



AYLESBURY VALE DISTRICT COUNCIL Democratic Services

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25.6.2019

STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Strategic Development Management Committee** will be held at **1.00 pm** on **Wednesday 3 July 2019** in **The Oculus, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

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

Membership: Councillors: P Fealey (Chairman), R Newcombe (Vice-Chairman), C Adams, J Blake, J Bloom, A Bond, R King, L Monger, B Russel 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 12 June 2019 (Copy attached).

- 4. DECLARATION OF INTEREST**

Members to declare any interests.

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

6. 18/01060/APP - ALTON HOUSE BUSINESS PARK, GATEHOUSE WAY, AYLESBURY
(Pages 15 - 32)

Change of use from offices to residential on ground and first floor, mansard roof extension on second floor and an additional block providing a total of 146 units

Case officer: Nina Hewitt-Jones

7. HUMAN RIGHTS ACT (Pages 33 - 34)

STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

12 JUNE 2019

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

1. MINUTES

RESOLVED –

That the Minutes of the meetings held on 24 April, 2019, 15 May, 2019, and 16 May, 2019 be approved as correct records.

2. 18/01857/ADP - LAND EAST OF LOWER ROAD, STOKE MANDEVILLE

RESOLVED –

That the application be **Approved** as per the officer report and subject to the additional conditions as detailed in the corrigendum to the report.

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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 (April 2019)
 - Affordable Housing Policy Interim Position Statement (June 2014)
- 1.20 Those documents which have been the subject of public consultation and the formal adoption of the Council can be afforded significant weight insofar as they remain consistent with the policies of the NPPF.

Housing supply

- 1.21 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 1.22 Paragraph 60 requires that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 1.23 Where the Council cannot demonstrate a 5 year housing land supply (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, there is a presumption in favour of sustainable development in line with paragraph 11 of the NPPF. The absence of an NPPF compliant supply or delivery of housing would add to the weight attached to the benefit arising from the contribution made to the supply of housing and boosting the delivery of housing generally. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.
- 1.24 In the absence of a figure for the Full Objective Assessment of Need which will emerge through the plan making process which will also need to consider potential unmet needs from adjoining authorities not within the Housing Market Area, the council has set out its approach in the published five year housing land supply position statement which is regularly updated. It also updates the estimated delivery of sites based on the latest information. The latest Five Year Housing Land Supply Position Statement was published April 2019, based on March 2018 data, which shows that the Council can demonstrate 5.64 years worth of deliverable housing supply against its local housing need. This calculation is derived from the new standard methodology against the local housing need and definition of deliverable sites set out in the NPPF and NPPG.
- 1.25 It is acknowledged that this 5 year housing land supply calculation does not include any element of unmet need, however at this stage it would not be appropriate to do so. Whilst the unmet need figure has progressed, it has not been tested through examination and it would not be appropriate to use a 'policy on' figure for the purposes of calculating a 5 year housing land supply for Aylesbury until the "policy on" figures and general policy approach has been examined and found sound. There are no up-to-date housing supply policies in AVDLP and therefore we still have to take into account the presumption in favour of sustainable development and apply the planning balance exercise in paragraph 11 of the NPPF. For neighbourhood plans which are considered up to date the starting point for determining such applications is to consider in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraph 14 of the NPPF as set out above is also relevant.

