



Buckinghamshire Council

Central Buckinghamshire Area Planning Committee

Agenda

Date: Wednesday 16 August 2023

Time: 2.30 pm

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

Membership: M Rand (Chairman), N Brown, M Caffrey, B Chapple OBE, M Collins, P Cooper, P Irwin, R Khan BEM, R Newcombe (Vice-Chairman), G Smith, D Thompson and A Waite

Agenda Item	Time	Page No
1	APOLOGIES	
2	MINUTES To approve as a correct record the minutes of the meeting held 19 July 2023	3 - 6
3	DECLARATIONS OF INTEREST	
APPLICATIONS		
4	23/01216/APP - CHILTERN VIEW NURSERIES, WENDOVER ROAD, STOKE MANDEVILLE	7 - 40
5	23/00904/APP - THE OLD HOSTEL, WENDOVER ROAD, WESTON TURVILLE	41 - 56
6	23/01691/APP - LLOYDS BANK PLC, GATEHOUSE ROAD, AYLESBURY	57 - 70
7	AVAILABILITY OF MEMBERS ATTENDING SITE VISITS (IF REQUIRED) To confirm Members' availability to undertake site visits on [insert date] if required.	
8	DATE OF THE NEXT MEETING 13 September 2023	

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.

For further information please contact: Harry Thomas on 01296 585234, email democracy@buckinghamshire.gov.uk.



Central Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the Central Buckinghamshire Area Planning Committee held on Wednesday 19 July 2023 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 2:30pm and concluding at 5:30pm.

Members present

M Rand (Chairman), A Bond, N Brown, M Caffrey, B Chapple OBE, M Collins, P Cooper, R Khan BEM, R Newcombe (Vice-Chairman), G Smith, D Thompson and A Waite

Agenda Item

1 Apologies

Members heard apologies from Councillor P Irwin.

Councillor A Bond sat as a substitute for him.

2 Minutes

RESOLVED:

That the Minutes of the meeting held on 24th May 2023 be agreed as a correct record.

3 Declarations of interest

Councillor B Chapple OBE, declared a prejudicial interest in agenda item six. He had called in the application for consideration by the committee as a local ward member, and felt that he would not be able to approach the discussion and debate on the application in an impartial manner. He would therefore speak on the application during the public speaking process, and then leave the meeting prior to the debate.

Councillor P Cooper declared an interest in agenda item six. He was a resident of Rowsham, which was nearby to the site, and a local ward member for Wing, which was one of the two wards impacted by the proposed development. Councillor Cooper also confirmed that he had attended a public exhibition on the application in Wingrave, as well as Wingrave Parish Council meetings at which this application was discussed. However, in both cases, he confirmed that he did not make any comments, nor did he speak to any attendees about the application. He felt that he remained open-minded on the application, and able to participate in the

consideration of the item.

Councillor R Newcombe declared an interest in agenda item five, as a representative of Buckinghamshire Council on the Chilterns Conservation Board, which was responsible for the Area of Outstanding Natural Beauty in which the proposed development would take place. He confirmed that he had not contributed in any way to any comments made or submitted by the Board, and was not predetermined on the application and would therefore be able to participate fully in the committee's consideration of the item.

4 22/03583/APP - Vale Park, Aylesbury

Note: Agenda item five was considered by the committee prior to this application, due to an IT issue during the meeting.

Proposal: Installation 5.61M High, Multi-Play unit.

Speakers

Town Council: Councillor Mark Willis (Aylesbury Town Council)

It was proposed by Councillor R Newcombe, seconded by Councillor A Bond and

RESOLVED:

That application 22/03583/APP be **APPROVED** subject to the conditions specified in the officer's report.

5 23/00953/APP - St Benedicts, Bacombe Lane, Wendover

Proposal: Householder application for demolition of garage. Erection of part single storey front extension and porch. Landscaping works.

Speakers

Agent: Simon Rix

It was proposed by Councillor D Thompson, seconded by Councillor R Khan BEM and

RESOLVED:

That application 23/00953/APP be **DEFERRED** to allow Members of the committee to conduct a site visit.

6 20/00779/APP - Hale Farm, Hulcott, HP22 5AX

Note: Councillor R Khan BEM left the meeting prior to the beginning of this item.

Proposal: Ground mounted solar farm with DNO substation, point of connection, ancillary infrastructure and associated works, landscape planting and access tracks.

Speakers

Councillor/Local Member: Councillor Phil Gomm, Councillor Bill Chapple OBE
Parish Council: Councillor Peter Fenton-O’Creevy (Hulcott Parish Council)
Agent/Applicant: Richard Boothe and Michelle Howley

It was proposed by Councillor N Brown, seconded by Councillor M Caffrey and

RESOLVED

That application 20/00779/APP be **APPROVED** subject to the conditions outlined in the officer’s report and any amendments and additional conditions considered necessary by officers.

7 Availability of Members Attending Site Visits (if required)

Following a brief conversation, it was decided that planning officers would deliberate with the applicant for 23/00953/APP - St. Benedicts, Bacombe Lane, Wendover to find a suitable date for a potential site visit as agreed by the committee, and this date would be communicated to Members in due course to gauge availability.

Details of any further site visits deemed appropriate to occur prior to an application’s consideration at the next scheduled meeting of the committee would be communicated to Members as necessary.

8 Date of the Next Meeting

16th August 2023

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Report to Buckinghamshire Council – (Central Area) Planning Committee

Application Number:	23/01216/APP
Proposal:	Temporary Planning Permission (23.11.2023 until 31.12.2023 inclusive) for Change of Use of part of the existing authorized Glasshouse and Storage Area to facilitate an ice rink and refreshment bar and associated ancillary facilities
Site location:	Chiltern View Nurseries , Wendover Road, Stoke Mandeville, Buckinghamshire, HP22 5GX
Applicant:	Chiltern View Events Ltd
Case Officer:	Kirstie Elliot
Ward affected:	WENDOVER, HALTON & STOKE MANDEVILLE
Parish-Town Council:	STOKE MANDEVILLE
Valid date:	18 April 2023
Determination date:	16 August 2023
Recommendation:	REFUSE

