



REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/01853/APP	AYLESBURY The Local Member(s) for this area is/are: -	20/05/19
CHANGE OF USE FROM OFFICE (B1A) TO 29NO. RESIDENTIAL APARTMENTS INCLUDING THE PROVISION OF 6NO APPARTMENT FOR AFFORDABLE RENT WITH ASSOCIATED PARKING AND REFUSE PROVISION OXFORD HOUSE OXFORD ROAD HP21 8NZ MR ROBBIE WILSON	Councillor Steven M Lambert Councillor Andrew Cole Councillor Mike Smith	
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The Key Issues in determining this application are:-

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

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

- Delivering a sufficient supply of homes
- Promoting sustainable transport
- Building a strong competitive economy
- 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 existing residential amenity

d) S106/Developer contributions

The recommendation is that permission be **DEFERRED and DELEGATED** to officers for approval following the completion of a S106 Agreement to secure affordable housing (and those associated obligations relating to the provision of a build to rent scheme), financial contributions towards off site sport and recreation facilities, and education. Any permission to be subject to such conditions as are considered appropriate; or if a S106 Agreement is not satisfactorily agreed, for the application to be refused by officers for reasons as considered appropriate.

1. PLANNING BALANCE AND RECOMMENDATION

- 1.1. The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the objectives of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 1.2. It is accepted that the development would make a contribution to the housing land supply which is a significant benefit to be attributed limited weight in the planning balance as it is tempered to reflect the scale of development that is proposed proportionate to the size of the village. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which limited positive weight should be attached. These benefits however need to be weighed against any harmful aspects arising from the development.
- 1.3. Compliance with the other planning objectives of the NPPF have been demonstrated in terms of making effective use of land, the achievement of well designed places, the impacts on the amenities of neighbouring and future occupiers of the site; ecology, trees and hedges and agricultural land; and sustainable transport, flood risk and supporting high quality communications and healthy communities (subject to the completion of the S106). These matters do not represent benefits to the wider area, but rather demonstrate an absence of harm.
- 1.4. 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 there are benefits to the scheme and there are no material considerations or adverse impacts to outweigh this. In these circumstances, it is considered that the proposal would represent a sustainable form of development that is supported by policies, such that, officers recommend that the **APPROVAL** of this application should be **DEFERRED and DELEGATED** subject to the completion of a S106 Agreement to secure 20% affordable housing (and those associated obligations relating to the provision of a build to rent scheme), a financial contribution towards off-site sport and leisure facilities and off-site education contributions. Any permission to be subject to such conditions as are considered appropriate; or if a S106 Agreement is not satisfactorily agreed, for the application to be refused by officers for reasons as considered appropriate.

WORKING WITH THE APPLICANT/AGENT

- 1.5. In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case detailed discussions have taken place with the applicant in order to respond to the issues raised during the planning application process. The applicant has submitted an amended plan and additional information as part of this application which was found to be acceptable.

2. INTRODUCTION

- 2.1. The application needs to be determined by Committee as the Town Council has raised material planning objections and confirms that it will be willing to speak at the Committee meeting.
- 2.2. Aylesbury Town Council raise concerns relating to increased population and impact on the Highway Network and Flood Risk.
- 2.3. With regard to their Highways concerns, the existing junctions off Fowler Road and Oxford Road are considered safe and adequate and the proposal would not have a material impact on the local highway network. To this end, BCC Highways raise no objection subject to conditions to ensure the parking spaces are compliant prior to occupation and a Construction Management Plan be submitted prior commencement of development. The Highways Officer has also brought to our attention that there are plans to improve the junction between Fowler Road and Oxford Road. These plans falls outside the red line of the application site and do not comprise improvements associated with mitigation for this development but nonetheless, would make physical improvements to the highway network in the area which would be benefitted by existing and future residents.
- 2.4. With regard to their Flooding concerns, the site falls within Flood Zone 1 which is considered low risk by the Environment Agency. Furthermore, the building is a conversion of an existing building and it is considered that the additional population as result the proposal would not pose any greater risk to flooding than existing. To this end, the SuDS officer raise no objection subject a condition to ensure the applicant complies with the approved Flood Risk Assessment as submitted ensuring that there is a safe access and egress route with a 'very low' hazard rating.