Neighbourhood Planning

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

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

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

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

Prematurity

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

Conclusion on policy framework

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

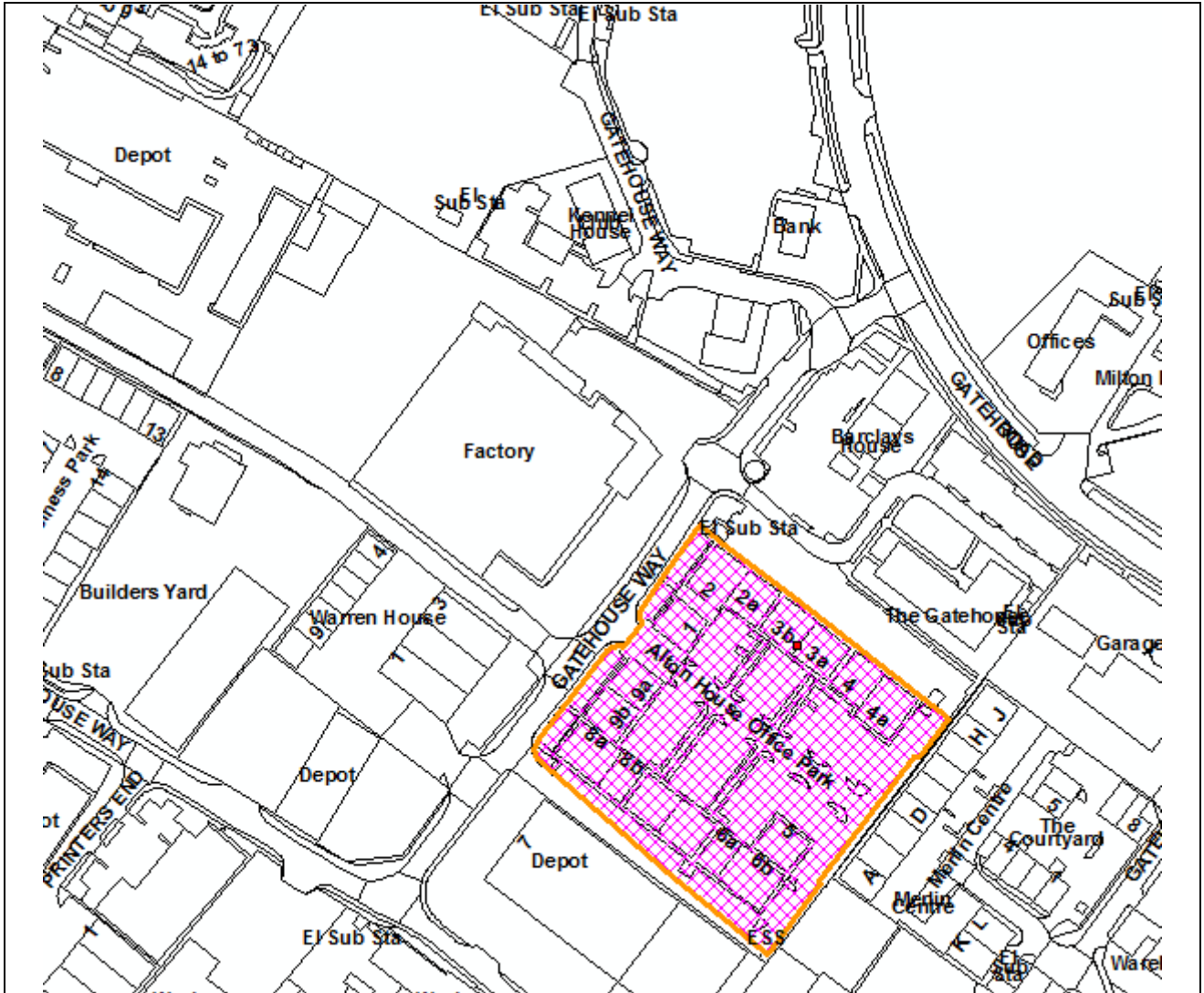
- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

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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18/01060/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/01060/APP	AYLESBURY (Gatehouse)	18/04/18
Change of use from offices to residential on ground and first floor, mansard roof extension on second floor and an additional block providing a total of 146 units Alton House Business Park, Gatehouse Way,	The Local Member(s) for this area are: Councillor Tuffail Hussain Councillor Anders Christensen	
Mr Chaim Cik	Councillor Graham Moore	
STREET ATLAS PAGE NO. 101		

1.0 The Key Issues in determining this application are:-

- a) The principle of the development, 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:
 - Building a strong competitive economy
 - Delivering a sufficient supply of homes
 - Promoting sustainable transport
 - Conserving and enhancing the natural environment
 - Promoting healthy and safe communities
 - Making effective use of land
 - Achieving well designed places
 - Conserving and enhancing the historic environment
 - Meeting the challenge of climate change and flooding
 - Supporting high quality communications
- c) Impact on residential amenities
- d) S106/Developer contributions

The recommendation is that permission be DEFERRED AND DELEGATED to officers for approval following the satisfactory agreement of the S106 Unilateral Undertaking in respect of securing a financial contribution towards an identified off-site sports and leisure project, any permission being subject to such conditions as are considered appropriate; or if a the Unilateral Undertaking is not satisfactorily agreed, for the application to be refused by officers for reason considered appropriate.

1.1 CONCLUSION AND RECOMMENDATION

- 1.2 The application has been evaluated against the Development Plan, comprising of the Aylesbury Vale District Local Plan (AVDLP) and the NPPF and the report has assessed the application against the planning objectives of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.
- 1.3 As a result of the proposed development, there would be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in local population. Furthermore, the development of the 72 additional new build dwellings would effectively utilise previously developed brownfield land and make a contribution to the housing land supply which would be a significant benefit. Given the number of dwellings proposed these benefits are afforded significant positive weight in the overall planning balance.
- 1.4 There would be significant benefits to the scheme with regard to matters of biodiversity which are afforded moderate positive weight in the planning balance.
- 1.5 The proposal would not deliver any affordable housing and this is acknowledged as a negative impact, although the weight afforded to this factor is tempered to limited weight within the overall planning balance, having regards to the viability of the scheme and the delivery of the site for housing which would otherwise not take place.
- 1.6 The site is locationally sustainable such that there would not be an over reliance on the private car, taking into account the facilities and amenities available within Aylesbury town. In addition there would be adequate parking provision within the site and safe and suitable vehicular access to the site for servicing. On this basis this matter is afforded neutral weight in the overall planning balance.
- 1.7 Although it is noted that due to the configuration of the site it is not possible to provide for on-site open space as part of the development and a financial contribution towards an identified off-site project has been agreed to upgrade leisure facilities within the town. This factor is therefore accorded neutral weight in the overall planning balance.
- 1.8 Compliance with the other objectives of the NPPF have been demonstrated in terms of parking, promoting sustainable transport, conserving the natural environment, well designed places, conserving and enhancing the historic environment, meeting the challenge of climate change and flooding, supporting high quality communications, and residential amenity. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight is attributed neutrally.
- 1.9 Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, it is considered that the significant positive housing and economic benefits would not be significantly or demonstrably outweighed by the limited negative affordable housing impact.
- 1.10 It is therefore recommended that the application be DEFERRED AND DELEGATED to officers for approval following the satisfactory completion of a s106 planning obligation agreement in respect of securing a financial contribution towards an off-site identified sports and leisure project, any permission being subject to such conditions as are

considered appropriate; or if a s106 planning obligation agreement is not satisfactorily completed, for the application to be refused by officers for reason considered appropriate.