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application site forms part of Chiltern View Nurseries, the lawful use of which is a horticultural nursery (agriculture – sui generis use). The application seeks temporary planning permission (from 23.11.2023 to 31.12.2023) for use of part of the building on site as an ice rink with ancillary elements including seating/boot change, skate store and collection point, bar area, virtual reality sleigh ride and Christmas wreath display/sales. The lawful nursery building on site has been extended significantly in breach of planning control, the lawful nursery car park area has been extended significantly in breach of planning control and the wider Chiltern View Nurseries site is in use as garden centre in breach of planning control. The Council has, most recently in November 2022, issued several enforcement notices in respect of the unauthorised uses and development undertaken at the site. The notices have been appealed and as such, have not taken effect.
- 1.2 The temporary ice rink use was undertaken in the wider site in December 2021/January 2022 located within a tent/marquee which was erected at the front of the site, to the north-east of the building. This temporary use benefitted from a 28 day (extended to 56 days due to legislative changes resulting from the covid

pandemic) deemed consent under Class B of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 1.3 The temporary ice rink use was last undertaken December 2022/January 2023 without planning permission within the glasshouse building on site. A planning application was submitted for the temporary use but was subsequently withdrawn by reason the ice rink and associated paraphernalia was partially located within unauthorised extended parts of the building and by reason the use was reliant on the unauthorised extended car park. One of the enforcement notices that has been issued (and appealed) requires the cessation of the ice rink use on the site.
- 1.4 Under the current application, the ice rink and associated paraphernalia is shown to be located within the 'lawful' part of the glasshouse building. However, its use would be reliant on the unauthorised extensions to the buildings due to the displacement of products normally for sale into those areas and the external areas of the site, and the use of the unauthorised car parking area within the wider site. The Council has issued an enforcement notice which requires the cessation of the unauthorised garden centre use, the removal of the extended parts of the building that are unauthorised and the removal of the unauthorised car parking area.
- 1.5 Notwithstanding the proposed location of the ice rink within the 'lawful' part of the building, the grant of planning permission even for a temporary period would mean that, pursuant to section 180 of The Town and Country Planning Act 1990, the enforcement notice that the Council has issued in respect of the use of the site for leisure purposes will cease to have effect, as it would be inconsistent with that permission. Therefore this Notice will entirely fall away. Granting this application would also undermine the Council's position in respect of the enforcement notices pertaining to the unauthorised garden centre use and the unauthorised extensions to the building and car park as part of that unauthorised use. The enforcement notices have been appealed and officers are confident that the appeals will be dismissed. However, in the event planning permission is granted at this juncture for the use as proposed, the appeal in respect of the ice rink use could not proceed as the Enforcement Notice would cease to have effect.
- 1.6 Cllrs Collins, Morgan, Ward and Waite have called in the application to planning committee in the event the officer recommendation is for refusal. The call-ins are made citing the extent of public comment and interest in the application, community benefits (including charitable contributions), lack of harm to neighbour amenity, there being ample provision of a large car park on site, there being no consultee objections, and by reason that the benefits of the application are considered to outweigh any potential for harm.

1.7 Notwithstanding the support that has been generated for the proposal and social benefits afforded, officers recommend that permission be refused by reason the temporary use as proposed is reliant on development that has been undertaken on the site in breach of planning control and against which the Council has issued several enforcement notices, due to harm to the countryside and this out of town location. Due to the temporary nature of the proposal, the social and economic benefits of the proposal are short term and do not outweigh the significant permanent environmental harm arising from the countryside encroachment. Notwithstanding that the enforcement notices have been appealed, officers remain confident that the appeals will be dismissed and the enforcement notices upheld. The grant of planning permission, even for a temporary period would undermine the enforcement action the Council has taken to address multiple and on-going breaches of planning control undertaken at the site.

1.8 The application is recommended for refusal.

2.0 Description of Site and Proposed Development

Site description

2.1 Chiltern View Nurseries is located on the west side of Wendover Road (A413), approximately 1km south of the junction of the A413 with Station Road (Stoke Mandeville), approximately 1.6km south-west of Weston Turville and approximately 3.2km north of the settlement of Wendover. Access to the site is from the A413. There is a waste/recycling facility located to the rear (west) of Chiltern View Nurseries which is understood to be in the ownership of the applicant and uses the same point of access onto Wendover Road. There is a large glass house building on the site.

2.2 Chiltern View Nurseries has a long and complex planning history and is the subject of several enforcement notices (all appealed), the most recent of which were issued in November 2022. The history is provided in Section 3 of this report. This history is pertinent to the consideration of the current application due to the breaches of planning control that have occurred and the enforcement notices that have been issued, notwithstanding their appeal status. In assessing this application, it is the position of officers that (a) the site is currently in unauthorised use as a garden centre (b) the existing glass house on site has been extended without planning permission (c) the unauthorised garden centre use has encroached onto land through operational development comprising the laying of hardstanding to provide additional unauthorised car parking (land to the south that had the original nursery buildings on and was required to be landscaped as part of the moving of the glasshouse nursery building to its current position). The application form submitted

with the application states that authorised use of the site is a nursery but that it is currently operating as a garden centre.

2.3 The site is located:

- in an Amber Great Crested Newt Impact Risk Zone (indicating medium/high predicted presence through habitat suitability)
- within 12.6km Zone of Influence of Chiltern Beechwoods Special Area of Conservation
- within Southern Vale Landscape Character Area (LCA 8.10)

Proposed development

2.4 The current application seeks temporary consent for use (between 23/11/2023 to 31/12/2023) of part of the glasshouse building as an ice rink with refreshment bar, associated ancillary facilities including boot collection area, first aid, skate store, tables and chairs, booths and Christmas displays and decorations (for sale) and virtual reality (VR) sleigh ride. The use would operate from 9am until 9pm everyday of the week during this period (Monday to Sunday).

2.5 The application is accompanied by:

- a) Supporting Cover letter dated 18/04/2023 (West Wady Archadia)
- b) Ecology and Trees Checklist
- c) Site location plan – application site (area of building and point of access to road outlined in red, wider site outlined in blue)
- d) Proposed site layout

2.6 The cover letter states that the ice rink would be located in the part of the glasshouse building that is authorised (i.e. not within parts of the building that comprise unauthorised extensions) and describes that the ice rink would be 30 metres in length (north-east to south-west) by 17.5 metres in width (north-west to south-east) and would be located in the south-west corner of the 'authorised' area of the glass house building. The seating area for boot change would be located immediately to the north-east of the rink. The boot storage and skate hire pick up/return booth is shown to be located adjacent to the boot change area. The proposed bar would be located to the south-east of the rink. The access and exit to the ice rink area would be via the existing building entrance to the front (north-east elevation). The cover letter provides that 100 people can be accommodated on the ice rink at any one time. However, at the time of the case officer site visit, verbal advice provided is that after a skating session, users would be allowed to remain on site e.g. to use the bar. Further, people not participating in skating would be permitted to enter the building to use the bar and purchase Christmas paraphernalia

(wreaths) for sale. More than 100 people could therefore be using the facility at any one time.

- 2.7 The plans submitted with the application and the cover letter are explicit in that it is only the 'lawful' part of the building on site which is proposed to be used for the temporary ice rink use. It is not specified or addressed in the supporting documentation, but included within the ownership of the applicant (as identified by the blue edge on the submitted plans) are extensive areas of car parking, most of which is unauthorised but would be required to support the temporary use for which permission is sought. It is also advised that unsold plant stock would be stored in external areas of the site and the other garden centres goods will remain in the other parts of the building (i.e. those unauthorised extended parts of the building).

