a change in the University's estate strategy and the focus on accommodation is now at the Tingewick Road site and Station Road.
- 4.3 The proposed use for student accommodation is a sui generis use.
- 4.4 This is a full application for new student accommodation in a three storey building which would provide 112 new ensuite rooms for students of the University of Buckingham. The proposal would also provide replacement car parking for the university and landscaping and restoration of one of the former railway platforms and landscaping of a section of disused railway track which would allow the continued use of a permissive path between Buckingham circular and railway walks which currently goes across the car park. The overgrown track bed would be cleared and the applicants intend to reintroduce the Buckingham station signage to the platforms and also construct information points to describe the history of the site. Amended plans received also indicate the provision of a footpath link between Station Road and junction of the Railway Walk and footpath to Station Terrace.
- 4.5 The ground will be excavated and the ground floor of the building will be partially buried into the slope of the site to enable the overall height to be lowered by approximately 1m making it lower than the Chandos Road university building. The ground floor would house replacement university car parking (58 spaces) and bike storage. Close to entrances there would be 22 bicycle spaces for use by residents. The top two floors would provide 12 flats made up of between 9 to 10 individual one bedroom ensuite study bedrooms with shared spaces for kitchens and dining and also laundry rooms and linen stores. In total 112 bedrooms would be provided. Wheelchair accessible rooms would be available and a lift is provided within the building.
- 4.6 There are a number of trees within the site, some of which would be removed but replaced as part of the landscape scheme to be discussed in more detail later in the report.
- 4.7 The materials proposed are a red orange mixed brick for the main walls of the building and vents to the car park space would be formed out of hit and miss brickwork. The windows would be high performance double glazing. Solar panels are proposed on south facing roof slopes in between the two roof pitches, concealing them from view. Dormer windows have been inserted to the south roof slope of the double pitched building and these would be of a zinc or lead finish. The roof would be of natural slate.
- 4.8 It is proposed construct an attenuation basin to address surface water runoff from the site in part of the site to the west which is within the conservation area and local wildlife area.

- 4.9 The application has been accompanied by an Ecological Appraisal, a Transport Assessment, a Planning and Heritage Statement, an Arboricultural Assessment, a Travel Plan and a Design and Access Statement.

5.0 RELEVANT PLANNING HISTORY

- 5.1 93/00395/AOP - Erection of general purpose hall for sports and administration use by the university of Buckingham plus associated car park – Approved
- 5.2 97/00425/AOP – Erection of general purpose hall for sports and administration use with associated car parking – renewal of 93/00395/AOP – Approved
- 5.3 00/01426/AOP - Erection of general purpose hall for sports administration and associated car parking – Approved
- 5.4 03/01402/AOP - Erection of general purpose hall for sports administration and associated car parking - renewal of 00/01426/AOP - Approved

6.0 TOWN COUNCIL COMMENTS

- 6.1 Buckingham – Members noted that comments made at public consultations had been acknowledged and the plans were more acceptable, especially with respect to the view along Chandos Road. It was felt that there should be more than six disabled parking spaces to match the six ‘accessible’ rooms and the boardwalk landscaped area of the station should also be disabled-accessible; there only appeared to be step access. The requirement to keep the track bed itself clear of impediment to allow it to be used as an overflow channel for the pond and spring waters was noted. Concern was expressed that the platform link between the Railway Walk and the Scenic Walk and the new path between this and Chandos Road were to be permissive paths only. Member asked that these be made Rights of Way to maintain public access at all times. Though the use of Ford Meadow as alternative parking during construction works was approved of, a query about whether there was sufficient hardstanding to accommodate 50 vehicles in addition to the garage’s use was raised, and whether the use of the grassed areas could be guaranteed if became waterlogged. A contribution from the applicants towards a Traffic Order to restrict parking along Station Road altogether was asked for and also an assessment of the expected increase in traffic along Chandos Road and at the difficult Ford Street/London Road junction due to the relocated parking. A long history of problems with the drainage from the site via the embankment along Station Road was referenced, with respect to the attenuation pond and outlet. It was recommended that the SuDS system be reviewed by the appropriate consultees with this in mind. The loss of trees, especially Yews, on the south side of the railway track was noted along with the elevation drawings showing trees above the roofline of the building. More trees should be retained. Members decided to support subject to satisfactory answers to the above concerns.
- 6.2 Further comments: Members were happy to leave drainage matters to the County Officers but would like information on whether the drains were adequate for the extra volume in flood conditions, given previous experience of overflow into Station Road. Members also noted BCC’s proposed conditions for the perpetual access via Railway Walk, and asked for information on who would be responsible for maintenance of the University Section, as the upgrading to cycleway was part of the S106 for a different site.
- 6.3 Further comments: Members were pleased to see that student residents of the new building would only be issued with parking permits in exceptional circumstances, and suggested this be extended to all University accommodation in the town. The policing of on-street parking of vehicles without permits was questioned, both on the grounds of legality and the correct identification of a vehicle belonging to a student. The staff survey figures were felt to be skewed by academics who only visited a few times a year. The aims of the Travel Plan were admirable but – as ever – mode transfer to cycling was

considered unlikely without the greater provision of secure, covered, cycle parking and the stated frequency of the #60/X60 service was so inaccurate that few would choose it to try as an alternative to car travel and the regular service to Milton Keynes was completely omitted. Members saw no reason to change their original response of 'conditional support'.

6.4 Further comments – Councillors still had concerns about the status of the permissive rights of way. It would be regrettable if, for any reason, the University had to close their section of Railway Walk preventing access to schools and the town centre for many residents of the Tingewick Road Triangle. Members agreed, with the exception of the rights of way issue, to continue to support the application with amendments.

6.5 Further comments: Members agreed that the response would be changed to oppose if the answers to the questions below were not received:

1. Confirmation of the TRO restricting parking on Station Road
2. Confirmation that the SuDS Officer was happy that the attenuation run-off would not adversely affect the drainage on Station Road, where perennial problems had been encountered from the existing open channel
3. That the cycleway (15/01218/AOP S106 provision) would be continuous through the University land from the Scenic Walk to the Railway Walk
4. That public access from Station Terrace to Chandos Road would be maintained (a right of way being preferred).