2.0 INTRODUCTION

- 2.1 The application needs to be determined by committee as the Town Council has raised material planning objections relating to the loss of business units, overdevelopment of the site, lack of green space, impact upon the highway, lack of affordable housing, and confirms that it will speak at the Committee meeting.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The site is located on Gatehouse Way within a commercial area approximately 1km northwest of the town centre. The site comprises a complex of two storey office buildings that represent the former Alton House Business Park and is accessed off Gatehouse Way which passes along the north western side of the business centre and with an access road passing along the sides and rear of the main building. The site is vacant and prior approval has been granted for change of use of the existing office accommodation on the ground and first floor into 74 residential units. The surrounding area is dominated by other commercial office buildings and light industrial uses.

4.0 PROPOSAL

- 4.1 Full planning permission is sought for the provision of 146 one, two, and three bedroom flats; the proposal would comprise conversion of the existing office units into residential accommodation (74 Units), replacement of the existing roof structure with a second floor mansard construction providing residential accommodation (37 Units), residential units within the first floor underpass (2 Units), and the erection of a new 3 storey block with mansard roof (33 Units).
- 4.2 The proposed development would provide a total of 146 dwellings: 53 x one bedroom units, 86 x two bedroom units, and 7 x three bedroom units.
- 4.3 The existing buildings form a 'C' shaped two storey structure and the proposed additional block would be located to the rear (south east) of the site and would in effect create a squaring-off of the 'C' shape so that the resulting building would enclose the inner courtyard area on all sides.
- 4.4 The proposal includes allocated car parking spaces within the inner courtyard area at the ratio of one space per dwelling. Cycle spaces are also to be provided within the site.

5.0 RELEVANT PLANNING HISTORY

86/02125/AOP - Business park comprising offices business centre and hi-tech units – Approved
88/02306/ADP - Business centre comprising ten two storey buildings and one 4 storey building for B1 use – Approved
89/02140/APP - Two electricity sub stations to serve adjoining office block and business park – Approved
90/01105/APP - Retention of existing commercial centre in revised location from that previously approved under planning permission ADP/2306/88 – Approved
95/00742/APP - Alterations to units 3, 4 and 8a – Approved

Prior approval has previously been granted for the creation of 74 residential units within the existing building (16/03499/COUAR) under various individual submissions and planning permission was granted for the second floor mansard roof construction and first floor underpass to provide 24 flats (17/02085/APP). The most recent of which are listed below:

- 18/03867/COUOR – Determination as to whether prior approval (Class O) is required in respect of transport & highway impact, contamination risk, flooding and noise for the conversion of B1 offices into 4 self-contained apartments. Unit 1 – Prior approval not required
- 18/03868/COUOR – Determination as to whether prior approval (Class O) is required in respect of transport & highway impact, contamination risk, flooding and noise for the conversion of B1 offices into 11 self-contained apartments (C3). Units 2a and 2b – Prior approval not required
- 18/03869/COUOR – Determination as to whether prior approval (Class O) is required in respect of transport & highway impact, contamination risk, flooding and noise for the conversion of B1 offices into 8 self-contained apartments. Units 3a and 3b – Prior approval not required
- 18/03871/COUOR – Determination as to whether prior approval (Class O) is required in respect of transport & highway impact, contamination risk, flooding and noise for the conversion of B1 offices into 11 self-contained apartments. Units 4a and 4b – Prior approval not required
- 18/03872/COUOR – Determination as to whether prior approval (Class O) is required in respect of transport & highway impact, contamination risk, flooding and noise for the conversion of B1 offices into 4 self-contained apartments. Unit 5 – Prior approval not required
- 18/03874/COUOR – Determination as to whether prior approval (Class O) is required in respect of transport & highway impact, contamination risk, flooding and noise for the conversion of B1 offices into 10 self-contained apartments. Units 6a and 6b – Prior approval not required
- 18/03875/COUOR – Determination as to whether prior approval (Class O) is required in respect of transport & highway impact, contamination risk, flooding and noise for the conversion of B1 offices into a 8 self contained apartments (C3). Units 7a and 7b – Prior approval not required
- 18/03880/COUOR – Determination as to whether prior approval (Class O) is required in respect of transport & highway impact, contamination risk, flooding and noise for the conversion of Unit 8A and first floor of Unit 8B (B1 offices) into 8 self-contained apartments. Units 8a and 8b – Prior approval not required
- 18/03881/COUOR – Determination as to whether prior approval (Class O) is required in respect of transport & highway impact, contamination risk, flooding and noise for the conversion of ground floor B1 offices into two self-contained apartments. Units 8b – Prior approval not required
- 18/03882/COUOR – Determination as to whether prior approval (Class O) is required in respect of transport & highway impact, contamination risk, flooding and noise for the conversion of B1 offices into a 8 self contained apartments (C3). Units 9a and 9b – Prior approval not required

Various discharges of conditions have also been submitted and agreed. Work relating to the prior approval has commenced on site.