3.0 Relevant Planning and Enforcement History

- 3.1 The lawful use of the land of which the application site forms a part is agriculture (horticultural nursery). There is a long planning history for the site and the land surrounding it which is under the same ownership. Of most relevance to the current application are the following (*officer note – further detail of the planning and enforcement history is discussed in Section 6 of this report*):

Reference: 96/01410/APP

Development: ERECTION OF AGRICULTURAL STORAGE BUILDING AND POLYTUNNELS
Decision: Permission granted Decision Date: 3 October 1996

Reference: 97/00352/APP

Development: ERECTION OF AGRICULTURAL STORAGE BUILDING AND POLYTUNNELS
Decision: Permission granted Decision Date: 24 April 1997

Reference: 99/02457/APP

Development: Relaxation of condition 5 of planning application number A/97/0352/APP to allow agricultural retail sales from the site
Decision: Permission refused Decision Date: 13 January 2000

Reference: 06/02928/APP

Development: Use of part of existing barn as farm shop with associated ancillary storage/workshop, use of part of land for siting of four containers for storage and siting of portakabin for office use associated with the nursery, provision of parking and turning, creation of bays for the storage of compost, fertiliser and other similar products

Decision: Conditional permission granted

Decision Date: 1 July 2008

Reference: 11/00630/APP

Development: Erection of replacement nursery building and yard and extension to car park (retrospective)

Decision: Conditional permission granted

Decision Date: 3 October 2011

Reference: 12/01224/APP

Development: Erection of glasshouse (amendment to glasshouse approved under 11/00630/APP) and canopy over approved nursery display and service yard.

Decision: Conditional permission granted

Decision Date: 7 August 2012

Reference: 12/02044/APP

Development: Erection of replacement nursery building and yard extension to car park - Amendment to 12/01224/APP

Decision: Conditional permission granted

Decision Date: 8 November 2012

Reference: 14/00249/APP

Development: Replacement of 2.4m palisade fencing and enclosure of display and service yard with glass panels.

Decision: Conditional permission granted

Decision Date: 25 April 2014

Reference: 14/01626/APP

Development: Erection of staff, utility and storage building to serve existing nursery sales glasshouse

Decision: Conditional permission granted

Decision Date: 27 July 2015

Reference: 16/04073/APP

Development: Revisions to approved security gates (retrospective); extension to nursery car park; covered display area (retrospective) and proposed covered display area; storage area for pots, paving and fencing, proposed glass building; trees and shrubs growing and sales area and garden exhibition area

Decision: Permission refused

Decision Date: 20 July 2018

Reason(s) for refusal:

1. The proposed development would fail to comply with the core planning principles of the NPPF in that it would not constitute sustainable development or recognise the intrinsic character and beauty of the countryside, conserve and enhance the natural environment or reuse land that has been previously developed. The development would significantly increase the built form on this site and by virtue of its scale, massing, nature and attendant activity would be both prominent and intrusive resulting in significant adverse impacts on the rural character and appearance of the

area. The failure to comply with the core planning principles of the NPPF of the NPPF and the harm caused significantly outweighs any benefits of the development and no justification has been provided to the contrary. The proposal for this reason would be contrary to the policy GP35 of the Aylesbury Vale District Local Plan and the NPPF.

Reference: 17/03933/APP

Development: Erection of tea room building ancillary to the nursery

Decision: Conditional permission granted Decision Date: 12 January 2018

Reference: 20/04347/APP

Development: Erection of four floodlights on lighting columns (retrospective).

Decision: Conditional permission approved Decision Date: 9 February 2021

Reference: 20/04348/AAD

Development: Six projecting illuminated rectangular signs each attached to a pole and one non illuminated entrance sign on a concrete plinth (retrospective)

Decision: Consent granted Decision Date: 9 February 2021

Reference: 21/00549/APP

Development: Change of use of nursery to garden centre

Decision: Permission refused Decision Date: 28 September 2022

Reason(s) for refusal:

1. The site is located in a rural area outside of any built-up area of a settlement and visually prominent when viewed from the adjacent Wendover Road. The proposed change of use of this horticultural nursery to garden centre and resulting substantial extensions to the existing nursery glasshouse to provide covered retail floorspace along with outdoor display areas would further erode the areas rural character and no proposals have been presented which would mitigate that harm to the appearance and character of the surrounding countryside. The proposed development is contrary to policies S3, BE2 and NE4 of the Vale of Aylesbury Local Plan.
2. The submitted Transport Assessment and Travel Plan are out of date and do not take account of the development contained in this and other applications seeking to regularise the planning position of this garden centre use. The parking included within the application site represents a substantial under provision both of spaces and electric charging points against the requirements set out under Vale of Aylesbury Local Plan policies T6 and T8. These shortfalls are not addressed by additional car park constructed on adjoining land which is the subject of application reference no. 21/00549/APP. The submitted Transport Assessment does not set out any evidence detailing the local circumstances that justify the deviation from the standards contained under policy T6 nor does it make any reference to providing

electric vehicle charging spaces. The proposed development therefore falls contrary to policies T6 and T8 of the Vale of Aylesbury Local Plan.

Reference: 21/00776/APP

Development: Extension and rationalisation of the nursery/garden centre/staff car park and realignment of joint access to Garden Centre; Waste Transfer Facility; Garden Centre Warehouse and ancillary facilities and the provision of 104 car parking spaces (retrospective)

Decision: Permission refused

Decision Date: 28 September 2022

Reason(s) for refusal:

1. The car park proposed under this application required solely to meet the requirements of the garden centre on adjoining land, a use that which does not benefit from planning permission. This large park which is unconnected with the lawful use of the site as a horticultural nursery would further erode the character of the rural gap between Wendover and Stoke Mandeville contrary to Vale of Aylesbury Local Plan policies S3, BE2 and NE4 of the Vale of Aylesbury Local Plan.

Reference: 21/00799/APP

Development: Erection of a two storey building, to be used for as a warehouse storing products associated with the Chiltern View Garden Centre (retrospective)

Decision: Permission refused

Decision Date: 28 September 2022

Reason(s) for refusal:

1. The building proposed under this application is required solely to provide storage for the adjacent garden centre which does not benefit from planning permission.
2. No parking has been provided for the building; the submitted application seeks to justify for the deviation from the standards contained in policy T6 by reliance on parking for the garden centre, that parking does not benefit from planning permission following the refusal of application reference no. 21/00776/APP. The proposed development therefore falls contrary to policies T6 and T8 of the Vale of Aylesbury Local Plan.

Reference: 22/00731/APP

Development: Change of use from staff, utility and storage building to serve nursery sales glasshouse to garden centre storage building to serve the adjoining garden centre (retrospective).

Decision: Permission refused

Decision Date: 28 September 2022

Reason(s) for refusal:

1. The building proposed under this application is required solely to provide storage for the adjacent garden centre which does not benefit from planning permission.

Reference: 22/01136/APP

Development: Single storey extension to existing storage building and its use for storing garden centre products to serve the adjoining garden centre (retrospective)

Decision: Permission refused

Decision Date: 28 September 2022

Reason(s) for refusal: 1. The proposed use for the building is storage required by the garden centre on adjoining land, a use which does not benefit from planning permission.

