



## North Buckinghamshire Area Planning Committee Agenda Supplement

Date: Wednesday 27 September 2023

Time: 2.30 pm

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury  
HP19 8FF

<b>Agenda Item</b>	<b>Time</b>	<b>Page No</b>
<b>5 22/02679/AOP - Land at Buckingham Street, Tingewick</b>		<b>3 - 6</b>

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

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## Update to North Area Planning Committee

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<b>Application Number:</b>	22/02679/AOP
<b>Proposal:</b>	Demolition of garage and erection of up to four dwellings all matters reserved
<b>Site Location:</b>	Land At, Buckingham Street, Tingewick, Buckinghamshire
<b>Applicant:</b>	Mr Colin Beamish
<b>Case Officer:</b>	Faye Hudson

### Update:

#### Updated position relating to five year housing land supply.

1. Buckinghamshire Council has now produced an updated 'Five Year Housing Land Supply Position Statement' for the Aylesbury Vale area which was published 19 September 2023. The updated position statement shows that Buckinghamshire Council is unable to demonstrate a five year supply of deliverable housing sites for the Aylesbury Vale area from a 31 March 2023 base date. This assessment identifies that Aylesbury Vale has a 4.5-year supply of housing sites for the five-year period 2023-2028. The provisions of paragraph 11 d) of the NPPF are therefore now engaged.
2. The Planning Committee Report relating to planning application reference 22/02679/AOP was published ahead of the publication of the Council's updated 'Five Year Housing Land Supply Position Statement' for the Aylesbury Vale area and therefore in the context of the Council being able to demonstrate a five year housing land supply for the Aylesbury Vale area. The publication of the updated 'Five Year Housing Land Supply Position Statement' for the Aylesbury Vale area and change to the Council not being able to demonstrate a five year supply of housing land for the Vale of Aylesbury is a material planning consideration in the determination of the application.

3. In determining applications, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
4. Paragraph 11 of the NPPF advises a presumption in favour of sustainable development and that for applications involving the provision of housing, situations where the LPA cannot demonstrate a five year supply of deliverable housing sites (NPPF, footnote 8) the guidance at 11(d)ii is engaged. Paragraph 11(d)ii sets out that where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
5. The tilted balance as set out within paragraph 11d of the NPPF changes the 'balancing exercise' which the decision-taker makes when deciding whether or not to grant planning permission;
  - from a neutral balance, where if the harms outweigh the benefits planning permission is usually withheld,
  - to a tilted balance, where the harms should *significantly and demonstrably* outweigh the benefits for permission to be withheld.
 The tilted balance 'tilts' the balance in favour of approving an application, such that planning permission should only be refused where the harms significantly and demonstrably outweigh the benefits.
6. It is necessary for each application to be determined on its own merits. In relation to this planning application, the following revised planning balance is undertaken having regard to the updated position relating to the lack of a five year housing land supply and the 'tilted balance' as set out within paragraph 11(d)ii of the NPPF therefore being engaged.

### **Updated Planning Balance**

#### Matters that weigh in favour of the proposal.

7. In terms of the matters that weigh in favour of the proposal; the four dwellings proposed would make a contribution, albeit modest, to the housing stock within the Vale of Aylesbury at a time that the Local Planning Authority cannot demonstrate a 5YHLS.
8. The provision of housing must be given weight in the consideration of the application; however, this can only be limited positive weight given that only four dwellings are proposed.
9. There would also be a modest benefit to a small-scale developer and other tradespersons resulting from the construction period, as well as a further modest benefit from the payment of council tax and arising from the spending from future occupiers to which limited positive weight would be attributed.

#### Matters that weigh against the proposal.

10. In relation to factors that weigh against the application, as discussed above the proposal would necessitate the removal of protected trees such to accommodate the quantum of

development proposed. The loss of TPO protected trees is attributed significant negative weight in the planning balance.

11. The removal of trees to facilitate the proposal would fail to respect the physical characteristics of the site and would harm an important settlement characteristic of the site and wider area, resulting in harm to the character and appearance of the site and surrounding area. Furthermore, by virtue of the removal of trees, which make a positive contribution to the setting of the Conservation Area, to facilitate the quantum of development proposed would result in harm to the setting of Tingewick Conservation Area. Significant weight is attributed to the less than substantial harm to the setting of Tingewick Conservation Area.
12. In addition, moderate negative weight is attributed to the failure of the scheme to provide and secure a policy compliant level of affordable housing and failure to demonstrate and secure a net gain in biodiversity.

#### Matters afforded neutral weight.

1. The location of the site within the built-up area of Tingewick. Tingewick is designated as a medium village which reflects the level of services and facilities that could easily be accessed by the future occupiers of the site. The proposal therefore constitutes small scale development within the built up area of a medium village, forming a moderately sustainable location for development and is therefore compliant with the overall strategy for development within the development plan. This matter is therefore afforded neutral weight in the planning balance.
2. The following matters would be attributed neutral weight in the overall planning balance as subject to imposition of conditions the following matters could achieve policy compliance in relation to water consumption, building sustainability, drainage, residential amenity, accessible and adaptable building regulation standards, housing mix and transport sustainability, parking and electric vehicle charging points.

#### **Conclusion and Officer Recommendation**

3. In respect of the overall balancing exercise, taking account of the above and the change in housing land supply position for the Aylesbury Vale area, the view of Officers is that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The Officer recommendation therefore remains one of refusal for the reasons set out in section 8 (page 22) of the Planning Committee Report.

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