



AYLESBURY VALE DISTRICT COUNCIL

Democratic Services

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19 November 2019

STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Strategic Development Management Committee** will be held at **1.00 pm** on **Wednesday 27 November 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 4 September 2019 (Copy attached).

- 4. DECLARATION OF INTEREST**

Members to declare any interests.



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

6. 19/01853/APP - OXFORD HOUSE, OXFORD ROAD, AYLESBURY (Pages 15 - 32)

Change of use from office (B1a) to 29no. residential apartments including the provision of 6no apartment for affordable rent with associated parking and refuse provision

Case officer: Scott Hackner (shackner@aylesburyvaledc.gov.uk)

7. HUMAN RIGHTS ACT (Pages 33 - 34)

STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

4 SEPTEMBER 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 meeting held on 14 August, 2019, be approved as a correct record.

2. 17/04837/AOP COLDSTREAM FARM, WATERPERRY ROAD, WORMINGHALL

RESOLVED –

That the application be **Deferred and Delegated** for approval by Officers, subject to the completion of a Section 106 agreement as per the Officers' report to secure 30% affordable housing, on-site SUDS provision management and maintenance, on-site LEAP provision and public access to it and via the route between Waterperry Road and the Clifden Arms car park in perpetuity, public open space maintenance and management, off-site transport contributions, off-site sport/leisure contribution, and off-site education contributions and subject to conditions as considered appropriate by Officers, or if these are not achieved for the application to be refused.

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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 were submitted along with the Plan and supporting documents for examination by an independent planning inspector at the end of February 2018. The examination hearing ran from Tuesday 10 July 2018 to Friday 20 July 2018. The Interim Findings have been set out by the Inspector, and consultation on modifications will be required before adoption can take place. Further to this AVDC has provided the VALP Inspector with its suggestions for the Modifications to the Plan and he will consider these over the

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

- 1.7 Whilst the VALP hearing has taken place there are a number of unresolved objections to the housing strategy and other policies. Paragraph 48 of the NPPF advises on the weight to emerging plans depending on the stage of preparation, unresolved objections and consistency with the NPPF. In view of this the policies in this document can 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.

Local Supplementary Documents & Guidance

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

Housing supply

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

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

Neighbourhood Planning

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

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

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

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

Prematurity

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

Conclusion on policy framework

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

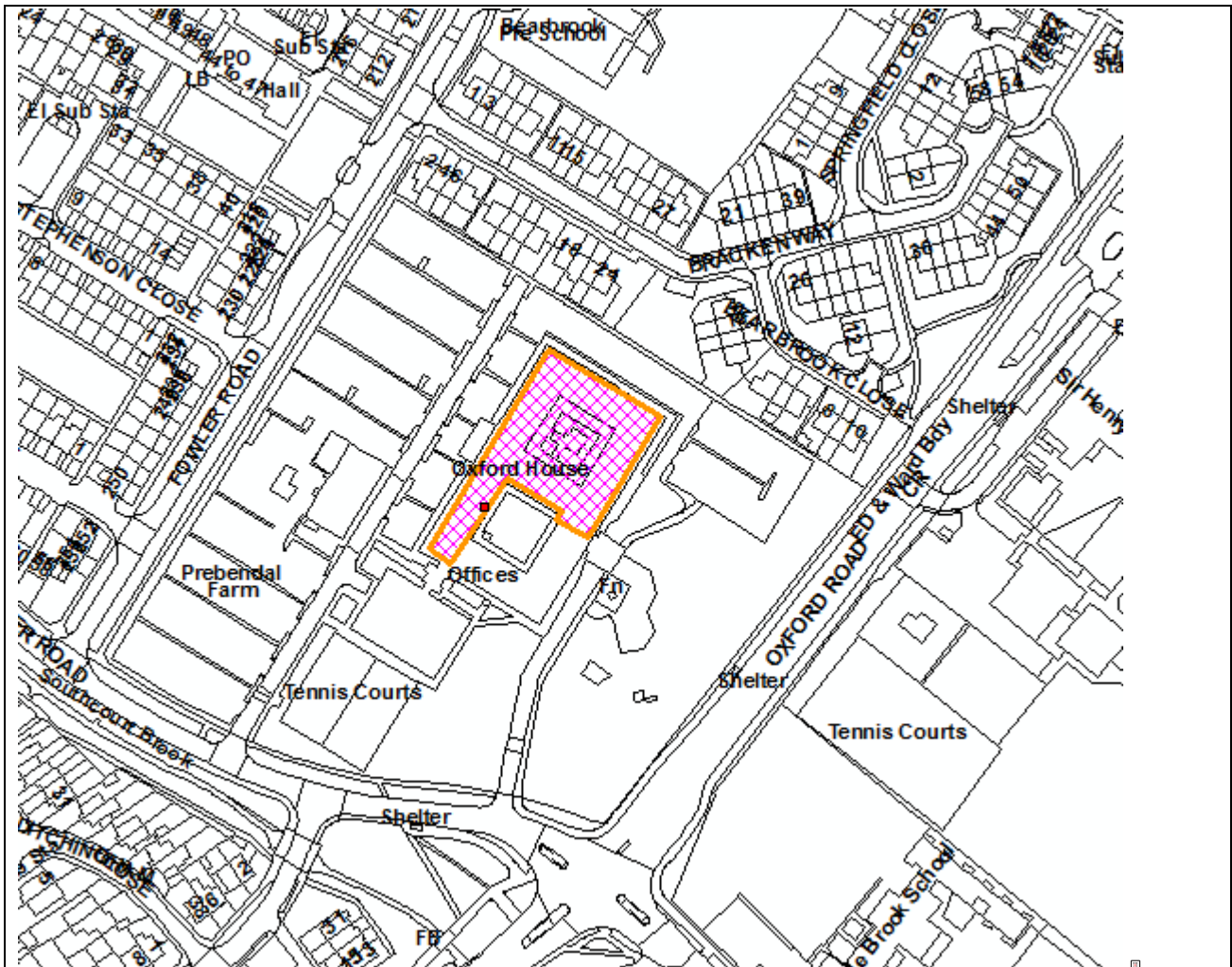
- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

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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19/01853/APP



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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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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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