Whilst the first three points had been answered satisfactorily, members were still concerned about the Right of Way through the site; a S106 condition on the Tingewick Triangle site (15/01216/AOP) was to bring the Scenic Walk/Railway Walk up to cycleway standard and this would run through the University land and the access to it from Station Terrace and Chandos Road needed to be assured. Dismay was expressed that BCC did not appear to have contacted the University about this. The decision at Full Council to obtain evidence of the long-term use was reinforced. In light of this the response was changed to oppose and attend.

6.6 Further comments: Oppose and attend - Members were not entirely clear about the footpath and asked for clarification of what aspect of a S25 was to be implemented and that the future status of the footpath was stated unequivocally.

7.0 CONSULTATION RESPONSES

7.1 BCC SuDS – It is noted from the Windes calculations that during a 100 year 15 minute storm, the system experiences flooding at manhole 8, with a predicted volume of 5.734m³. Whilst it is acceptable to have flooding occur on site between the 1 in 30 and 1 in 100 year (plus an allowance for climate change), it must be contained on site. As manhole 8 is located near to Station Road, the applicant should identify the exceedance route and demonstrate that flows from this event do not leave the site. There is an opportunity to incorporate some small scale SuDS such as rainwater planters adjacent to the boardwalk, this would enhance the local area. The features would take roof drainage from disconnected downpipes and has an overflow to the surface water network. We encourage the applicant to consider incorporating small scale SuDS in the development. Ground investigations have not yet been completed on the site and these should be completed including infiltration rate tests (in accordance with BRE 365) and groundwater monitoring to identify the feasibility of infiltration as a means of surface water disposal and ascertain the depth to the water table. No objections to the development subject to conditions to require a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, and a “whole-life” maintenance plan for the site.

- 7.2 Anglian Water – The foul drainage from this development is in the catchment of Buckingham Water Recycling Centre that will have available capacity for these flows. The preferred method of surface water disposal would be to a sustainable drainage system. The current strategy is unacceptable, no evidence has been provided to show that the surface water hierarchy has been followed. This encompasses the trial pit logs from the infiltration tests and the investigations into discharging to a watercourse. If these methods are deemed to be unfeasible for the site, confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public sewer is permitted will be required. Recommend a condition to require the submission of a surface water management strategy.
- 7.3 Environmental Health – The development is not considered to be intrinsically noisy and therefore it would not be appropriate to suggest any noise conditions relating to its construction or occupation. Ultimately the occupation of any residential dwelling can give rise to disturbance and there are legal powers to control such issues. It will be for the University to control any anti social behaviour of the occupants of the building and if necessary action can be taken to control any statutory nuisance. It is likely that the proposed development will improve the acoustic environment of nearby properties as it will effectively remove an existing open air car park underground and the building itself will shield the dwellings from noise traffic on Chandos Road.
- 7.4 Biodiversity – The ecological assessment is considered to be an accurate account of the ecological features of interest on site and the development impacts on these. A series of recommendations are made in the report which need to be implemented. The report states that the impact on the adjacent Local Wildlife Site will be minimal, however, to fully justify this and the statement made that the development generates no net loss to biodiversity the applicant should engage with the local wildlife group to ensure that pressure on the site is mitigated and compensated for.
- 7.5 Natural England – Based on the plans submitted the proposed development will not have significant adverse impacts on statutory nature conservation sites and there are no objections.
- 7.6 BCC Rights of Way – A walking and cycling route largely follows the alignment of the disused track bed covering a distance of 1.36km and this can be accessed in the middle from the corner of Station Road and Chandos Road. The route has no public right of way designation with access by permission of the respective landowners, in 2016 the University were willing to offer a permissive route. The Railway Walk is a valued amenity for both recreation and as a means of transport for walking and cycling, particularly due to its location close to residential areas, the University and schools and is listed as a high priority in the Buckingham Transport Strategy. It is suggested that a formal bridleway be conditioned on the permission, or failing that a footway/cycleway, or a permissive route maintained in perpetuity through a legal agreement. The minimum acceptable width for a new public footpath is 2m and 4m for a bridleway, and there is a pinch point (1.5m) on the proposed right of way between Station Road and the existing walkways that needs widening and this route should be a bridleway as it links other walkways and cycling routes and the wider public and residents at the Tingewick Road development will use it on cycles. It should be included in any s.38/s278 agreement.
- 7.7 BCC Highways – There are bus stops within the 400m distance to the site, although these are associated with school pick up and drop off and the town centre is within walking distance of the site. There are a number of commercial bus services that operate within Buckingham providing access to Aylesbury, Bicester and Milton Keynes along with the surrounding areas. The site is within easy walking distance of the main university campus and opposite the University's Chandos building where there is a bus service operated by the University that provides access to the other campuses and Maids Moreton. The site is considered to be a sustainable location in terms of the NPPF Framework.

There is a well used permissive path which runs through the site with links to the Circular Walk paths along with a connection to Station Road which would be relocated. This would

include dropped kerbs with tactile paving at the crossing location on Station Road. This change in location does move pedestrians from their desire line, however, they would no longer have to travel through a car park therefore reducing potential pedestrian/vehicular conflicts. This should be appropriately lit with sufficient informal surveillance to ensure pedestrian security.

A new 2m footway would be introduced in front of the site which is an improvement to the current sub-standard 1m footway. Whilst there is some concern over conflict with cars, overall this represents an improvement to the existing situation with increased footway width and tactile paving.

The proposed access to the site would be relocated from its current position 15m to the west along Station Road and reconfigured to provide dedicated in and out lanes with a splitter island and a barrier system to control access. Barrier gates would have to be set back a minimum of 6m from the edge of the carriageway and this would have to be secured by condition. Revised plans have been submitted and visibility can be achieved in both directions in line with Manual for Streets requirements. Part of the visibility splay includes land outside of the highway boundary but as this is in the control of the applicant there are no objections.

The proposals include parking for a total of 22 bicycles which equates to one space per 4 rooms, or 25% of the rooms. This will be monitored by the University and increased if necessary through the Travel Plan.

The refuse and recycling store would be located at ground level to the north of the building and collection would take place on the highway. Whilst there is a concern that collections would restrict visibility on the corner AVDC are the refuse collecting authority and should determine if this is acceptable.

The Transport Assessment does not include any trip generation for the student accommodation but it is not expected that the development would add additional trips as the University is not expanding as a result of this development as the accommodation is for existing students. A student travel survey has been undertaken and the results showed that 4% of those living on campus drive compared with 78% living outside of Buckingham. Based on these results and the provision of 112 beds, this would result in 4.48 trips being diverted onto the local highway network as a result of this development which is not considered to be a material increase in traffic.