6.0 PARISH/TOWN COUNCIL COMMENTS

“Aylesbury Town Council Object to this application for a number of reasons:

- Over development of the site as demonstrated by a number of the proposed units falling beneath minimum space standards.
- Aylesbury Town Council fully support the comments made by AVDC Housing that stated – should the development proceed, that dwellings brought forward outside of this (i.e. those in the roof extensions and additional block) should be subject to the affordable housing policy. The usual tenure mix of 75% rented and 25% shared ownership should be applied.
- Detrimental impact on the access road and transport links due to the increase traffic

- on an already busy and congested route.
- Unsuitable site with no green space or amenities as situated in an industrial unit zone.
- Loss of business units within Aylesbury Town Centre leading to a detrimental impact on the current working businesses in Alton House as well as future opportunities for the town.

If the application is considered by committee, Aylesbury Town Council will speak at the meeting.”

7.0 CONSULTATION RESPONSES

- 7.1 BCC Education - As there is already prior approval for the change of use from offices to 74 residential units on the Alton House scheme, these units have been discounted. The additional 72 units on the scheme would not trigger the need for an education contribution - as would now fall below the BCC threshold which ensures the authority does not fall foul of the CIL pooling restrictions.
- 7.2 AVDC Housing – It is noted in this instance that many of the flats would be brought forward by way of an office conversion and, as such, this element may constitute permitted development which could be exempt, under current policies, from an affordable housing contribution. The dwellings brought forward outside of this (i.e. those in the roof extensions and additional block) should be subject to the affordable housing policy GP2 (i.e. 30% of the new build). The usual tenure mix of 75% rented and 25% shared ownership would be sought. Should the applicant consider that the policy compliant level of affordable housing is unviable they will be required to demonstrate this by providing open book calculations which will then need to be verified by at least one independent consultant (acting on behalf of the council) at the expense of the applicant. Where development is demonstrated to be unviable, negotiations will take place to test whether there is a better and more viable arrangement. Affordable units should be well distributed with clusters of no more than 18 flats. No more than 50% of the private units to which the policy applies, are to be occupied until all of the affordable units have been completed and transferred to a Housing Association.
- 7.3 NHS Buckinghamshire CCG – Will not be requesting a s106 contribution on this particular occasion. Will however be working with local practices to continue to assess and deal with pressures on Primary Care and other health services in the area.
- 7.4 AVDC Sport and Leisure - require a financial Sport/Leisure contribution to be put towards: Improvements, modernisation or refurbishment of Prebendal Farm Community Centre, and/or Southcourt Community Centre,.
- 7.5 AVDC Recycling and Waste – A recycling and waste collection plan should be provided. The distance between the collection point and main road needs clarifying. Collection crews should not have to push/pull 2 wheeled containers or carry individual waste containers for no more than 15 meters and 10 meters for 4 wheeled bins.
- 7.6 BCC Highways – had initial concerns in relation to the junction assessment; however following the submission of additional information in the form of a revised PICADY assessment, no objections are now raised, and no conditions or financial contributions are requested.
- 7.7 BCC SuDS Team – SuDS details are shown on the site plan although this drawing does not include a key so it is not easy to identify the rain gardens. A condition should be imposed if the application is approved.
- 7.8 AVDC Environmental Health – no objections

8.0 REPRESENTATIONS

8.1 None received

9.0 EVALUATION

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

9.1 Members are referred to the Overview Report before them in respect of providing the background information to policy. The starting point for decision making is the development plan, which comprises of the adopted Aylesbury Vale District Local Plan (AVDLP). 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

9.2 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.

9.3 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, GP17, GP24, GP35, GP38 - GP40, GP45, GP84, GP86-GP88, GP94, and AY21.

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

9.4 The overview report sets out the position in relation to the emerging VALP, the stage it has reached and related weight.. 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.

9.5 W The evidence that sits behind VALP 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.

Neighbourhood Planning

9.6 The application site is located within Aylesbury where there is no 'made' neighbourhood plan.

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

9.7 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.

Sustainable location

9.8 In the Settlement Hierarchy Assessment 2017, Aylesbury is identified as a 'sub-regional strategic settlement and as being the primary focus of strategic levels of growth and

investment in the District. It is therefore considered to be a highly sustainable location and should be a focus for growth. However, it remains necessary to consider that application against the sustainability tests of the NPPF as a whole rather than just locational characteristics.