2. SITE LOCATION AND DESCRIPTION

- 2.1. The application site measures approximately 0.409ha in area and is located on the west side of Oxford Road which forms part of an expansive site that extends along Fowlers Road and Bracken Way. The site comprises a B1(a) large office building which rises to 3 storeys with ancillary buildings of two storey with associated parking and large open space within its perimeter towards Oxford Road. There are approximately 500 off street car parking spaces that form part of the overall parking provision of the site.
- 2.2. The site is known for its employment with The Share Centre and Acco companies occupying the premises which historically was occupied by Rothmans International Tobacco UK.
- 2.3. The lie of the land is fairly flat but undulates towards Oxford Road where the open space buffer is located with a number of mounds and a high number of mature trees on the boundaries. The general character and appearance of the surrounding area is predominately residential particularly on the western side of Oxford Road which bounds the application site. On the east side of Oxford Road lies Sir Henry Grammar School, Pebble School and Buckingham College comprising a greater mix of uses with residential interspersed.
- 2.4. The site is located some 1.28km from Aylesbury Station and there are bus stops near to the site on Oxford Road and Flower Road.
- 2.5. The site does not fall within a designated conservation area and there are no listed building within or in close proximity to the site.

2.6. The site falls within Flood Zone 1 which is considered low risk by the Environment Agency.

3. PROPOSAL

3.1. This application seeks planning permission for change of use from office (B1a) to 29no. residential apartments, of which 23 units are proposed as private market rent and the provision of 6no apartments for affordable private rent with associated parking, cycle storage and refuse provision.

3.2. As part of application ref. 16/04616/COUOR, 52 apartments were proposed on the ground floor, however as part of application ref. 17/03425/COUOR only part of the ground floor was to be converted, and only 14 dwellings were proposed. This application seeks to change the use of the remainder of the ground floor that was not included in application ref. 17/03425/COUOR.

3.3. The total residential mix comprises of 2 x studios, 12 x 1 beds, 15 x 2 beds for housing for the private rented sector (PRS). These units are a distinct asset class within the PRS and are defined in the NPPF as:

Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.

3.4. The affordable private rental element would be rented 20% below market rate pursuant to national guidelines for affordable rent and comprise, 2 x studios, 1 x 1 bed, and 3 x 2 beds units. These units would be proposed to be distributed throughout the development and physically indistinguishable from the market rent homes in terms of quality and size.

3.5. 36 parking spaces would be allocated to 29no. apartments which would be provided as part of the existing parking provision for the wider site. 43 cycles spaces, within an existing building on the site would be provided and refuse store would be as existing. Access and egress would be taken from existing points off Fowler Road.

3.6. It is noted that the affordable housing type and quantum was amended during the application process to reflect Government National Planning Practice Guidance (NPPG) and the option for the provision of PRS units.

4. RELEVANT PLANNING HISTORY

4.1. The relevant planning history is as following:

- 16/04616/COUOR - Determination as to whether prior approval (Class 0) is required in respect of transport & highway impact, contamination risk, flooding and noise for the conversion of B1 a offices/playroom into 190 apartments. – Prior approval granted
- 17/01490/COUOR - Determination as to whether prior approval (Class 0) is required in respect of transport & highway impact, contamination risk, flooding and noise for the conversion of Oxford House from B1a to C3 to create 278 residential units. - Prior approval granted
- 17/03425/COUOR - Determination as to whether prior approval (Class 0) is required in respect of transport & highway impact, contamination risk, flooding and noise for the conversion of Oxford House from use Class B1a to Use Class C3 to create 193 residential units - Prior approval granted

- 18/03412/APP - Replacement of the existing windows to both the external façade and courtyard facing windows, including a courtyard-facing door replacement. - Approved

4.2. **CONSULTATION**

4.3. Drainage Board – No comments made

4.4. Environmental Health – Advised that as the site is close to the busy Oxford Road and is therefore likely to be subject to impacts from road noise especially in the flats on front, facing the road. Additionally the flats at the rear are adjacent to the allocated parking for the building and could be subject to disturbance from the use of this car park. On this basis, the Environmental Health Officer recommended a condition to protect the residential amenity of future occupants of the development.