Students living on site will not be allowed to bring a car to university which will be included within their learning agreement and tenancy agreement. Students will also be prohibited from parking on the surrounding streets which will be enforced by increased patrols by the University and which are included in the Travel Plan supporting this application.

The reconfiguration of the car park will result in an additional six spaces increasing the overall number to 58 spaces and these additional six spaces would not generate a significant amount of trips as to have a material impact on the highway network. However, it is anticipated that the development would result in a decreased demand for car parking as more students would be living on campus rather than commuting to the University. The times of the highest impact will be at the beginning and end of each term when students move in and out of the accommodation and this has been included within the Travel Plan and it is suggested to ensure that vehicles do not park on the highway that the Car park is closed for general use and is allowed for this specific purpose.

A temporary car park at Ford Meadow and underutilised Bishops Court car park would be used during the construction process to accommodate displaced demand and BCC are content that these car parks have sufficient existing capacity to accommodate this.

The University is required to implement a Travel Plan associated with the redevelopment of the Tingewick Road/Inov8 site and the Vinson Site and have submitted a Travel Plan to support this development that has been agreed by BCC Travel Planning Team.

In summary the Highway Authority have no objection to this development subject to conditions and subject to the completion of a legal agreement to secure a financial contribution towards a review of parking restrictions and possible TRO in Chandos and Station Roads.

8.0 REPRESENTATIONS

8.1 12 letters of objection have been received making the following comments:

- Overdevelopment of site
- Unacceptable traffic generation
- Adverse impact on highway safety
- Adverse impact on wildlife
- Insufficient car parking and concerned about student parking being controlled
- Site should be preserved and railway memorabilia retained and reinstated,
- Loss of trees/hedgerows and landscaping,
- Right of way should be provided from railway walk to Station Terrace and Chandos Road,
- Noise pollution
- Overlooking and loss of amenity
- No provision for university shuttle buses
- Building should be sited elsewhere
- Ecology mitigation should be carried out, existing pond should be retained

9.0 EVALUATION

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

9.1 The overview report (March 2019) attached sets out the background information to the policy framework when making a decision on this application.

9.2 The starting point for decision making is the development plan. In this case the Development Plan comprises the “saved” policies of AVDLP and the Buckingham Neighbourhood Development Plan (BNDP). S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the Development Plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of any formal application would need to consider whether the proposal constitutes sustainable development having regard to Development Plan policy and the NPPF as a whole.

Buckingham Development Neighbourhood Plan(BNDP)

9.3 The BNDP was made in October 2015 and covers the period 1st April 2011 to 31st December 2031 and is afforded full weight in the decision making process. There are a

number of policies which are relevant to the determination of this application including HP2 - Allocate land for 400 new rooms for University expansion; DHE1 - Protect existing trees and provision of trees in developments; DHE2 - Standard of ecological information required to minimise the impact on natural habitats; DHE4 - Protection of movement corridors; DHE5 - Biodiversity in Development Landscaping; EE8 - Land allocated to University of Buckingham Expansion; I1 - New disabled access requirement for new pedestrian routes; I3 - Rainwater collection and I5 - Sewage Management.

- 9.4 Policy HP2 – Allocate land for 400 new rooms for University expansion states that development will be supported for new rooms as set out in Table 3 (should be Table 4) and as shown in the site allocation plans in Section 4 (allocated housing sites) provided the development meets the requirements set out in the policies of this Plan (with the exception of HP4 (diverse housing mix); HP5 (affordable housing); and HP6 (phasing)).

Site	Allocated number of Rooms
Innov8 Site	300
Verney Park	100
Total	400 Rooms

- 9.5 Whilst the application site is not shown in Figure 9 of the BNDP relating to Policy EE8, Land allocated to University expansion, the associated text with policy EE8 notes that through the expansion of the University new facilities are needed to provide academic space and other facilities associated with a university and the principle of the proposed development would complement and work with the aims of Policy HP2 of the BNDP.

Aylesbury Vale District Local Plan (AVDLP)

- 9.6 The student accommodation would represent a sui generis use and does not constitute C3 “dwelling house” or form a household, and therefore, it does not fall under consideration of the housing policies, which are in any event out of date as discussed in the Overview Report.
- 9.7 A number of saved policies within the AVDLP are considered to be relevant for the determination of this application and are consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP.8, GP.24, GP.35, GP.38 – GP.40, GP.45, GP.59, GP.84 and GP91. They all seek to ensure that development meets the three objectives (economic, social and environmental) of sustainable development and are otherwise consistent with the NPPF.
- 9.8 AVDLP Policy GP.53 states in Conservation Areas the Council will seek to preserve or enhance the special characteristics that led to the designation of the area. Proposals for development will not be permitted if they cause harm to the character or appearance of Conservation Areas, their settings or any associated views of or from the Conservation Area. Proposals for development or redevelopment must respect the historic layout, scale and form of buildings, street patterns, open spaces and natural features in the Conservation Area that contribute to its character and appearance. Whilst not entirely consistent with the ‘language’ of the NPPF, this policy nevertheless seeks to ensure that the significance of the heritage assets (the conservation area) is preserved or enhanced, and to that extent is consistent with it. The policy does not however go on to include the balancing elements of NPPF paras. 195 and 196 in circumstances where either substantial or less than substantial harm is found, and in that respect is out of date. Given this, the weight to be applied to this policy must be reduced but limited weight can still be afforded to it.

- 9.9 The Council has laid out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. This 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 examination hearing ran from Tuesday 10 July 2018 to Friday 20 July 2018. The adoption of the Vale of Aylesbury Local Plan is planned to be in 2019.
- 9.10 The Authority has received the Inspector's Interim Findings on VALP and a discussion document has also been received in response to the Authority's comments on the Inspector's findings. These do not form the final Inspector's report but set out the modifications the Inspector requires the Council to make before he can find the plan sound. The Authority is currently considering modifications to the plan.
- 9.11 Whilst the VALP hearing has taken place there are a number of unresolved objections to the housing strategy and other policies. Paragraph 48 of the NPPF advises on the weight to emerging plans depending on the stage of preparation, unresolved objections and consistency with the NPPF. In view of this the policies in this document can only be given limited weight in planning decisions, however the evidence that sits behind it can be given weight. Of particular relevance is the Settlement Hierarchy Assessment (September 2017). Also 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.