Building a strong, competitive economy

- 9.9 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.
- 9.10 Policy GP17 of the AVDLP is also relevant and states that the Council will seek to retain existing employment sites and uses and states that redevelopment of employment sites will only be permitted where: a) the existing use has an adverse impact on amenity of neighbours and its proposed replacement would be an improvement; b) there are appropriate alternative employment opportunities either on other sites in the locality or as part of the proposed development; and c) there are opportunities in larger settlements of a more advantageous land-use arrangement through redevelopment for mixed use, including residential, purposes.
- 9.11 In terms of consistency with policy GP17 it can not be said that the business use of the existing building has an adverse impact on the amenity of its neighbours, and that the proposed replacement would be an improvement, as the existing building is located within a Business Park and is surrounded by other commercial uses. Being within the urban area of Aylesbury, there are appropriate alternative employment opportunities on other sites in the locality.
- 9.12 Guidance in the NPPF gives support to residential development in sustainable locations. Furthermore, there is an extant planning permission for the replacement of the existing roof structure with a second floor mansard roof and the creation of a first floor underpass construction, to provide 24 residential units, which could be implemented.
- 9.13 The extant permission and prior approval are material considerations that should be taken into account, which allow the residential use and extension of these buildings. These would be regarded as a fall back position which have a realistic prospect of being implemented and work on the prior approval conversion has already started on site. Mindful of this permitted development fall-back position above, it is considered that the proposal would not result in the loss of any further office accommodation over and above the existing permissions and prior approvals, and as such it is considered that in these circumstances it would not be reasonable to seek to refuse permission under policy GP17 of the AVDLP and the guidance set out in the NPPF.
- 9.14 Moreover, it is recognised that there would be economic benefits derived from this proposal in terms of the construction of the development itself and the resultant increase in population contributing to the local economy. It is therefore considered that the proposal would give rise to significant economic benefit due to the number of dwelling units proposed.
- 9.15 This matter is afforded significant positive weight in the overall planning balance.

Delivering a sufficient supply of homes

- 9.16 Local planning authorities are charged with delivering a wide choice of sufficient amount of and variety of land and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development. In supporting the Government's objective of significantly boosting the supply of homes, paragraph 61 states that within this context, the size, type and tenure of housing needed for different groups in the community should be

assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). Key to the consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5-year supply of housing land.

- 9.17 Based on the findings of the HEDNA, the housing land supply document shows Aylesbury Vale District Council to currently have a 5.64 year supply.
- 9.18 As a result of the proposed development, the scheme would provide a contribution of 146 dwellings to assist in boosting the District's housing supply. It is considered that there is no reason that the scheme, being on a brown field site, cannot be brought forward for development within the next five years. The contribution to housing supply would represent a significant benefit.
- 9.19 In respect of affordable housing the scheme exceeds the threshold for securing such provision on site as outlined in AVDLP policy GP2 which refers to the provision of 25 dwellings or more on a site area of 1 ha or more. In addition the NPPF has introduced a requirement for 10% of the affordable homes to be available for affordable home ownership on major housing development proposals. Whilst this proposal would provide 146 new homes, as set out above the site benefits from extant permissions and prior approval for 74 units. Given the position that affordable housing can not be required in relation to the prior approval units, for the purposes of calculation of the affordable housing requirement in accordance with policy GP2 this can only be considered in relation to the 72 new build units proposed.
- 9.20 The Council's Housing Officer has advised that 20% of those 72 dwellings should be provided as affordable units, with a ratio of 75% rented and 25% shared ownership. This would equate to a total of 15 affordable units (11 rented and 4 shared ownership).
- 9.21 The applicant has however submitted a Development Viability Report and Appraisals prepared by 'affordable housing 106' (ah106) dated March 2018, which assesses that it would not be viable for the development to contribute any affordable housing units, either on site, or by way of a commuted sum.
- 9.22 This Development Viability Report and Appraisal has been reviewed by the DVS who have independently considered the viability of the development and conclude that the scheme is not viable to deliver 20-30% affordable housing and the sports and leisure contributions AVDLP policy requirements. It would however be viable based on provision of the sports and leisure contribution only.
- 9.23 Having regard to the conclusions of the DVS independent review it is accepted that the proposed development would not be viable if the affordable housing requirement set out in policy GP2, and the NPPF, were to be applied.
- 9.24 With regard to residential mix, the total development (PD Prior Approval conversion + new build = 146 units) would provide a total of 53 x one bedroom units, 86 x two bedroom units, and 7 x three bedroom units. The proposed new build element (72 units) would provide a mix of 39 x one bedroom units, 29 x two bedroom units, and 4 x four bedroom units, as set out in the table below:

Alton House Unit no.	No of Extra flats in this proposal (above the existing PD Prior Approval)	Mix of Extra Units		
		1 Bedroom	2 Bedrooms	3 Bedrooms
1	4	0	3	1
2	5	2	2	1
3	4	0	3	1
4	5	4	1	0
5	2	2	0	0

6	5	3	2	0
7	4	0	3	1
8	4	2	2	0
9	4	0	4	0
10	33	26	7	0
Undercroft	2	0	2	0
Totals	72	39	29	4

9.25 The proposal would target the need for smaller units within Aylesbury. As such, the proposed residential mix is considered to be acceptable in this instance.

9.26 Overall, whilst the proposed development would not provide any affordable housing, which would be a significant negative impact, in accordance with policy GP2 of the AVDLP, and NPPF guidance, this has been independently assessed and it is agreed that the proposal would cease to be viable if affordable units were to be provided. In this circumstance, the weight to be given to the affordable housing factor within the overall planning balance is tempered to that of limited negative having regards to the viability of the scheme and the delivery of the site for housing which would otherwise not take place. The proposal would make a positive contribution towards the supply of deliverable housing land in the District, and this matter should therefore be afforded significant positive weight in the overall planning balance given the number of dwellings proposed.