4.5. Highways – Advised that the Highway's Officer is satisfied that the proposed development would not lead to a material impact on the local highway network when compared to the existing use. Therefore, no objection to this proposal is raised subject to the conditions to minimise danger and inconvenience to highway uses.

4.6. SuDS – Advised that the LLFA has no objection to the proposals subject to the planning condition being imposed to prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to ensure that surface water is managed in a sustainable manner.

4.7. Landscape - No objection is raised.

4.8. Recycling & Waste - No objection is raised.

4.9. Crime Prevention Officer - Advice given on secured by design and access controls and post box locations.

4.10. Housing: The Housing Officer is agreeable to the mix and quantum of affordable housing subject to being secured by s106 legal agreement.

4.11. Education: Advised that for 29 dwellings, a financial contribution to expand existing primary and secondary school provision serving the development to mitigate its impact. It is noted that primary and secondary schools in the area are currently at capacity with a deficit of places projected. BCC has plans to expand existing schools to accommodate the increased demand from additional housing growth.

4.12. CCG: Advised that the impact of smaller developments is harder to evidence in terms of healthcare provision particularly as development often takes place piecemeal. However, the effects can be significant. It is unlikely that any of these smaller scale developments would be large enough to generate a new build and therefore we anticipate that there might be a requirement for modification to existing infrastructure and we would expect a contribution from the developer towards these additional costs. Contributions secured by a s106 will be used directly to provide additional health care services to meet patient demand.

4.13. Bucks NHS Trust : They request a contribution towards hospital services. The Trust has identified the following:-

4.14. A development of 29 flats equates to 73 new residents. Using existing 2017/18 demographic data as detailed in the calculations in Appendix 2 will generate 99 acute interventions over the period of 12 months This comprises additional interventions by

point of delivery for:

- 18 A&E attendances based on 24.28% of the population requiring an attendance
- 4 Elective inpatient admissions based on 1.13% of the population requiring an admission
- 7 Day-case admissions based on 9.42% of the population requiring an admission
- 9 Emergency admissions based on 11.79% of the population requiring an admission
- 65 Outpatient admissions based on 0.8969% of admissions per head of population
- 87 Community episodes based on the average number of Community episodes per head of population.

Support services (Radiology inc Diagnostic Imaging and Pathology services) and other healthcare services (breast and cervical screening, Cancer MDTs, Palliative Care, MSK, patient transport, homecare drugs, community midwifery) are based on average cost per head of the population of providing these services.

Total admissions:

For the total acute admissions, representing 1.36 average acute admission per population of the residents.

For the total community admissions, representing 1.19 average community admission per population of the residents.

Formula: Development Population x % Development Activity Rate per head of Population x Cost per Activity = Developer Contribution.

As a consequence of the above and due to the payment mechanisms and constitutional and regulatory requirements the Trust is subject to, it is necessary that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development. The Trust will not receive the full funding required to meet the healthcare demand due to the way contracts are negotiated based on previous year's performance and there is no mechanism for the Trust to recover these costs retrospectively in subsequent years as explained.

Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area. Therefore, a financial contribution would be required for this proposed development of 29 flats. This contribution will be used directly to provide additional health care services to meet patient demand. The contribution requested is based on these formulae/calculations, and by that means ensures that the request for the relevant landowner or developer to contribute towards the cost of health care provision is directly related to the development proposals and is fairly and reasonably related in scale and kind. Without the contribution being paid the development would not be acceptable in planning terms because the consequence would be inadequate healthcare services available to support it, also it would adversely impact on the delivery of healthcare not only for the development but for others in the Trust's area.

5. AYLESBURY TOWN COUNCIL

- 5.1. Following consultation, the Town Council provided AVDC with the following comments on the on the 6th June 2019:

“Aylesbury Town Council believes prior approval is required in respect of these matters, and would object to such approval being given currently, for the following reasons:

Transport and Highway impact: The junction of Fowler Road and Oxford Road is inadequate to deal with even current levels of vehicle movements from the existing 1250 dwellings on the Prebendal Farm and Hartwell estates, from which this is the only entry and exit route. During peak hours, particularly the morning peak which lasts from before 7am until after 1 am, the junction with Oxford Road, and about 300m of Fowler Road, is congested with traffic forced to wait many minutes to exit the area. This causes increased air pollution for the residents of the area and children walking or cycling to school. Adding more dwellings, at the same time taking away what has been up to now the only truly local employment site, will mean an increase in these car journeys and resultant congestion.