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

- 9.12 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 7 to 211 of the NPPF, taken as a whole (paragraph 3). The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development for both plan-making and decision-making.
- **Sustainable location:**
- 9.13 It is only if a development is sustainable when assessed against the NPPF as a whole that it would benefit from the presumption in paragraph 11 of the NPPF.
- 9.14 The AVDLP identifies Buckingham as an Appendix 4 settlement indicating that it is considered to be appropriate to allow small-scale infill residential or mixed use development at the settlement in accordance with saved policy RA13, however this application relates to student accommodation which differs from normal residential development, and therefore RA13 does not apply in this instance.
- 9.15 This site has not been assessed for development within the HELAA (Jan 2017) given its limited size. As explained above the HELAA can be seen as a starting point for assessing whether a site would be suitable for development.
- 9.16 Buckingham is identified in the Settlement Hierarchy Assessment (September 2017) as a 'Strategic Settlement' being the second largest settlement which is one of several small towns and rural villages (along with Winslow, Haddenham and Wendover) that play an important part in the economic and social functioning of the district whilst acting as a focal point for trade and services. The assessment identified Buckingham as one of the five

largest settlements which typically offers a choice of shops and services, a range of employment opportunities and is well served by public transport. Buckingham is specifically identified as the second largest strategic settlement with branches of national retail multiples as well as having an independent university, two secondary schools, community hospital, indoor sports centre and strong employment base. In addition, the settlement has regular bus services to Aylesbury, Milton Keynes, Oxford and Cambridge. The assessment concludes that Buckingham is one of the five 'Strategic Settlements' that offer the most sustainable opportunities to accommodate future development.

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

- **The principle of development**

9.18 Local planning authorities are charged with delivering a sufficient amount and variety of land and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development. In supporting the Government's objective of significantly boosting the supply of homes, paragraph 61 states that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes. Key to the consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land.

9.19 The overview report addresses the 5 year housing land position. However, the proposed development would provide 112 student rooms and such accommodation is considered to represent a sui generis use and as such it would not provide housing that could be considered to contribute towards the Council's housing land supply. Nevertheless, the proposal would contribute to the addressing the wider needs of the community as required by the NPPF.

9.20 The application site does not form part of either the Innov8 or Verney Park sites which are allocated for student accommodation in Policy HP2 of the BNDP. However the supporting text to the policy acknowledges that the University has plans to expand student provision within the town and that if this expansion materialises a minimum of 400 extra student rooms would be needed. The text acknowledges that the allocated sites in the table would aid in fulfilling this requirement and that expansion would require adequate student accommodation delivered concordantly with teaching facilities. It is further noted that the allocated sites must be developed before or in partnership with the progress made on policy EE8 as there is a need to make up provision for the identified existing deficit in university accommodation.

9.21 A need for the accommodation has been identified by the University who consider that this site is more suitable than the Verney Park site identified in the BNDP. As explained above the proposal would not accord with the allocated sites under BNDP policy HP2, in that this is an alternative siting for the student accommodation to the sites identified in the

BNDP and a further 12 rooms are proposed than anticipated. There are material considerations put forward by the applicants which need to be considered as to whether these justify a departure from the BNDP. The University has changed its accommodation strategy since the BNDP was made with a decision to focus all new build student residences on the main campus which they consider to be a more sustainable strategy as it will reduce the need for students to have and use cars. The students would also have access to the town's facilities and amenities. It is considered that the development would not go against the overarching principles of the BNDP nor the general support in the BNDP for student accommodation in the town and for these reasons it is not considered that the objectives of the neighbourhood plan would be undermined as a result of the changed circumstances of the University. Given this, it is considered necessary to consider this as a departure from the development plan and to advertise this accordingly as a departure from the development plan

9.22 In addition to the above there is no reason why the site would not come forward for development making a contribution to student accommodation in the town and wider accommodation in the District.. This is considered to represent a significant public benefit in this context.

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

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

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

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

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

9.26 The development proposes student accommodation which would enhance the facilities that the University has to offer in a safe and accessible environment. Entrance into the building would be via the car park entrance for vehicles with pedestrian access being proposed in three core areas, one of which would have a ramped entrance to the first floor (given that the building would be lowered into the ground). It is considered that these entrances would be suitably overlooked from public areas.

9.27 The impact on the public right of way is discussed below, but the development would enable increased availability of movement for more users (beyond that available through the permissive use of the footpath) which would also mitigate the increased use from the development and provide access for the students to the town's facilities and green spaces. It must be remembered that this is private land and therefore the Authority cannot insist that a public footpath is provided across the site. No objections have been raised by the BCC Rights of Way Officer in this regard.

9.28 Whilst the proposed development would place a demand on local health facilities, the number of student places has not changed and funding of such facilities is through central government.

9.29 Having regard to the above matters, overall it is considered that the development would promote healthy and safe communities in accordance with the NPPF.

- ***Promoting sustainable transport***

9.30 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy I1 of the BNDP refers to disabled access for new pedestrian routes. Although Policy GP24 (and associated SPG) of the AVDLP sets out the parking requirements for development in the District, there is no specific standard for student accommodation.

9.31 In respect of transport sustainability, as discussed above, Buckingham is considered to be a sustainable location for development and the site is considered to be sustainably located. The town centre is within walking distance with good links to the local highway network, frequent bus services, cycling, walking, shops and local amenities.. There are a number of commercial bus services that operate within Buckingham providing access to Aylesbury, Bicester and Milton Keynes along with the surrounding areas. In addition the site is opposite the University's Chandos building where a shuttle bus operates to the other campuses on Hunter Street and Verney Park of the University and also up to Maids Moreton. However, regard must also be had to the impact on the transport network and on highway safety and these matters are discussed in more detail below.

Access

9.32 The site is located on a sharp bend and Station Road is subject to high levels of displaced parking associated with sixth form parking from the Royal Latin Grammar School that reduces the carriageway width at this location to a single lane. This concern has led to the placement of 'no parking' cones on the highway with the agreement of Transport for Buckinghamshire to improve road safety in the area. Given these concerns and to address the impact of the development it is necessary to secure a financial contribution towards a review of parking restrictions in Station and Chandos Roads and associated Traffic Regulation Order and this could be achieved by way of a legal agreement. Parking and cycling provision is further considered below.