Promoting sustainable transport

9.27 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

9.28 The application is supported by a Transport Statement (TS) which sets out in the existing and proposed traffic generation of the site. The existing traffic generation as use of offices will have movements into the site in the am peak and then movements out of the site in the pm peak. It has been estimated that the business use of the site would generate around 1422 movements in total for 8853 square meters per day. This breaks down to 16.067 movements per 100 square meters per day. The Highways Authority have made their own interrogation of TRICS® which has been found to be comparable with the assessment made within the submitted TS.

9.29 The proposed traffic generation as the use of 146 flats will have movements out of the site in the am peak and then movements into of the site in the pm peak, it has been estimated that the site would generate around 411 movements in total for the 146 flats per day. This breaks down to 2.818 movements per flat per day. Again, an interrogation of TRICS® has been undertaken which has been found to be comparable with the assessment made within the submitted TS.

9.30 The proposed 146 flats would therefore result in a reduction of traffic generation by a significant amount; this said the behavior of traffic will change. It is the change in traffic flow that must be assessed in terms of the impact on the main highway junction Gatehouse Way/Gatehouse Road. The Highway Authority is aware that this junction suffers from congestion in both peak hours.

- 9.31 The proposed change of use as shown above will result in a reduction of traffic generation by a significant amount; this said the behavior of traffic will change. It is the change in traffic flow that must be assessed in terms of the impact on the main highway junction Gatehouse Way/Gatehouse Road. The Highway Authority is aware that this junction suffers from congestion in both peak hours.
- 9.32 Within the TS, turning counts have been submitted which show the current or base traffic flows. This has been based on 11% capacity of the site which is the current situation. The turning count for the main junction (Gatehouse Way/Gatehouse Road) has also been included within this assessment. Turning counts have also been undertaken for the proposed development along with the base traffic flows plus the proposed development flows. The Highway Authority has undertaken an assessment of these and found them to be acceptable.
- 9.33 As part of the TS, a capacity survey has been undertaken in the form of a PICADY assessment. Two junction assessments have been undertaken, one to show the existing site at 11% capacity which is considered to be a base assessment and the other is base + development.
- 9.34 For reference, a junction is considered to exceed theoretical capacity when the ratio of flow to capacity (RFC) exceeds 0.85 (85%). RFC is a measure of the volume of traffic which is making a turning movement at the junction, compared to the capacity that the junction is physically able to accommodate.
- 9.35 Whilst concerns were initially raised by BCC Highways in respect of the impact upon the Gatehouse Road junction, additional information has been received in the form of a revised PICADY assessment. The revised assessment which has been undertaken as the base shows that the junction is currently over capacity on two arms in the PM peak; Gatehouse Way to Gatehouse Road Northbound and Gatehouse Way to Gatehouse Road Southbound, showing respective RFCs of 1.42 and 1.40. However, as a result of this development the junction assessment shows that in a base + development scenario the same arms of the junctions reduce to 1.40 and 1.37 respectively. This shows a very minor improvement and thus the impact of the development on this junction cannot be considered severe in the context of the NPPF.
- 9.36 While it is noted that a financial contribution was requested under the 2017 application for the mansard roof extension and underpass accommodation, in formal comments submitted under this application no such contribution has been requested. The Highways Authority confirm that their 2018 comments remain relevant within which no financial obligations are requested.

Parking

- 9.37 In terms of parking requirement AVDLP GP24 requires that new development accords with published parking guidelines. SPG1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development.
- 9.38 Policy AY21 of the AVDLP states that within the urban area of Aylesbury special parking principles will apply. Inside the Inner Relief Road, on-site parking provision associated with all development proposals other than food superstores (and bulky goods retail warehousing) will be restricted to that required for the operational needs of the business or land use. For other parts of the urban area well served by public transport, planning proposals will not be required to provide the maximum parking levels set out in the Council's parking guidelines.
- 9.39 The submitted site plan shows 146 car parking spaces and 200 cycle spaces would be provided within the internal courtyard of the site. This equates to one car parking space per

unit. Mindful of the site's location within the close proximity to the town centre where there is good access to a wide range of key services and facilities, and a choice of public transport modes, also in applying policy AY21 of the AVDLP, it is considered that the proposed parking provision is acceptable in this instance.

9.40 Further the Highway Authority is satisfied that within the limits of the site there is adequate turning and manoeuvring space to negate the risk of any vehicle having to reverse or waiting on the highway.

9.41 In terms of access by service and refuse vehicles, the proposal would utilise the existing vehicular access into the site, and there is sufficient space within the site for manoeuvring such that it is considered that the site can be safely served by large vehicles without having to reverse onto the public highway. A condition could be imposed to seek the submission and agreement of a refuse strategy/details of any bin stores prior to the occupation of the dwellings.

9.42 In summary, the highway authority have considered the proposal and raise no objections and the proposal would be acceptable in terms of relevant highways matters, the level of car parking provision is considered adequate to serve the proposed properties and would accord with policy GP24 & AY21 of the AVDLP and the aims of the NPPF. The site is a highly sustainable location and it will therefore provide benefits from a reduced need to travel.

9.43 This matter is afforded neutral weight in the overall planning balance.

Conserving and enhancing the natural environment

9.44 In terms of consideration of impact on the landscape, proposals should use land efficiently and regard must be had as to how the development proposed contributes to the natural and local environment through minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF.