Flooding: The network of watercourses in this area including the Bear Brook, California and Stoke Brook has been liable to causing flooding of residential areas in recent years, additional development of the area into heavier residential use could increase this risk.

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

6. PUBLIC REPRESENTATIONS

- 6.1. Following statutory consultation procedures, 1 objection was received. In summary:

- Application form – existing use class inaccurate
- Lack of refuse storage for future occupiers
- Flood risk in the locality.
- Noise concerns from intensification
- Highway concerns relating to increased traffic.
- Building Regulations concerns relating to fire
- Loss of office/ educational space in the District

7. EVALUATION

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

- 7.1. The overview report appended to this report sets out the background information to the policy framework when making a decision on this application.

Aylesbury Vale District Local Plan (AVDLP)

- 7.2. As set out in the overview report Policies RA.13 and RA.14 seek to restrict development to small-scale infill or rounding off at Appendix 4 settlements and are considered out of date for the reasons given.
- 7.3. A number of saved policies within 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 GP.2, GP.8, GP.24, GP.35, GP.38 - GP.40, GP.45, GP.86-88, GP.90-91, GP.94, and GP.95. They all seek to ensure that development meets the objectives of sustainable development and are otherwise consistent with the NPPF.

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

- 7.4. The overview report sets out the current position with regards to the VALP which is appended to this report.
- 7.5. A number of policies within the VALP following the main modification consultation which started on the 5th November 2019, is now afforded moderate weight in the decision making process. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of particular relevance are policies H1 affordable housing, H6 housing mix, T6 vehicle parking, BE2 Design of new development, BE3 protection of amenity of residents, I2 sports and recreation, and I4 flooding. Policy BE3 has been the subject of objections and the Inspector has not requested main modifications so these can be regarded as resolved and this policy can be given considerable weight. The remainder of these policies have been the subject of objections and the Inspector requested main modifications and confirmed that he is satisfied they remedy the objection so these can be given moderate weight

Neighbourhood Plan

- 7.6. There is currently no neighbourhood plan in existence for Aylesbury Town.

Principle of development

- 7.7. In order to assess the principle of development, it is important to understand what is the established use of the existing floor space. The applicant has attested that there is 'nil' use.
- 7.8. Historically, an application for planning permission (ref 08/01804/APP - "the Planning Permission") for the change of use of part of the ground floor from office use to Class D1 (non-residential institution) was granted on 21 October 2008. This was a personal planning permission for use by the University of Bedfordshire as confirmed by condition 2 of the Planning Permission which reads:
- "The Class D1 (non-residential institution) use hereby permitted shall be carried out only by the University of Bedfordshire and when premises have ceased to be occupied by the University of Bedfordshire the use permitted shall cease."*
- 7.9. The University of Bedfordshire occupied part of the ground floor of Oxford House (in accordance with the Planning Permission) from 24th July 2009 to 23rd October 2016 and once the University vacated the premises, the Planning Permission expired.
- 7.10. A personal planning permission does not run with the land and once the University of Bedfordshire vacated the land, the personal use permitted to them also ceases. The land does not revert to the use in existence before the personal permission was granted, in this case B1 office use. The land has therefore become "nil use" and planning permission would be required for any use and assessed on its individual merits
- 7.11. As such, it is considered that there is no loss of B1 employment or D1 floorspace and that the proposed change of use to C3 residential use class is acceptable in principle subject to other matters discussed later in this report.

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

- 7.12. The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 7 to 211 of the NPPF, taken as a whole (paragraph 3). The National Planning

Policy Framework (NPPF) has a presumption in favour of sustainable development for both plan-making and decision-making.