9.33 The proposed access to the site would be relocated from its current position 15m to the west along Station Road and reconfigured to provide dedicated in and out lanes with a splitter island and a barrier system to control access. Barrier gates would have to be set back a minimum of 6m from the edge of the carriageway and this would have to be secured by condition. Revised plans have been submitted and visibility can be achieved in both directions in line with Manual for Streets requirements. Part of the visibility splay includes

land outside of the highway boundary but as this is in the control of the applicant there are no objections.

Footway

- 9.34 A new 2m wide footway would be introduced in front of the site which is an improvement to the current sub-standard 1m wide footway. The relocation of the permissive path would result in pedestrians needing to walk across the entrance to the car park and whilst there is some concern over conflict with cars, overall this represents an improvement to the existing situation with increased footway width and tactile paving. This footpath is discussed in more detail below. Disabled access is provided on routes to the front of the building and appropriate surfacing of the permissive route to the rear and the footpath to the east of the building would ensure disabled access is taken into account.

Refuse

- 9.35 The refuse and recycling store would be located at ground level to the north of the building and collection would take place on the highway. There is a concern that collections would restrict visibility on the corner however, this would only for a limited period and it is not considered that this would be unacceptable.

Traffic Impact

- 9.36 The Transport Assessment does not include any trip generation for the student accommodation but it is not expected that the development would add additional trips as the University is not expanding as a result of this development as the accommodation is for existing students. A student travel survey has been undertaken and the results showed that 4% of those living on campus drive compared with 78% living outside of Buckingham. Based on these results and the provision of 112 beds, this would result in 4.48 trips being diverted onto the local highway network as a result of this development which is not considered to be a material increase in traffic.
- 9.37 The University is required to implement a Travel Plan associated with the redevelopment of the Tingewick Road/Inov8 site and the Vinson Site and have submitted a Travel Plan to support this development that has been agreed by BCC Travel Planning Team. This is a matter which can be secured by condition.

Car parking and cycle storage provision

- 9.38 The applicants advise that students living on site will not be allowed to bring a car to university which will be included within their learning agreement and tenancy agreement. Students will also be prohibited from parking on the surrounding streets which will be enforced by increased patrols by the University and which are included in the Travel Plan supporting this application.
- 9.39 There are at present 51 car parking spaces provided on the site. The reconfiguration of the car park will result in an additional six spaces increasing the overall number to 58 spaces and these additional six spaces would not generate a significant amount of trips as to have a material impact on the highway network. It is anticipated that the development would result in a decreased demand for car parking as more students would be living on campus rather than commuting to the University. The times of the highest impact will be at the beginning and end of each term when students move in and out of the accommodation and this has been included within the Travel Plan and it is suggested to ensure that vehicles do not park on the highway that the car park is closed for general use at this time and is allowed for this specific purpose.
- 9.40 The proposals include parking for a total of 22 bicycles which equates to one space per 4 rooms, or 25% of the rooms. This will be monitored by the University and increased if necessary through the Travel Plan.

- 9.41 In terms of including some electric vehicle (EV) charging spaces, none are currently indicated but the University has confirmed that there is no objection to the provision of some spaces, which could be secured by condition. The applicants have commented that for the Vinson Centre scheme some spaces were made 'EV ready'.

Parking during the construction phase

- 9.42 A temporary car park at Ford Meadow and underutilised Bishops Court car park owned by the University would be used during the construction process to accommodate displaced demand and BCC are content that these car parks have sufficient existing capacity to accommodate this.
- 9.43 Buckingham University also have a current application (ref: 18/04566/APP) for the change of use of land at the former Buckingham Town Football Club (Ford Meadow) to provide a car park and installation of 4no. floodlights (retrospective). This application is currently pending consideration.

Public Rights of Way and the permissive route

- 9.44 The proposal includes the restoration of one of the former railway platforms and landscaping of a section of disused railway track which would allow the continued use of a permissive path between Buckingham circular and railway walks which currently goes across the car park. The overgrown track bed would be cleared and the applicants intend to reintroduce the Buckingham station signage to the platforms and also construct information points to describe the history of the site. The applicants are agreeable to a condition to prevent the erection of any means of enclosure to ensure that the permissive right of way remains open. The applicants have very recently confirmed that the east-west link to the circular walk is an absolute commitment of the University. This route forms part of the planning application itself and the proposed scheme offers a significant improvement to the current link in terms of the surfacing and visual experience through the site.
- 9.45 Amended plans received also indicate the provision of a footpath link between Station Road and junction of the Railway Walk and the footpath to Station Terrace. A further condition accepted by the applicants is to require that it be offered up for formal adoption. This footpath would again improve on the existing situation and provide an important public right of way between areas of Buckingham and would link existing walks which are well used. Policy I1 of the BDNP requires new pedestrian routes to provide seating to ensure that those with mobility problems have the option to rest. Such details could be secured by condition as part of the landscape scheme.
- 9.46 Whilst the Town Council have raised objections to the development and previously reference had been made to the Tingewick Road development site (ref: 15/01218/AOP) requiring a right of way to be provided through this application site, this is incorrect. The Tingewick Road site has a condition requiring details of the footway/cycleway within the site to the boundary of the site to be submitted to and approved in writing by the LPA. The S106 agreement for the Tingewick Road scheme requires details of a footway/cycleway to be approved by the LPA and implemented. None of the requirements of the Tingewick Road application relate to the application site before Members. As explained above, the application site is on private land and the Authority cannot require the applicants to provide a public right of way east to west through the site as a result of the development proposed as it would not meet the conditions tests set out in the NPPF.

Conclusions on highway matters

- 9.47 The development would provide adequate access with acceptable visibility onto the public highway. The Highway Authority have no objection to this development subject to conditions and subject to the completion of a legal agreement to secure a financial contribution towards a review of parking restrictions and possible Traffic Regulation Order in Chandos and Station Roads.

- 9.48 The site is located within an accessible location such that there would not be undue reliance on the private car. The approved Travel Plan of the University sets out how alternative means of transport will be encouraged and monitored. The Travel Plan further sets out how the student car parking would be controlled with permits only given out in exceptional circumstances. The current use of the land is for car parking and this is private land. The existing 51 car parking spaces would be replaced with 58 car parking spaces on the ground floor of the building and these spaces would continue to be used by those people associated with the University. The development would provide 112 rooms for use by students of the University and there would be a condition to ensure that the building is retained for this purpose. Alternative arrangements are available for displaced parking during the construction period.
- 9.49 Having regard to the above matters it is not considered that the development would result in significant highway concerns nor result in an adverse impact on highway safety or convenience and that it would accord with the aims of the BNDP and with the NPPF.