Reference: 22/01990/APP

Development: Marquee extension to cafe (retrospective)

Decision: Permission refused

Decision Date: 28 September 2022

Reason(s) for refusal:

1. The site is located in a rural area outside of any built-up area of a settlement and visually prominent when viewed from the adjacent Wendover Road. The proposal together with substantial extensions to the existing nursery glasshouse would further erode the areas rural character and no proposals have been presented which would mitigate that harm to the appearance and character of the surrounding countryside. The proposed development is contrary policies S3, BE2 and NE4 of the Vale of Aylesbury Local Plan.
2. The submitted Transport Assessment and Travel Plan are out of date and do not take account of the development contained in this and other applications seeking to regularise the planning position of this garden centre use. The parking included within the application site represents a substantial under provision both of spaces and electric charging points against the requirements set out under Vale of Aylesbury Local Plan policies T6 and T8. These shortfalls are not addressed by additional car park constructed on adjoining land which was the subject of refused application reference no. 21/00549/APP.

Reference: 22/01991/APP

Development: Erection of extension to garden centre buildings (retrospective)

Decision: Permission refused

Decision Date: 28 September 2022

Reason(s) for refusal:

1. The site is located in a rural area outside of any built-up area of a settlement and visually prominent when viewed from the adjacent Wendover Road. The proposal represents a substantial extension of an existing nursery glasshouse to provide covered retail floorspace to a garden centre which along with outdoor display areas and additional parking required to meet Vale of Aylesbury Local Plan policy T6 would further erode the areas rural character and no proposals have been presented which would mitigate that harm to the appearance and character of the surrounding countryside. The proposed development is contrary policies S3, BE2 and NE4 of the Vale of Aylesbury Local Plan.
2. The submitted Transport Assessment and Travel Plan are out of date and do not take account of the development contained in this and other applications seeking to regularise the planning position of this garden centre use. The proposed parking included within the application site represents a substantial under provision both of spaces and electric charging points against the requirements set out under Vale of Aylesbury Local Plan policies T6 and T8. These shortfalls are not addressed by additional car park constructed on adjoining land which is the subject of application

reference no. 21/00549/APP. The submitted Transport Assessment does not set out any evidence detailing the local circumstances that justify the deviation from the standards contained under policy T6 nor does it make any reference to providing electric vehicle charging spaces. The proposed development therefore falls contrary to policies T6 and T8 of the Vale of Aylesbury Local Plan.

Reference: 21/04294/APP

Development: Application for temporary permission for change of use to D2 to accommodate an ice rink /marquee.

Decision: Application withdrawn

Decision Date: 5 January 2022

Reference: 22/03095/APP

Development: Application for temporary permission for change of use of part of the glasshouse at Chiltern View Nursery to accommodate an ice rink and refreshment bar

Decision: Application withdrawn

Decision Date: 18 October 2022

ENFORCEMENT NOTICES:

- **NC/22/00429/COU** – Enforcement Notice – Without planning permission, the material change of use of Land and buildings from nursery (agriculture) to garden centre (Class E) and operational development consisting of: erection of buildings for storage, extensions to glass house, extensions to buildings, expansion of car park and marquee to extend café

Notice issued: 29/11/2022

Status: appeal in progress

- **NC/22/00549** – Enforcement Notice – Without planning permission, the material change of use of the land from nursery to leisure (Class E(d))

Notice issued: 29/11/2022

Status: appeal in progress

Areas around the nursery site (under same ownership):

Officer note: until April 2020, the planning controls relating to the waste/recycling transfer use were exercised by the then Buckinghamshire County Council. The planning application history relating to the waste/recycling transfer use is not included in this report as it is not considered relevant to the current application. However, the enforcement notices relating to the land around the application site are considered relevant:

ENFORCEMENT NOTICES:

- **21/00555/CONB** – Breach of condition enforcement notice – Planning permission concerned 10/00047/APP for the ‘change of use of adjacent field to car park’. Condition 6 stated The car park hereby permitted shall not be used (or) for any other

purpose other than as a car parking area used in association with the units at Triangle Business Park.

Notice issued: 31/10/2022

Status: appeal in progress

- **NC/22/00064/BOC** – Enforcement Notice - Without planning permission, the material change of use of agricultural land to a mixed use of agriculture and external storage, including laying of hard standing and parking of vehicles.

Notice issued: 28/04/2022

Status: appeal in progress

- **NC/22/00429/COU** – Enforcement Notice – Unauthorised erection of a building, hatched black on the attached plan

Notice issued: 28/11/2022

Status: appeal in progress

Officer note – this building is alleged to be in use for storage associated with the unauthorised garden centre use of the site.

3.2 The above referenced enforcement notices are shown spatially on an aerial image of the site in Section 6 of this report (see para.6.6).

4.0 Representations

4.1 See Appendix A

5.0 Policy Context

5.1 In determining the planning application, 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. The relevant Development Plan comprises the following documents:

Vale of Aylesbury Local Plan (Adopted September 2021) 'VALP' Policies:

S1 Sustainable development for Aylesbury Vale

S2 Spatial Strategy for Growth

S3 Settlement hierarchy and cohesive development

E5 Development outside town centres

E7 Tourism development

T1 Delivering the sustainable transport vision

T4 Capacity of the transport network to deliver development

T5 Delivering transport in new development

T6 Vehicle Parking

T8 Electric Vehicle Parking

I2 Sports and recreation

BE3 Protection of the amenity of residents

NE4 Landscape Character and locally important landscape

Buckinghamshire Minerals and Waste Local Plan (July 2019) 'BMWLP' Policies:

Application site is not within a minerals safeguarding area for the purposes of Policy

1. No other policies are relevant to the proposed development.

Neighbourhood Plan:

5.2 The application site is located within the parish of Stoke Mandeville. There is an emerging Neighbourhood Plan for Stoke Mandeville. However, given the stage the plan it is at, it currently carries no weight relative to the assessment of this application.

5.3 Also material to the assessment of the application are the following documents:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
 - Enforcement and post-permission matters
 - Use of planning conditions