9.45 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 of trees. In this particular case the existing site has little landscape or ecological value at present, but the development will allow for the introduction of more landscaping on site which should make a positive contribution in relation to both the visual appearance of the site as well as its biodiversity.

9.46 Policy GP38 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.

Biodiversity

9.47 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.

9.48 Given that the site is on previously developed brownfield land within the urban area of Aylesbury it is considered that there is not a reasonable likelihood of protected species being affected by this development. Therefore, no supporting ecological information is required and there is no objection towards this application from the ecology officer. The use of rain gardens within the site and the introduction of some additional planting areas, are opportunities to provide a number of biodiversity enhancements which would result in a net environmental gain on the site; further details of which can be secured by condition to ensure the development accords with the NPPF. As such that this matter is afforded moderate positive weight in the planning balance.

Trees/ Hedgerows

9.49 In regards to trees and hedgerows, Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife

value.

9.50 Whilst there is some existing planting within the courtyard area of the business park that would be lost as a result of this current application, those trees are not considered to be of significant amenity, landscape, or wildlife value, and in any case would be replaced with a greater amount of planting and greenery within the site, details of which would be agreed and secured through a condition.

9.51 Having regard to these matters the development is considered to accord policies GP38, GP39 and GP40 of AVDLP and the advice within the NPPF. This matter is afforded neutral weight in the overall planning balance.

Promoting healthy and safe communities

9.52 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.

9.53 Policies GP.86-88 and GP.94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development.

9.54 The NPPG explains that planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework. By its nature permitted development should already be generally acceptable in planning terms and therefore planning obligations would ordinarily not be necessary. Any planning obligations entered into should be limited only to matters requiring prior approval and should not, for instance, seek contributions for affordable housing.

9.55 Given the previously mentioned fall back position it is considered that the 74 flats i can not be factored into the calculation of s106 requirements. The financial contributions required in relation to the remaining 72 'new build' units are as follows:

Leisure:

9.56 Whilst a development of this quantum of dwellings would normally require an element of on-site open space provision, in this case, given the location of the development, within an existing business park in the urban area of Aylesbury, and bearing in mind that the scheme involves the conversion of existing buildings, it is acknowledged that this would not be feasible within the scheme. However the developer would be required to make a financial contribution to off-site leisure provision towards a specified project which would be secured by a s106 legal agreement. The developer has provided a unilateral undertaking to address this which is being reviewed by the Local Planning Authority.

Education:

9.57 BCC Education has a statutory duty to ensure that there are sufficient school places in its area. There is an established mechanism to secure such contributions to provide requisite increases in school capacity as required by the County. BCC's current plan to meet the projected rising demand is to expand existing school provision as well as provide new secondary schools. BCC's adopted S106 policy is such that the proposal would be in accordance with policy GP94 of the AVDLP. However, due to pooling restrictions, a contribution would not be sought in this instance.

9.58 Overall it is considered that the development would adequately address the aims of the NPPF to achieve healthy communities and the requirements of AVDLP policies GP86-88 and GP94. As such, it is considered this factor should be afforded neutral weight in the planning balance.

Making effective use of land

9.59 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.

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

9.61 In this instance, the development would utilise previously developed land for residential development. The site is located within the strategic settlement of Aylesbury and therefore is in a highly sustainable location. As such, the proposal is considered to be an effective use of land. This matter is afforded neutral weight in the planning balance.

9.62 *Supporting high quality communications*

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

9.64 The proposed development is located within an existing business park area and partially utilises the conversion of an existing building. The erection of proposed mansard roof extension and the addition block to the rear is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development.

9.65 It is therefore considered that the proposal would accord with the guidance set out in the NPPF, and this factor is afforded neutral weight in the planning balance.

Achieving well-designed places

9.66 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.

9.67 Policy GP35 of the AVDCLP 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 GP45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site.

9.68 The site is surrounded by existing commercial units; to the south east is the Merlin Centre; to the north east The Gatehouse and Barclays Bank; to the south west on the opposite side of Gatehouse Way is Warren House and an entertainment unit; and there is a depot building to the south of this site. The existing Alton House buildings (units 1 – 9) which are to be converted into residential units would retain the character and appearance of the original commercial buildings, and whilst a mansard roof is proposed to replace the existing hipped roofs, that would be reflective of the mansard style roof seen on the existing building (The Gatehouse) to the north east of the site.