- ***Conserving and enhancing the natural environment***

- 9.50 In terms of consideration of impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Regard must be had as to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. The following sections of the report consider the proposal in terms of impact on landscape, trees and hedgerows and biodiversity.
- 9.51 Section 15 of the NPPF states planning policies and decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 9.52 Policy GP.35 of the AVDLP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. This policy is considered to be consistent with the NPPF. Policy GP.38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible.

Landscape and Settlement Character Impacts and visual impacts:

- 9.53 The site is located within a built up urban area with areas of woodland adjacent. It is not considered therefore that the development would adversely affect the wider landscape of the locality nor the character of the settlement itself.
- 9.54 As part of the landscape proposals the historic railway platform and track bed would be repaired with the landscaping turning the area to the rear of the building into a linear park that focuses on the history of the site as a railway. This would include seated areas amongst the planting and would use timber sections of flooring to separate the planted beds and provide a solid raised boardwalks surface for walkers to use. Lighting would be designed using good practice to minimise disturbance and impact on surrounding habitats.

- 9.55 Overall it is considered that subject to the submission of a suitable landscape scheme that the impact on landscape matters would be acceptable and in accordance with the aims of the NPPF and development plan policies.

Trees and hedgerows

- 9.56 Policy DHE1 of the BNDP refers to the protection of existing trees and provision of trees in developments and seeks to retain existing trees where possible and for new trees to respect landscape character and to enhance existing retained planting offering a mix of species, including native species. Policies GP.39 and GP.40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 9.57 There is a TPO (30/1993) covering individual, groups and woodland trees of a mix of species within and adjacent to the site. There are a number of trees in and around the site which have not been managed for some time and the site contains a number of low-quality self-seeded trees around the car park area.
- 9.58 The footprint of the proposed building largely follows the existing tarmac car park. Where the building exceeds this there will be the removal of some low quality mature trees and groups of smaller low quality trees. The majority of these are in the platform and trackbed area. Further low quality trees would be removed in the woodland area to the east of the site to accommodate the drainage basin. The arboricultural report submitted as part of the application details the trees to be removed and the protection proposals for those retained. The report states that any trees that are to be removed will be replaced and new trees will also be planted to screen the new housing to the south from the railway walk. Overall it is considered that the proposals would bring the site into a more managed condition.
- 9.59 Subject to securing an acceptable tree protection scheme and landscape scheme by condition to ensure that appropriate species are provided which reflect the character of the area and provide biodiversity enhancement (see below) and which retains existing trees where they are not required to be removed, it is considered that there are no objections to the development on these grounds and that the development would accord with development plan policies and with the NPPF in this regard.

Biodiversity/Ecology

- 9.60 Policy DHE2 of the BNDP refers to the standard of ecological information required to minimise the impact on natural habitats requiring development proposals result in net gains to biodiversity. Policy DHE4 refers to the protection of movement corridors and Policy DHE5 of the BNDP refers to biodiversity in development landscaping and requires landscaping schemes to show how they maximise benefits to biodiversity and requires a selection of ecologically appropriate native species of local provenance to be included. Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.
- 9.61 The application has been accompanied by an Ecological Appraisal. This identifies that the site is partly within the boundary of a non-statutory Local Wildlife Site (LWS) and there is another wildlife site at the site's western extent, both of which are designated for their flora and fauna. The report considers that the area of affected woodland habitat within the site is limited and that the LWS's are already heavily used by the public and large areas of the application site are already hardsurfaced so significant impacts are not anticipated. Good practice has been recommended including root protection areas and appropriate lighting. From the survey, whilst no bat evidence was recorded in association with any of the trees, within the survey area, six trees have the potential to support roosting bats although this potential is considered to be low and only one of the trees would be lost as a result of the

development. The woodland offers the potential for nesting birds. An area of woodland and scrub to the west is to be lost to facilitate construction of an attenuation basin. However, limited habitat potential will be lost and a significant area would be retained to buffer the adjacent LWS to the west. The site is near a pond (10m to the south-east of the site) and there are woodland habitats which are considered of potential value for amphibians, along with a small area of woodland to be lost which has some value for great crested newts (GCN). However, due to the distance from the off-site pond the report considers it extremely unlikely that the works would affect GCN. The site has some value for reptiles but the majority of habitats appear to fall outside of working areas and therefore this should not be a constraint. Although there was no evidence of badgers during the survey the habitat does offer potential for foraging and sett creation and badgers are also known to be in the area.

9.62 The recommendations in the Ecological Assessment highlight that the development should be undertaken in accordance with a number of good practice measures including:

- Maintaining root protection areas for trees with retained habitats fenced off in an appropriate manner to prevent accidental ingress
- Limit site storage to a small area with no storage within LWS habitat.
- Careful consideration and minimisation of lighting
- Prevention of pollution and additional bins provided to avoid littering and dog bins to prevent fouling
- Good practice method statement to address the potential of amphibians and provision of a hibernacula (rubble/brick base with mounded earth above with low shrubs and ground flora around it)
- Careful removal of trees as identified by sectional felling following survey work to establish if bats present
- Surveys for nesting birds prior to any vegetation being removed

In addition to the above, enhancement measures are proposed to include a planting scheme of locally native wood species with an emphasis on species bearing nectar, berries, fruit and nuts as these enhance foraging opportunities. Furthermore, faunal habitat measures should be included such as bat and bird boxes, hedgehog houses and insect tubes/boxes.

9.63 The Council's Biodiversity Officer considers that the ecological assessment represents an accurate account of the ecological features of interest on site and the development impacts on these. A series of recommendations (as set out above) are made in the report which need to be implemented. The report states that the impact on the adjacent Local Wildlife Site will be minimal, however, to fully justify this and the statement made that the development generates no net loss to biodiversity further detail will be required and a condition can ensure that a suitable scheme is secured which could include the enhancement measures above.

9.64 Under Regulation 53(2) (e) of the Conservation of Habitats and Species Regulations 2010 (as amended), the applicant may need to acquire a mitigation licence as the development as the development could potentially have impacts on European Protected Species, that would otherwise be illegal, such as: capturing, killing, disturbing or injuring them (on purpose or by not taking enough care) damaging or destroying their breeding or resting places (even accidentally), obstructing access to their resting or sheltering places (on purpose or by not taking enough care). With the requirement for the applicant to obtain an EPS Licence, the Local Planning Authority has to have regard to the three tests as set out in the Natural England Advice.