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

Sustainable Location

- 7.14. Within the Settlement Hierarchy Assessment (September 2017) which forms part of the supporting evidence for VALP, Aylesbury is considered to be a strategic settlement (population of over 58,740). Strategic settlements are considered to have substantially higher level of facilities. In particular there is a wide range of retail, leisure and sporting facilities in Aylesbury. This includes two shopping centres, several out of town retail parks, a swimming pool, cinema, theatre and sports centre. It also has 7 state secondary schools (including sixth form colleges) and 19 state primary schools. The University Campus Aylesbury Vale in Aylesbury opened in November 2015.
- 7.15. Aylesbury is a public transport interchange hub for the district where trains and buses connect with a regular service. Employment sites cover a large part of the town, particularly towards the north west around Gatehouse Way area.
- 7.16. Aylesbury is significantly larger and has more services and facilities than the other strategic settlements, and so Aylesbury is recognised as being the primary settlement in the district – a ‘sub-regional strategic settlement’.
- 7.17. As such, the site is considered to be locationally sustainable with access to public transport and to the Town’s facilities and amenities within the settlement boundary of Aylesbury Town. It is therefore considered that the application site is a sustainable location for development of this scale. Whilst the location of the site is considered to be in a sustainable location at the edge of Aylesbury Town with access to public transport and the facilities of Aylesbury, the following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.

• **Delivering a sufficient supply of homes**

- 7.18. Local planning authorities are charged with delivering a wide choice, 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.
- 7.19. The Five Year Housing Land Supply Position Statement (April 2019) sets out that the Council can demonstrate 5.64 years worth of deliverable housing supply against its local housing need. The updated overview report attached sets out the detailed clarification and background information on the HEDNA position, the new Housing Delivery Test and the approach to not include any element of unmet need.
- 7.20. With regards to the contribution that the development would make to housing supply, it is considered that this would be significant and that this matter should be afforded limited

positive weight in the planning balance given the scale of the development proposed and in the context of the Authority having a five year housing land supply.

- 7.21. The proposal seeks to provide 29 units for the Private Rented Scheme (PRS) which are recognised in the NPPF glossary as a distinct assets class for which Councils should promote and accommodate build to rent models. As part of this policy context, the NPPG paragraph 2 states national affordable policy requires a minimum of 20% for affordable private rented homes relative to local market rents.
- 7.22. Accordingly, the proposed quantum of housing reaches the affordable housing threshold requirement which stipulates that 20% affordable housing on such PRS developments should be secured. This applicant is agreeable to this, with no viability issues raised, and would the affordable units would broadly represent the mix similar to the remaining open market units. The Housing Officer welcomes the affordable provision which equates to 6 units to be secured by way of a s106 legal agreement. In comparison with the HEDNA, the affordable units would have a mix of 2 x studios, 1 x 1 bed, and 3 x 2 beds compared with the overall mix of 2 x studios, 12 x 1 beds and 15 x 2 beds. This is considered acceptable subject to securing common management control (via s106) of the PRS scheme and ensuring the affordable units are physically indistinguishable in terms of quality and size. It is advised by the Housing Officer that the s106 should define what being a Build to Rent (BRS) means for the development in terms of retention of all dwellings as rented units, management, allocation of the affordable rented units with regard to the NPPF.
- 7.23. As such, it is considered that the contribution to housing is a significant benefit in the planning balance but the weight afforded is tempered to reflect the small scale number of units proposed. Having regard to the small scale contribution to housing supply and current housing trajectories, it is afforded limited positive weight in the planning balance.

- **Promoting sustainable transport**

- 7.24. 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.

Locational sustainability

- 7.25. In respect of transport sustainability, as discussed above the site is considered to be location ally sustainable with access to public transport and to the Town's facilities and amenities and extensive services and transport connections.

Access

- 7.26. There proposal would make use of existing access and egress points only. The BCC Highways are satisfied that the development would be served by a safe and suitable access and that the visibility required would be achievable. They have noted that vehicular links to the adjacent site have been indicated and these would not conflict with the use of the main access into the site and are satisfied with the proposals.