6.0 Policy Consideration and Evaluation

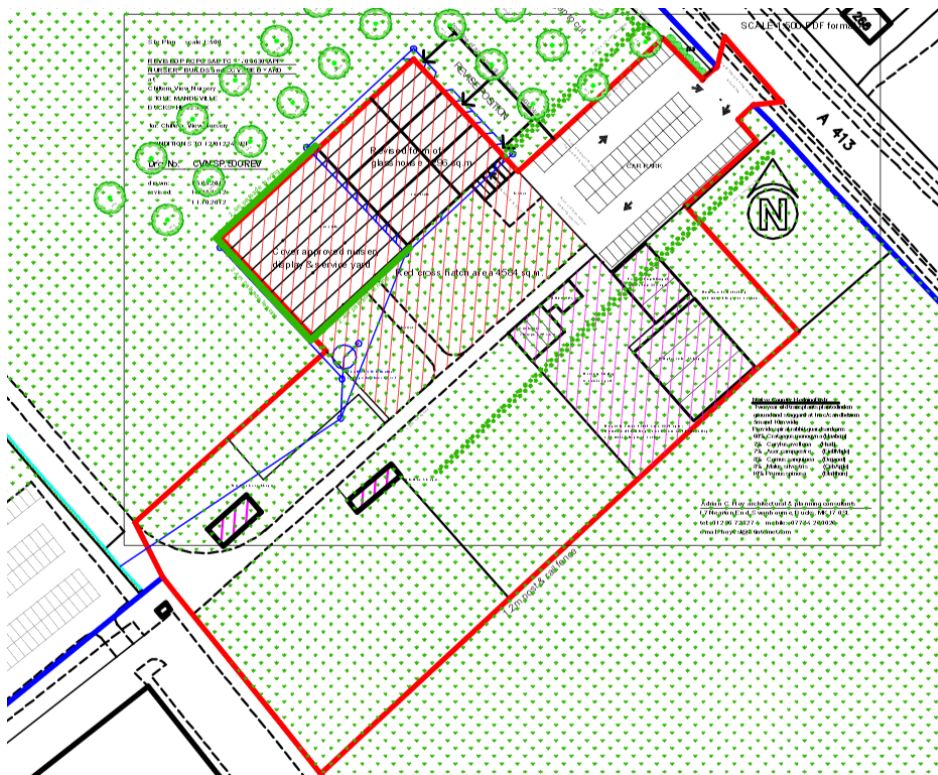
6.1 The main planning considerations are (i) principle of development - including planning enforcement implications (ii) impact on landscape (iii) impact on highway safety and parking (iv) impact on residential amenity (v) impact on employment and community

Principle of development

Background and history of continued breaches of planning control

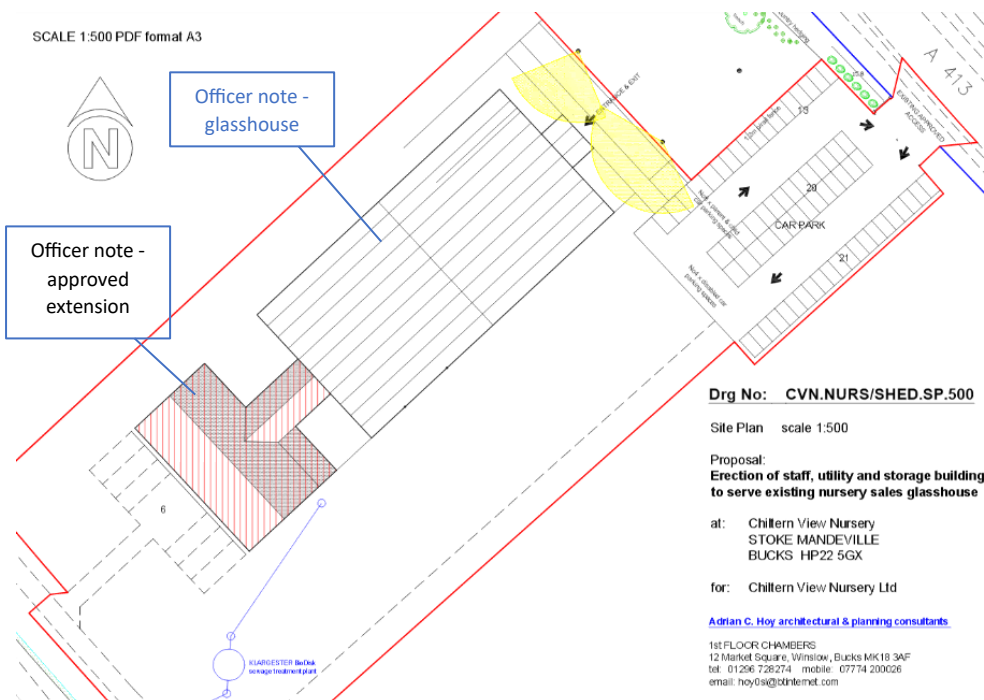
6.2 In November 2012 planning permission was granted for a repositioned nursery building (glasshouse), located further north-west within the site, and the removal of the existing buildings and the re-seeding of the land following their removal. The car park as approved comprises an area to the south-east of the repositioned building, as shown in the approved plan below (permission ref: 12/02044/APP):

Approved Site Plan – 12/02044/APP and shown on the aerial image from 2015:

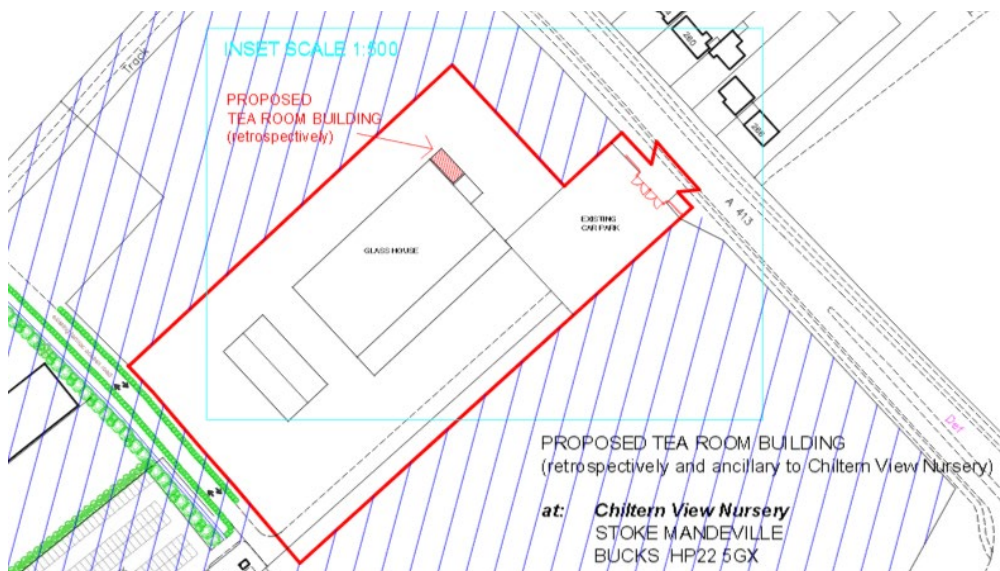


6.3 In April 2015 planning permission was subsequently granted for an extension to the rear of the nursery building (glasshouse) for 'Erection of staff, utility and storage