9.65 In considering that there is a potential for protected species to be found on the site, which may require the applicant to obtain a Natural England Protected Species Licence, the Local Planning Authority has to have regard to the three tests that must be satisfied before Natural England can issue such a licence if required; these tests and the Authority's response below, are:

- 1) A licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social and economic nature and beneficial consequences of primary importance for the environment.

It is the opinion of the Local Planning Authority that there are significant benefits to the development scheme which would include the provision of needed student accommodation in the town and also the economic benefits that the scheme would bring, not only in terms of the construction of the development, but also the contribution that future occupiers of the accommodation would make to the local economy.

- 2) The appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative".

This site largely re-uses a previously developed site comprising hardstanding for the car park area and it is considered that whilst there may inevitably be sites that do not require removal of trees etc this must be considered in the context that additional accommodation is needed in Buckingham to support the university and is part of the masterplan for the University, therefore in this instance there are no suitable or available, satisfactory alternative sites. Furthermore, the site lies within the settlement boundary in the BNDP and in very close proximity to the town centre facilities and services and is highly sustainable.

- 3) The appropriate authority shall not grant a licence unless they are satisfied 'that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.'

The Council's Biodiversity Officer is satisfied with the ecology report put forward and a planning condition could ensure that the development is not detrimental to the protected species potentially on and around the site and that it would result in net gains and the provision of suitable roosting sites etc will be provided within the application site. Further discussions are taking place with the applicant to ensure that an appropriate scheme is submitted and results in improvements to biodiversity. Details of the landscaping scheme for the site will also be secured by condition which would ensure that it complements the biodiversity measures.

9.66 The comments of Natural England have been received and they raise no objections to the development. Having regard to the above, including the comments of the Council's Biodiversity Officer and the mitigation, including landscaping, proposed, it is considered that the proposed development offers opportunities to secure sufficient benefits to offset the effects of the development and subject to the imposition of conditions the three tests have been satisfied. Overall it is considered that the development would accord with Policies DHE2, DHE4 and DHE5 of the BNDP and with the NPPF.

Contamination

9.67 A further consideration in the NPPF in relation to the need to conserve and enhance the natural environment is contamination, and the guidance states in paragraph 178 that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions.

9.68 The majority of the site is currently used as a car park although there was historic use as a

railway and some remnants of the railway station and tracks remain. In light of this historic use it would be appropriate to impose the standard contaminated land conditions to ensure that any contamination is adequately dealt with. On this basis it is considered that currently this matter should be afforded neutral weight in the planning balance.

- ***Achieving well designed places***

- 9.69 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.70 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space). Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides.
- 9.71 Policy GP.35 of the AVDLP requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP.45 is also relevant and this states that any new development would also be required to provide a safe and secure environment for future occupiers of the site.
- 9.72 This is a full application for new student accommodation in a three storey building which would provide new ensuite rooms for students of the University of Buckingham. The proposal would also provide landscaping for the site, including tree planting to the southern boundary, although there would be some tree removal as described elsewhere in this report. The overgrown track bed would be cleared and the applicants intend to reintroduce the Buckingham station signage to the platforms and also construct information points to describe the history of the site. Amended plans received also indicate the provision of a footpath link between Station Road and junction of the Railway Walk and footpath to Station Terrace.
- 9.73 The ground would be excavated and the ground floor of the building partially buried into the slope of the site to enable the overall height to be lowered by approximately 1m making it lower than the Chandos Road university building but it would be approx. 1.9m higher than the dwellings to the south of the site. At its western end the building would be 12m high above adjacent ground level. In terms of the scale and height of the building, it is considered that this would be appropriate to its context. Given that the building is sited to the front of the plot and taking into account the prominent Chandos Road building to the north, there would be some feeling of enclosure along a short section of Station Road. However, with the adjacent woodland to the north-west and east, it is not considered that the overall massing of the building would be unacceptable in this location or that the proposal would result in the overdevelopment of the site.

- 9.74 The appearance of the building would complement the existing buildings along Chandos Road in respect of the materials proposed (discussed below) and in terms of its design. The building would have the appearance of an industrial mill building with a pleasing rhythm in terms of openings but also added interest with the style of windows and doors and some variety in certain areas of the building. Car parking would be hidden from view within the ground floor of the building which is considered to be a significant benefit in this sensitive location. The building would provide a strong focal point at the end of Chandos Road as opposed to the existing car parking and signage which detracts from the character and appearance of the area.
- 9.75 The materials proposed are a red orange mixed brick for the main walls of the building and vents to the car park space would be formed out of hit and miss brickwork. The windows would be high performance double glazing. Solar panels are proposed on south facing roof slopes in between the two roof pitches, concealing them from view. Dormer windows have been inserted to the south roof slope of the double pitched building and these would be of a zinc or lead finish. The roof would be of natural slate. Samples of materials can be secured by condition to ensure an acceptable high quality finish in this conservation area location.
- 9.76 Overall it is considered that the proposed building represents good design, that careful consideration has been given to its context in terms of the scale, height and massing of the building and that the indicated materials would be appropriate for the area. The resultant building would complement existing development in the locality and would not detract from the character and appearance of the area, nor would it appear unduly imposing in the street scene. As such it is considered that the development would accord with Policy GP35 of the AVDLP and with the aims of the NPPF.

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

- 9.77 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.
- 9.78 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, the Authority should take into account the importance of the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 9.79 The proposed development would, to a great extent, re-use previously developed land. It would provide needed accommodation for the University and would make effective use of the land. Regard has been had to the environment, living conditions and character of the area as well as securing a well-designed development as discussed elsewhere in this report. Overall it is considered that the development would make effective use of the land and as such it would accord with the NPPF in this regard.

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

- 9.80 The NPPF at Section 14, 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 163 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems. Policy I3 of the BNDP

requires schemes to have a scheme to collect rainwater for use. Policy I5 of the BNDP requires developments to demonstrate an appropriate solution to sewerage management.