Car parking and Cycle Storage

- 7.27. AVDLP policy GP24 requires that new development is assessed against the parking guidelines set out in SPG1 "Parking Guidelines" at Appendix 5 containing appropriate maximum parking requirement for residential development. In this instance the proposal seeks to provide a mix of 1 and 2 bed units which would require the provision, where communal parking is provided, of one space per dwelling and one visitor space for every two dwelling.
- 7.28. The scheme would provide 36 parking spaces for the proposed 29 units. The resultant scheme requires 44 spaces as per the above guidelines. Whilst the scheme would provide over 1 space per unit it does not meet the requirements in respect of visitor spaces. However these are maximum parking requirements and as the site is in close proximity to accessible public transport, and cycling distance of the town centre a relaxation of standards is considered appropriate in this case. The parking spaces proposed are dimensionally compliant with an adequate level of manoeuvring space and provision and pedestrian access in and around the site would be unaffected.
- 7.29. It is noteworthy that the previously prior approvals were approved (ref. 16/04616/COUOR for 190 dwellings, ref. 17/03425/COUOR for 193 dwellings). In both cases, it was considered that the vehicle movements associated with the proposed dwellings would not have a materially detrimental impact on the local highway network when compared to the pre-existing B1 use. In the submitted Transport Statement (TS), it is generally considered, as documented in the TRICS® assessments, that the pre-existing B1 office use would actually generate a greater number of total vehicle movements than the proposed residential use. It is observed that the nature of the vehicle movements and the TRICS® assessments show that a residential use would generate mainly 'out' movements in the AM peak and 'in' movements in the PM peak, whereas an office use would generate the opposite; mainly 'in' movements in the AM peak, and 'out' movements in the PM peak. As such, BCC Highways anticipate that the proposed development would have a less material impact on the local highway network when compared to the pre-existing use which could be brought back into use.
- 7.30. With regards to the internal road layout, the submitted tracking drawing (ref: VN91303-TR100) shows a 11.2m long refuse vehicle entering, turning and exiting the site in a forward gear which is to the satisfaction of BCC Highways. On this basis, BCC Highways raise no objections to the proposal subject to the imposition of planning conditions to secure a Construction Management Plan prior to the commencement of development and ensuring parking and manoeuvring are in accordance with the plans. This is to minimise danger and inconvenience to enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.
- 7.31. With regard to cycle storage, 43 cycle spaces would be provided as part of the existing store which is compliant with AVDC policies and the NPPF.
- 7.32. As such, on balance, subject to conditions, the proposal would provide for safe and suitable access arrangements serving the site, together with adequate parking and cycle provision for this location, and would not unduly impact on existing access arrangements matters relating to parking, turning and pedestrian routes along Fowler Road and Oxford Road, and measures to promote the use of sustainable modes of transport in accordance with SPG guidance, Policy GP.24 of the AVDLP and the NPPF. This matter should be afforded neutral weight in the planning balance.

- **Building a strong, competitive economy**

7.33. The government is committed to securing and supporting sustainable economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development.

7.34. It is considered that there would be economic benefits in terms of the short term benefit in the construction of the development itself and in the long term the resultant increase in population contributing to the local economy, in accordance with the NPPF which is afforded limited positive weight in the planning balance.

- **Conserving and enhancing the natural environment**

7.35. Regard must be had to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible, as required by the NPPF.

7.36. AVDLP Policy GP.35 requires new development to respects and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines.

7.37. 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.

7.38. The application involves the conversion of the existing building with no external alterations relating to new fenestration and access. Therefore there would be no demonstrable change the external appearance of the building.

7.39. The proposal is considered not to demonstrable and significant adverse impact on the character and appearance of the surrounding area in accordance with AVDLP policy GP.35 and the NPPF. This matter is afforded neutral weight in the planning balance.

Trees & Hedgerows

7.40. Policies GP.39 and GP.40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.

7.41. The proposal would not harm any existing trees and hedgerows and therefore the proposals are considered to be in accordance with the abovementioned policies and the NPPF. This matter is afforded neutral weight in the planning balance.

Biodiversity

7.42. Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.

7.43. The proposed development is unlikely to have a negative impact upon biodiversity. An ecological impact assessment has been submitted in support of this application which details the species and habitats currently found on the proposed development site. It is considered that this report acts as an accurate account of these features at the time of the assessment.

7.44. With the use of such a condition it is possible for the proposals to demonstrate how it minimises, enhances and achieves net gains in biodiversity in accordance with the abovementioned policies and the NPPF.