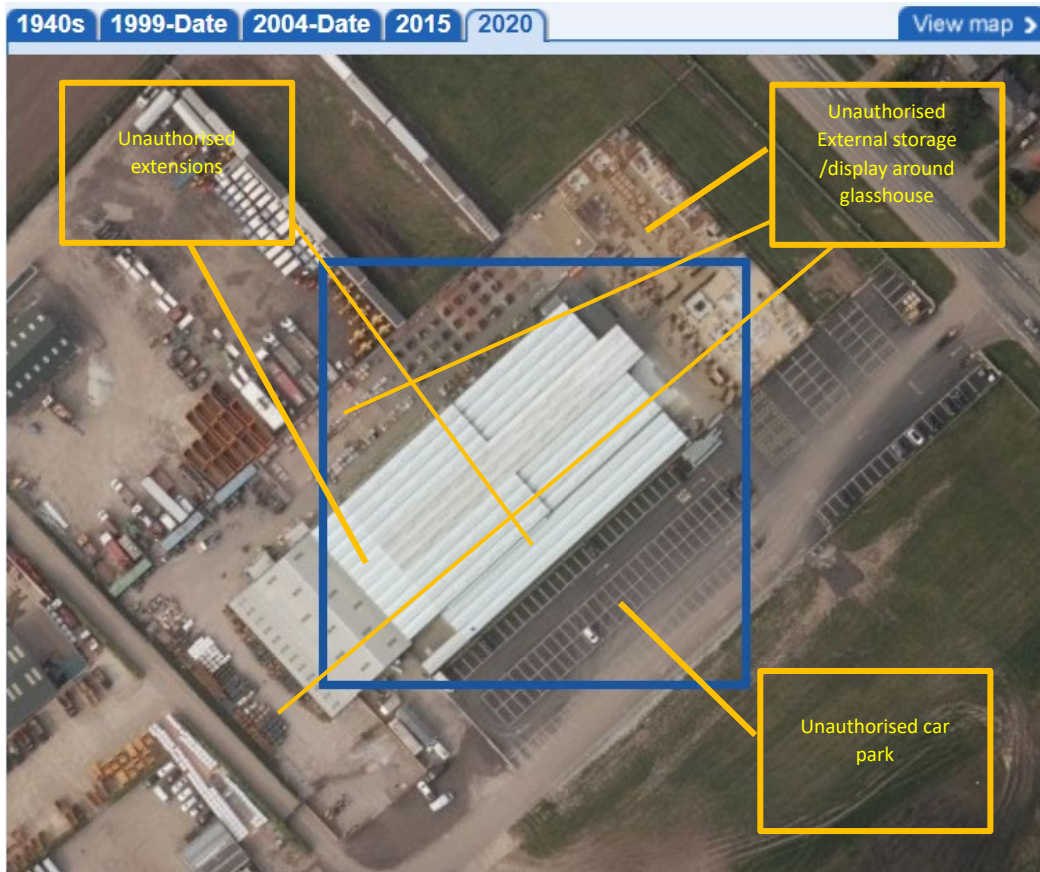
building to serve existing nursery sales glasshouse' (permission reference 14/01626/APP), the position of which is shown on the approved plan below:



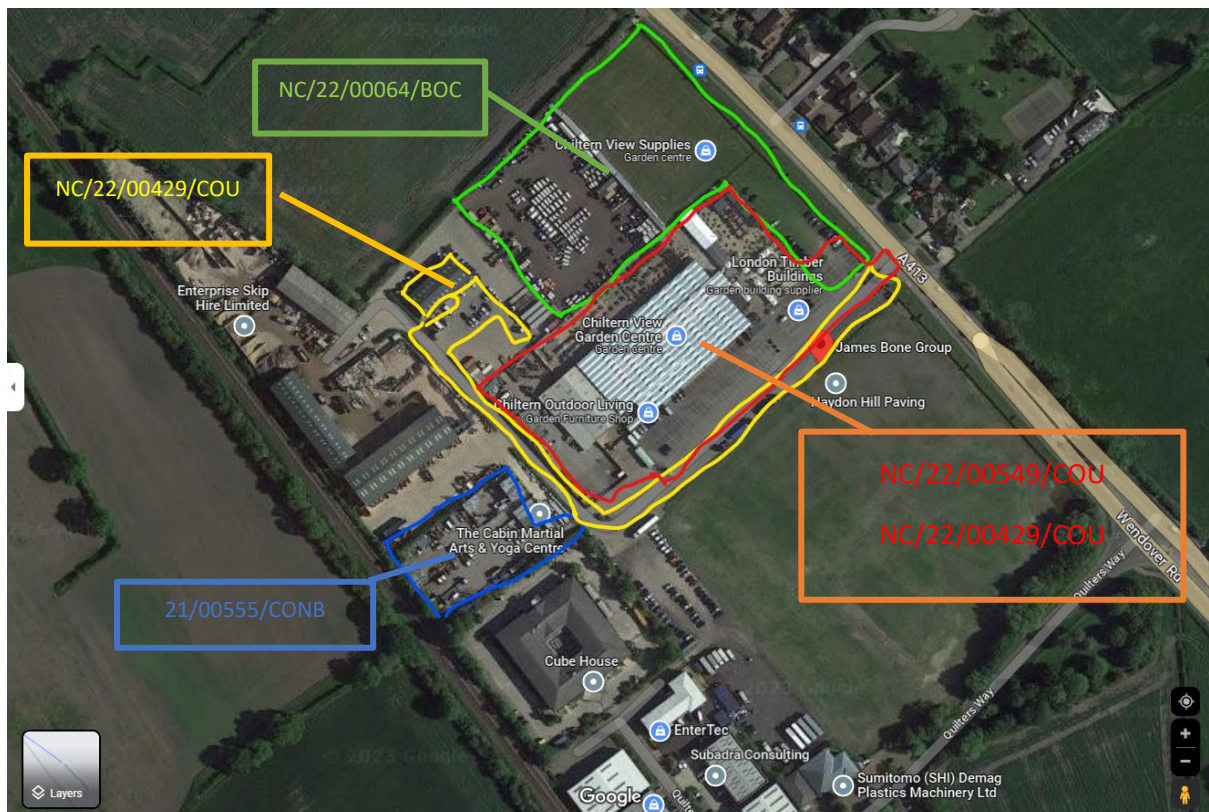
6.4 In January 2018 retrospective planning permission was subsequently granted (reference 17/03933/APP) for 'Erection of tea room building ancillary to the nursery', the position of which is shown on the approved plan below:



6.5 Aerial images from 2020 show, notwithstanding the earlier permissions, the unauthorised works that have been undertaken on the site to enlarge the building, use external areas for storage displays (contrary to conditions) and the laying of hardstanding to create additional car parking, all facilitating the current unauthorised garden centre use:



6.6 The enforcement notices issued in respect of the breaches of planning control at the site are spatially shown on the aerial image produced below:



Evaluation of principle of development

- 6.7 Section 3 of the VALP sets out how sustainable growth will be delivered spatially across Aylesbury Vale. The policies in this respect follow the principles of sustainable development as set out in the NPPF in that positive growth makes economic, environmental and social progress and that these three arms are mutually dependent. To this end, Policy S1 requires that all development must comply with the principles of sustainable development and fit with the intentions and policies of the VALP. Where there are no policies relevant to an application Policy S1 provides that permission will be granted unless material considerations indicate otherwise – taking into account whether:
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework (2012) taken as a whole, or
 - specific policies in the NPPF indicate that development should be restricted.
- 6.8 The VALP seeks to ensure that development is located in the most sustainable locations. Policy S2 sets out the locations in which the primary focus for growth and investment will be, these locations having been identified as the most sustainable locations wherein sustainable modes of travel can be optimised and the need for travel minimised. The policy continues that growth in these strategic settlements will be supported by growth at larger, medium and smaller villages. The policy essentially sets out a hierarchy of settlements over the area based on the settlements' sustainability. Table 2 of Policy S2 names the larger, medium and smaller villages. Within Table 2, Stoke Mandeville is identified as a 'larger village' that is a settlement with reasonable access to key services and facilities making it a sustainable location for development. Weston Turville is identified as a medium village, that is a settlement with 'some provision of key services and facilities' and therefore moderately sustainable. The application site is located outside of a settlement and is therefore not a sustainable location for development.
- 6.9 Policy S3 of the VALP requires that the scale and distribution of development should accord with the settlement hierarchy set out in Table 2 and that new development in the countryside should be avoided except where the proposal would accord with the policies of the VALP that support thriving rural communities. Policy S3 continues that new development in the countryside should be avoided, especially where it would:
- a. compromise the character of the countryside between settlements, and
 - b. result in negative impact on the identities of neighbouring settlements or communities leading to their coalescence.
- 6.10 The proposed temporary use would fall to be considered a main town centre use as defined in the Glossary to the NPPF (leisure/sport/recreation/tourism). In accordance with the NPPF, the VALP seeks to avoid harm to the viability and vitality of town

centres through avoiding the location of such main town centres uses in edge and out of town sites. In this respect, VALP Policy E5 seeks to apply a sequential test when assessing such proposals. In addition, Policy E5 states that proposals for leisure located on land outside defined town centres will be granted if the proposal would not have a significant adverse impact on the vitality and viability of the defined town centres. The application site is located in an out of town location and as a starting point the proposed change of use to leisure/recreation is unacceptable and sequential testing would be required to justify the location as proposed. No evidence of any sequential testing has been submitted, with the applicant's argument resting on the community/social benefits and economic benefits of the site being used in winter months during quiet trading periods. It is unclear whether the economic argument is based on the lawful use of the site as a horticultural nursery or the current unauthorised use of the site as a garden centre. Notwithstanding this, given the nature of the use proposed, it is considered that the harm to the town centres resulting from the diversion of trade away from them in this instance would be limited and temporary nature.

- 6.11 The VALP recognises that tourism plays an important role in generating income for local residents. Tourism and leisure development is generally welcomed. However, it can have negative impacts on the surrounding area if located insensitively, is out of scale with its context or if it fails to take proper account of local character and appearance. In this respect VALP Policy E7 offers support for new leisure facilities in areas outside of settlements subject to compliance with 7 criteria (a to g). Paragraph 84 of the NPPF supports leisure developments in a rural location provided they *'respect the character of the countryside.'* It is recognised that the proposed use is temporary in nature, however, no justification has been provided for the countryside location and means by which environmental impacts would be minimised (criteria b of Policy E7). Criteria E7(d) requires that such development respects the character and appearance of the location and E7(e) avoids unacceptable traffic impact on the local road network and (g) that the benefits outweigh the harm.
- 6.12 The VALP recognises that participation in sport and recreation has physical and health benefits while promoting community cohesion. In this respect, VALP Policy I2 supports development proposals involving the provision of new sport and recreation facilities that are accessible by pedestrians and cyclists and public transport and which have no unacceptable impact on 5 set criteria (a to e) which includes (b) the highway network. Proposals must also have a long-term management and maintenance strategy.
- 6.13 The ice rink would be contained entirely within an existing building and in itself would not give rise to any visual impact on the character of this rural location. The supporting cover letter and plans emphasise the proposed ice rink would be located within the 'lawful' part of the glasshouse building on site. However, the proposal includes more than just the rink itself, there are also areas for people to collect and return their skates, change their skates, a bar area and also seating and waiting areas, the VR sleigh ride and in addition to the Christmas wreaths, trees etc that are on display for sale (conditions of the nursery use permission require that these must be kept inside the building or the permitted covered yard areas). The details provided are

that up to 100 people can be on the ice at any one time. Persons booked on to skate or accompanying people with bookings to skate would be permitted into the site. As referenced, the site is not operating as a nursery but rather an unauthorised garden centre. Given the appeal status of the enforcement notice requiring, inter alia, the cessation of the garden centre use and removal of unauthorised extensions and expanded car park, the requirements of the notice cannot currently be enforced. The unauthorised extended glasshouse building is full of items for sale and the external areas around the building are also in unauthorised use for the display of items for sale all as part of the unauthorised garden centre use. The unauthorised car park area to the south of the extended glass house is also in use associated with the unauthorised garden centre use.

- 6.14 The applicant has submitted additional information highlighting that the plant stock in the area to be used for the proposed temporary rink is to be sold off at half price in the period before the installation. This will apparently remove 90% of plant stock with any plants remaining to be stored in the display area outside of the glass house. The pots and compost remain in the outside display area and other internal garden centre products remain in the areas of the glasshouse not used for the ice rink as indicated on application drawing 918 - WW - B1 - 00 -DR - A - 0010. It is stated that the rink would not therefore lead to displacement of products in the glasshouse.
- 6.15 Notwithstanding the assertions that it is only the 'lawful' part of the building for which the temporary use is sought, the continued use of the unauthorised extended parts of the building for storage as well as the external areas around the lawful building will continue. It is not considered realistic, given the numbers of people visiting and the paraphernalia required in association with the temporary change of use, that this can be solely accommodated within the 'lawful' part of the building – this is evidenced in the enforcement notice issued (NC/22/00549/COU) and the details provided with the withdrawn planning application for the ice rink (22/03095/APP). Further, while it is noted that the applicant is to make best efforts at minimising stock, this cannot be guaranteed. It is not explicit in the supporting information, but from the previous applications made, the parking required to support the ice rink would comprise the existing authorised nursery car park and the unauthorised car park area, the removal of which is required under enforcement notice NC/22/00429/COU. Therefore, to accommodate the proposed temporary change of use, the Council would, by default, be accepting the continued use of those unauthorised elements of the site (i.e. the building as extended, the use of external areas for display/storage and the unauthorised car park) that it has found to be unacceptable and contrary to planning policy and has issued enforcement notices in respect of, during this period. This would undermine the Council's position in respect of these matters relative to the refusals of planning permission it has issued, the issue of the enforcement notices requiring the removal of these elements due to the harm they are causing and in respect of the appeals that have been made in respect of the enforcement notices.

Enforcement notice and appeal implications

- 6.16 Section 180 'Effect of planning permission etc, on enforcement or breach of condition notice' of the Town and Country Planning Act 1990 (as amended) provides that:

(1)Where, after the service of—

(a)a copy of an enforcement notice; or

(b)a breach of condition notice,

planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

Enforcement notice NC/22/00549/COU

- 6.17 The implications of granting permission for the proposed use, even on a temporary basis, would be that enforcement notice NC/22/00549/COU would permanently cease to have effect and could not be enforced and the current appeal therefore would not proceed. There have been no significant changes to policy or the site circumstances since the enforcement notice was issued such that it is considered the development as proposed is acceptable in planning terms to justify a deviation from the assessment that was made when reaching the decision to take enforcement action against the ice rink (leisure) use.