- 9.69 The existing Alton House buildings are two storey in height with hipped roofs, however, adjacent to the north-eastern boundary of the site 'The Gatehouse' is an existing 5-storey office building, and there is a mix of 3 and 4 storey buildings along Gatehouse Road. In addition to the conversion of the existing building and the replacement of its roof with a mansard structure, it is also proposed to erect a new detached block of accommodation to the south east of the site, between the existing units 4a and 5. the proposed new block would be 15.5m in depth by 42.5m in width, with a height of 12.5m to the eaves, and 15.5m to the top of the mansard roof. The scale of the proposed mansard roof extension and the proposed 4-storey new block would be viewed in the context of the adjoining commercial units. Whilst those units within the Merlin Centre to the rear of the site are of a much lower height, there are very tall, mature, trees along the south eastern site boundary such that the proposal would not be read in relation to those units and would relate visually to The Gatehouse and the other adjoining units within the existing business park. It is therefore considered that, although the proposed new block would be taller than the altered roof of the existing buildings, given its relationship with the surrounding area and in particular with The Gatehouse to the south, the design and appearance of the proposed development would not result in significant harm to the character and appearance of the local area, or street scene.
- 9.70 It is proposed that Sarnafil single ply membrane be used to cover the roofs (as was accepted in the previous permission), with raised seems to respect lead detailing. The external appearance of the proposed underpass platform would match the materials of the existing units 1 and 9 to maintain a harmonious appearance with the rest of the building.
- 9.71 The proposed new-build block would incorporate a window rhythm and brick detailing that would compliment the existing units (1-9). Balconies incorporated within the front and rear elevations of the new block, serving the proposed first and second floor flats, would be similar to those approved for the adjacent existing units. The proposed new block would have a central gabled feature within the front courtyard facing elevation which would provide a focal point and visual interest to the building. The proposed materials for the walls of the new build would be required to be submitted by condition, with Sarnafil membrane to cover the roof, which is considered acceptable within this context.
- 9.72 Opportunities for landscaping within the application site are minimal, the central courtyard area would be dominated by car parking, although that is similar to the existing situation and that shown within the fall back permitted development proposals. However the current proposal would include some, albeit limited, betterment to the existing appearance and functionality of the site by the introduction of rain gardens.
- 9.73 Overall the development is considered to accord with policy GP35 of AVDLP and the guidance set out in the NPPF. This matter is afforded neutral weight in the planning balance.
- Conserving and enhancing the historic environment*
- 9.74 The site is not located in a Conservation Area nor would the proposal effect the setting of any listed buildings or other heritage assets. The existing buildings which are proposed to be altered by the proposed roof replacement are not listed or of any historical merit.
- Meeting the challenge of climate change, flooding and coastal change*
- 9.75 The NPPF at Section 14, 'Meeting the challenge of climate change, flooding and coastal change' advised at para 163 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.

- 9.76 The site is located in flood zone 1 (low probability of flooding) and consequently, no flood risk assessment is required under Environment Agency guidelines.
- 9.77 BCC SuDS Team point out that the previous application 17/02085/APP to provide an additional 24 flats included a series of raised rain gardens within the parking areas to manage roof drainage as well as to enhance the local environment. These same rain garden proposals are present in this current proposal. A condition could be imposed to control the provision of this feature and that the development would not be commenced until a SUDS scheme has been submitted and approved by the Council including details set out future management and maintenance responsibilities. Subject to these details being supplied by condition, the proposed development has potential to be acceptable when assessed against paragraph 163 of the NPPF.
- 9.78 Given the location of the site, in Flood Zone 1 it means that the risk from flooding is low on this site. The proposal is therefore considered to have a neutral impact in relation to flood risk and climate change issues as it will not result in the provision of housing within an area at significant risk of flooding.
- 9.79 This matter is afforded neutral weight in the planning balance.

c) Residential Amenity

- 9.80 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 local plan policy GP8 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.
- 9.81 Owing to the location of the site within an existing business park and mindful that the proposal would involve the conversion and alteration of an existing large office complex which is surrounded by existing commercial units and with no residential dwellings in close proximity, it is considered that the proposal would have no impact upon any existing residential amenities.
- 9.82 Turning to the consideration of the amenity of future residents, the proposed development has been designed so as there would be no overshadowing or overbearing issues when considering the relationship of the proposed units within the new build block and mansard roof extension in relation to their impact upon the converted units with the existing buildings.
- 9.83 There is no objection from an Environmental Health perspective to this current proposal subject to the previously agreed mitigation measures to alleviate any potential adverse impact upon the proposed flats from the noise of the adjoining commercial units. These details could be secured through a suitable condition.
- 9.84 With regards external amenity space, the ground floor units within the south eastern sides of units 4a, 5, and 6b, along with the new-build block, and the ground floor units within the south western sides of units 6b – 8a, would have views out onto the raised rain garden areas within the parking areas, but there would be no private garden areas. Some balconies would be provided to the upper storey units. Whilst the proposed external amenity space is small, it would be similar to that indicated within the fall back permitted development conversion scheme.
- 9.85 Furthermore, the agreed prior approval for the conversion into 74 units and the erection of the replacement mansard roof were previously granted with similar arrangements. In addition, the site is within walking distance of a park 'Whitehill' which provides a large amount of accessible public open space and trees.
- 9.86 In light of the above, whilst it is acknowledged that the relationship of the proposed development (being residential flats) and the neighbouring commercial uses could be a potential source of conflict, measures could be implemented to overcome this such that it is

considered to protect the amenities of the future occupants and as such would accord with policy GP8 of the AVDLP and with the NPPF. This factor is afforded neutral weight in the planning balance.

d) S106/Developer contributions

- 9.87 As noted above, a developer contribution would need to be secured in a Planning Obligation Agreement to secure its delivery, namely a financial contribution towards off-site sport and leisure provision. 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.
- 9.88 In the context of this application the development is in a category to which the regulations apply. The requirement for a financial contribution towards off-site sports and leisure facilities, 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.

Case Officer: Mrs Nina Hewitt-Jones

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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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