- **Promoting healthy and safe communities**

- 7.45. Policies GP86-88 and GP94 of the AVDLP 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.
- 7.46. 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.
- 7.47. In respect of open space, playspace and recreation, a financial contribution would be required towards off-site provision, which can be secured through a S106 pursuant to AVDLP policy GP86-88, SPD and Ready Reckoner.
- 7.48. In respect of education, a financial contribution towards provision of primary and secondary school provision to accommodate the need arising from the scheme, noting that facilities are already at capacity, would be sought if the council was minded to approve the application and secured through a S106.
- 7.49. In terms of primary care, the Clinical Commissioning Group (CCG) have responded stating that access to GP appointments is a national issue and they are working to promote different ways of offering consultations to cope with the increase in demand. Nationally primary care providers will need to look at new models of care, using the skillsets of different types of clinical professions to offset the demand from increased patient numbers. Additionally there needs to be a focus on patient education to understand the correct use of GP appointments as there has been an increase in inappropriate use of GP time. The CCG acknowledge that they have been consulted by AVDC on the longer term local plans and have submitted a response stating their commitment to the provision of adequate and appropriate primary care facilities to meet the needs of the local population.
- 7.50. They comment that the Buckingham CCG will also have to contend with considerable housing growth from other developments in the area which collectively, will pose a real challenge to this practice in terms of infrastructure (capacity versus demand for appointments, car parking and infrastructure such as more consulting space and larger/additional waiting areas). They consider that the impact of smaller developments is harder to evidence in terms of healthcare provision particularly as development often takes place piecemeal. However, the effects can be significant, particularly on a practice that is used to catering for small village communities. The CCG conclude by saying that it is unlikely that any of these smaller scale developments would be large enough to generate a new build and therefore the CCG anticipate that there might be a requirement for modification to existing infrastructure and as such would expect a contribution from the developer towards these additional costs.
- 7.51. Notwithstanding that the applicant has advised that capacity exists within the local GP practice, insufficient information or policy justification has been given for the need for a financial contribution by the CCG at the time of writing the report nor has a project been specified to deliver the infrastructure for which contributions are requested at this stage to satisfy the requirements under the CIL regulations. Officers are of the opinion that since the provision of health facilities is normally within the remit of the NHS, and that the request has not satisfied the CIL regulations test it is not considered that it would be appropriate to seek to secure contributions at this stage. In the event that additional evidence is submitted to

satisfy this requirement as necessary, prior to the completion of the S106 that this could be secured in the S106 agreement.

- 7.52. In terms of secondary (hospital) health provision, the Bucks NHS Trust are licensed to deliver free at point of delivery services. The Bucks NHS Trust have recently submitted a request for financial contributions towards hospital services (detailed above). The representations made by the Bucks NHS Trust do in general constitute a material consideration that must be considered in the decision making process, as does the CCG representation. Although the Trust have provided a "compliance statement" in the context of CI I, it is considered that this falls short of demonstrating that the contributions sought truly meet the CI I tests. The reasons given for the contributions do not seem to demonstrably arise from the developments in question. There are concerns over the assumptions made and methodology for calculation of the contributions requested and which, on the basis of the information provided to date, do not demonstrate the need for the contributions to directly relate to the development and to relate fairly and reasonably to the scale and kind of the development. Therefore, the request is not evidenced so as to be directly related to the development or fairly and reasonably related in scale and kind to the development. In the absence of a clear justification it cannot be concluded safely that they are necessary to make the development acceptable in planning terms contrary to the ell regulations 122.
- 7.53. In the event that further information is provided to satisfy either of these requirements prior to the completion of any legal agreement, members are asked that the decision on inclusion of any such contribution be delegated to officers to determine at the appropriate time.
- 7.54. All told, subject to s106 contributions towards sport and leisure and education, the scheme would have the potential to promote healthy and safe communities in accordance with the abovementioned policies and the NPPF. These matters are considered to have neutral weighting.

- **Making effective use of land**

- 7.55. 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.
- 7.56. Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should taking into account of the importance the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 7.57. The development proposals would contribute to the housing land supply of the District and bring into operation an area of floorspace that has a legal 'nil' use and is vacant. The proposals can therefore be seen to be meeting the Government's objective to make effective use of land in accordance with the NPPF. This matter is afforded limited positive weight in the planning balance.

- **Achieving well designed places**

- 7.58. 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.
- 7.59. 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).