- 9.81 The application site is located within Flood Zone 1 which is defined by the Environment Agency as being at low risk of flooding. The applicant has provided a number of reports regarding drainage matters and its maintenance with the application and the Local Lead Flood Authority (LLFA - BCC) has considered the information provided. They are satisfied that the scheme can adequately address surface water drainage subject to a condition to secure more detailed information to fully address surface water drainage having regard to sustainable drainage principles. Such a condition could also require details of rainwater collection in accordance with the BNDP. A further condition is requested to ensure that a 'whole life' maintenance plan for the site is approved by the Local Planning Authority.
- 9.82 In their response the Town Council had concerns with drainage commenting that 'a long history of problems with the drainage from the site via the embankment along Station Road was referenced, with respect to the attenuation pond and outlet. It was recommended that the SuDS system be reviewed by the appropriate consultees with this in mind' and 'Members were happy to leave drainage matters to the County Officers but would like information on whether the drains were adequate for the extra volume in flood conditions, given previous experience of overflow into Station Road'. The LLFA have responded stating that as part of the planning condition, the applicant will need to demonstrate that any exceedance flows from the drainage network for events between the 1 in 30 and 1 in 100 do not leave the site. Therefore the site should not increase flood risk elsewhere. Officers are confident therefore that the concerns of the Town Council can be addressed.
- 9.83 In respect of foul drainage, a condition can be imposed to ensure that suitable details are secured such that the requirements of Policy I5 of the BNDP are addressed.
- 9.84 Having regard to the above it is considered that the development would have adequate regard to flooding, surface water and foul water drainage and that it would accord with the aims of Policies I3 and I5 of the BNDP and with the NPPF.

- **Conserving and enhancing the historic environment**

- 9.85 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Paragraph 196 of the NPPF states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Any harm or loss should require clear and convincing justification. Paragraph 189 extends this provision to non-designated heritage assets with an archaeological interest. Policy GP.53 of AVDLP requires new developments in and adjacent to conservation areas to preserve and enhance the character and appearance of the Conservation Areas.
- 9.86 There are no listed buildings within the vicinity of the site. Part of the western section of the site, comprising the woodland in which the attenuation basin would be sited, lies within the conservation area, with the remainder of the conservation area extending to the north of the site and a small area to the south-west of the site incorporating Station Terrace. Within the conservation area document, important views are noted looking up and down Station Road and also up and down Chandos Road. The Chandos Road buildings and Station Terrace are noted as prominent buildings which contribute positively to the area.

9.87 Special regard has been given to the statutory test of preserving the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. The Council's HBO considers that the proposal would represent a substantial new building in height and length for this part of the town and that it would compete for prominence to the diminishment of the Chandos Road building and character of the immediate area such that it would clearly change the character and appearance of this part of the town. Overall it is commented that the building would have a harmful impact on the southern part of the conservation area and its setting but that the harm would amount to less than substantial harm and clearly then at the low end of that scale. It is evident that a building of the scale and height proposed would have a material impact, however, the height of the building has been kept below that of the Chandos Road buildings and although it would be higher than the Station Terrace properties, a reasonable distance would be retained between and additional landscaping, including tree planting, is proposed along this boundary to complement the verdant character of the area. In addition the current use of much of the land as a car park is considered to detract from the character and appearance of the site. It is considered that the level of harm at the lower end of the scale would not be sufficient to justify a refusal. Therefore in accordance with paragraph 196 of the NPPF the harm must be weighed against the public benefits, as undertaken in the conclusions above.

- **Supporting high quality communications**

9.88 Paragraph 114 of the NPPF requires Local Planning Authorities' to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services. Given the nature and location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development. It is therefore considered that the proposal would accord with the guidance set out in the NPPF.

c) Impact on residential amenities.

9.89 Policy DHE6 of the BNDP requires the provision of good quality private outdoor space for new developments which will provide an area where people can spend quality time and enjoy their surroundings. It should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.

9.90 This development proposes the provision of student accommodation associated with the University. The landscape area to the rear of the site comprising the repaired and renovated railway tracks and other areas around the building would provide outdoor space for the students, who would also have access to the University's other leisure and recreation areas. The permissive right of way and proposed public right of way would link to the Railway and Circular Walks. It is therefore considered that future occupiers of the accommodation would have adequate access to external amenity space. Whilst this would not be private space, this application is for student accommodation and not typical residential development (as described in the associated text for Policy DHE6) which would normally be required to provide some private space available for a combination of activities. As such there is not considered to be a conflict with Policy DHE6 of the BNDP.

- 9.91 The proposed development would be higher, by some 1.9m, than the housing development located to the south and there would be a retained distance of 16m in a rear to side relationship between the building and the nearest house, increasing to 17.5m between the building and the rear point of the garden for the nearest house. It is acknowledged that there is more limited planting currently existing along the adjoining boundary with the neighbouring dwellings and that until the landscaping proposed matures there will be some impact. However, it is not considered that there would be an unacceptable level of overlooking or loss of privacy to existing residential occupiers to the extent that would justify the refusal of the development on these grounds.
- 9.92 No objections have been received to the development from Environmental Health colleagues. Whilst it is considered that there would be some noise and disturbance as a result of the development, the existing use of the site as a car park would result in some existing harm to amenity along with the use of the permissive right of way through the car park and other walkways which it is understood are well used. The proposed building would also provide a buffer to existing noise experienced by neighbouring dwellings from the busy Chandos and Station Roads. Environmental Health colleagues have commented that it would not be appropriate to suggest any noise conditions relating to the construction or occupation of the development. Ultimately the occupation of any residential dwelling can give rise to disturbance and there are legal powers to control such issues. It will be for the University to control any anti social behaviour of the occupants of the building and if necessary action can be taken to control any statutory nuisance. It is not considered that the proposed development would result in such demonstrable harm to the amenities of neighbours such that the refusal of the development would be justified on these grounds.
- 9.93 Having regard to the above, it is considered that the impact on residential amenities would be acceptable and as such the development would accord with development plan policies and with this NPPF.

d) Developer contributions

- 9.94 As noted above, in order to make the development acceptable a S106 would be required to secure the review of parking along Chandos Road and Station Road and the implementation of Traffic Regulation Order.
- 9.95 It is considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 places into law the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development of this nature if the obligation does not meet all of the following tests; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 9.96 In the context of this application the development is in a category to which the regulations apply. The requirement for the above-named measures, if the proposals were to be supported, would need to be secured through a Planning Obligation Agreement. These are necessary and proportionate obligations that are considered to comply with the tests set by Regulation 122 for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related to the scale and kind of development. A specific project, namely the parking review and TRO for Chandos Road and Station Road, is to be identified within the Section 106 in accordance with the pooling limitations set forth in CIL Regulation 123 to ensure that the five obligations limit for pooled contributions is not exceeded.

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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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