- 7.60. Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides. The overview report sets out Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.
- 7.61. Policy GP.35 of the AVDLP which 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.
- 7.62. The proposed designed of the scheme would be involve minimal external impact on the existing building by virtue of its conversion of the existing floorspace and works mainly internal which would be aligned with the previously approved prior approval residential scheme. This remaining floorspace would complete the entire conversion of the building to residential with no change externally resulting in no deleterious effect on the main building ensuring it remains in keeping with the character and appearance of the local area
- 7.63. As such , it is considered that the proposals would not harm the existing appearance of the larger building and therefore accords with AVDLP policies GP.35 and GP.45 and the advice contained in the NPPF. This matter is afforded moderate positive weight in the planning balance.

- **Conserving and Enhancing the Historic Environment**

- 7.64. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving the Listed Building, its setting and any features of special architectural or historic interest in which is possesses. In addition to paying attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 7.65. The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification. Paragraph 189 extends this provision to non-designated heritage assets with an archaeological interest. Where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, paragraph 196 requires this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.66. The site neither falls within a designated conservation area nor affect a listed building. As such, the proposal would not have impact on any heritage asset or area in accordance with S66 and S72 of the Act and the NPPF. This matter is afforded neutral weight in the planning balance.

Archaeology

7.67. The proposal would have no impact on the conclusion that the development proposals would cause no harm to any archaeological deposits and that there is no requirement for any conditions in this respect.

- **Meeting the challenge of climate change and flood risk**

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

7.69. The proposed would not have any disproportionate impact on the assessment of issues surrounding climate change. The scheme is not considered to result in any increased flood risk on site or elsewhere, subject to conditions including the approval of the detailed surface water drainage proposals. The proposals therefore accord with the NPPF. This matter is afforded neutral weight in the planning balance.

- **Supporting High Quality Communications**

7.70. 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.

7.71. Given the nature and location of the proposed development, there is no reason to consider that the development would result in any adverse interference with any nearby broadcast and electronic communications services. This should be afforded neutral weight in the planning balance.

c) Impact on residential amenities

7.72. 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.

7.73. AVDLP policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.

7.74. The proposed conversion involving the creation of 29 self contained units would not give rise to any undue loss of amenity of existing and future occupiers with regard to loss of privacy, light and outlook as it would only internally convert the remaining floorspace to residential development. This would result in minimal impact on neighbouring amenity as there would be no external alterations and would maintain the current *status quo* with regard to existing separation gaps between the nearest neighbouring amenity whereby no greater harm would occur than is currently experienced by neighbouring residents.

7.75. The Environmental Health Officer raises no objection subject to the imposition of a noise condition as the site is close to the busy Oxford Road and is therefore likely to be subject to impacts from road noise especially in the flats on front, facing the road. Additionally the flats

at the rear are adjacent to the allocated parking for the building and could be subject to disturbance from the use of this car park.

7.76. As such, subject to condition, it is considered that the development has the potential to maintain appropriate amenity standards for neighbouring residents and to ensure a high standard of amenity for future occupants in accordance with AVDLP policy GP.8 and the advice contained in the NPPF. This should be afforded neutral weight in the planning balance.

d) Developer contributions

7.77. As noted above, there are a number of requirements arising from this proposal that need to be secured through a S106 Planning Obligation Agreement.

- Affordable Housing (securing 20% - Affordable Private Rented housing equating to 6 units)
- Related obligations necessary to secure a build to rent scheme
- Off-site sport/leisure contribution
- Off-site education contributions (towards primary and secondary facilities)

7.78. It is considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 places into law the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development of this nature if the obligation does not meet all of the following tests; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

7.79. In the context of this application the development is in a category to which the regulations apply. The listed obligations are necessary and proportionate and 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. Specific projects will be identified within the Section 106 in accordance with the pooling limitations set forth in CIL Regulation 123 to ensure that the five obligations limit for pooled contributions is not exceeded.

7.80. The Council's solicitors have been instructed in respect of the drafting of a S106 Agreement to secure the relevant obligations should Members be minded to grant planning permission. With the obligations being secured through a legal agreement the development is considered to accord with the NPPF and AVDLP policies GP2, GP86-88, and GP94.

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