Enforcement Notice NC/22/00429/COU

- 6.18 This enforcement notice targets, inter alia, the unauthorised erection of buildings on the site, unauthorised extensions made to the glasshouse building and the unauthorised expansion of the car park. As referred, the proposed ice rink use is reliant upon the continued use of the unauthorised parts of the building and car park. In the event planning permission were granted, even on a temporary basis for the ice rink, parking provision would be required, if this is accommodated on the current unauthorised parking area the Council would by default be accepting the continued existence and use of this unauthorised development. There have been no significant changes to policy or site circumstances since the enforcement notice was issued such that it is considered the development as proposed is acceptable in planning terms to justify a deviation from the assessment that was made to take enforcement action against these elements. A grant of planning permission would therefore be inconsistent with the Council's position that the unauthorised operational development that has occurred on the site is harmful and contrary to the policies of the development plan.

Conclusions on the principle of development

- 6.19 The application site is located in a rural area outside of any built-up area of a settlement, wherein developments comprising main town centre uses and leisure uses

are not normally supported unless it can be demonstrated that they will not result harm to the vitality and viability of the town centre, or to the character and appearance of the location and highway safety. Whilst sports and recreation facilities can be supported in such locations, this is on the basis that they do not result in harm to highway safety and have long-term management and maintenance strategies. As a temporary use, it is recognised that the use would be unlikely to result in long-term harm to town centre viability or that it would require management and maintenance strategies as a sports/recreation use. However, the use is dependent on the continued presence and use of unauthorised development on the land comprising (i) extensions to the building within which the ice rink would be located and (ii) the unauthorised car park which are the subject of (appealed) enforcement notices. These unauthorised developments are integral to the operation of the use as proposed and are considered to cause harm to the visual character and appearance of the locality and erode the rural gap between the settlements of Wendover and Stoke Mandeville. Consequently, the principle of a use on the site which is dependent on development which does not benefit from planning permission and is in itself detrimental to this countryside location, and which directly conflicts with an enforcement notice so as to render it ineffective cannot be accepted. The development is contrary to Policies S3 and E7 of the Vale of Aylesbury Local Plan. This matter is afforded significant weight against the proposal in the planning balance.

Impact on landscape

- 6.20 As referenced in this report, notwithstanding the application red edge area only including what is described as the 'lawful' part of the glasshouse building on the site, the temporary ice rink and ancillary uses would be dependent for its functioning on the unauthorised extended parts of the building, external areas and unauthorised car park which are within the ownership or control of the applicant. Retrospective planning permission has been refused for these elements and enforcement notices issued by reason that their presence on the land is harmful to the rural character of the site and its setting and that they result in the erosion of the rural gap between the settlements of Wendover and Stoke Mandeville. There have been no policy changes and no changes to the site circumstances since the refusal of planning permission and issuing of the notices.
- 6.21 The site is located in the Southern Vale Landscape Character Area (LCA). The LCA provides that one of the key characteristics of the area is its flat landscape in the north rising gently to a rolling land form on the southern edge. The LCA also recognises that the area is more densely settled than other areas adjoining Aylesbury. The pockets of grazing land and smaller field parcels associated with the Southern Vale LCA settlements are another key characteristic. The LCA notes that the existing commercial/ribbon development along the main highway corridors is one of the intrusive features. The application site is considered to comprise part of one of those valuable open spaces between the settlements and has amenity value.
- 6.22 As referred, the proposed use is dependent on the continued presence on the land of those physical elements that are harmful, have been refused planning permission and

are the subject of enforcement action. In addition to this, given the site's rural location, it is considered that the increase in activity for 12 hours every day, in terms of vehicle and pedestrian movements and noise and light spillage from within the building and the surrounding land associated with the use is not in keeping with the character of the rural, open space location when compared with the lawful nursery (agricultural) use. Criteria (e) and (g) of Policy NE4 include that development should minimise the use of lighting to avoid blurring the distinction between urban and rural areas (NE4e) and should not generate an unacceptable level and/or frequency of noise in areas valued for their amenity value (NE4g). Accordingly, it is maintained that the use as proposed, notwithstanding its temporary nature, would result in the same harm by reason of its reliance on these unauthorised developments against which the Council has instigated enforcement proceedings and activity that is uncharacteristic of this countryside location. Accordingly, the use as proposed is contrary to policy NE4 of the VALP. This matter is afforded significant weight against the proposal in the planning balance.

Impact on highway safety and parking

- 6.23 The form submitted with the application states that there are no existing vehicle/cycle parking spaces or that the proposed development will add/remove parking spaces. The plans submitted show a red edge drawn tightly around the 'authorised' part of the glasshouse building extending up to the access point onto the highway. In the cover letter, the applicant states that 'pedestrian access to the ice rink will be provided by the existing pedestrian route into the glasshouse from the Chiltern View Nursery Car Park' and that 'as there is an existing footway/cycleway and buses along Wendover Road the site is also easily accessible by sustainable modes of transport'. Aside from these two sentences, the applicant has provided no supporting information relative to access to the site, transport and parking and from the submissions made, there is no parking provision associated with the proposed development.
- 6.24 However, based on the submissions made with the previously withdrawn application and on the applicant's website, and comments made in support of the application, reference is made to the 'ample parking' on site and that use would be made of the unauthorised car park against which the Council has instigated enforcement proceedings to require the cessation of that use and removal of the hardstanding. In the acknowledgement of there being a lawful parking area associated with the lawful nursery located on land within the ownership of the applicant, the baseline for assessment in respect of the current application has to be the parking provision that is lawful.
- 6.25 The VALP seeks to deliver sustainable transport in Aylesbury Vale based on encouraging a modal shift to greater use of more sustainable forms of transport and improving the safety of all road users (Policy T1). Car parking and its location has an impact on safety and all development is expected to provide an appropriate level of

car parking (Policy T6). It is clear from the comments of the Highway Authority that the lawful number of spaces on site is insufficient to support the use proposed and this could lead to highway safety implications. For the reasons outlined in this report, officers do not accept the provision on site of the extended area of parking for use by the proposed temporary ice rink would be appropriate. Accordingly, it is concluded that the development as proposed fails to provide sufficient parking provision to support the use which could force parking on the adjacent highway to the detriment of users of the site and the highway. Furthermore, given the intensification of use, the proposal also fails to demonstrate how it would contribute to a modal shift to more sustainable modes of travel, including lack of provision for electric vehicles. In this respect the proposal is contrary to VALP policies T1, T4 , T5, T6 and T8. This matter is afforded significant weight against the proposal in the planning balance.

Impact on residential amenity

6.26 The nearest residential properties to the site are located on the opposite side of Wendover Road (to the north-east). It is recognised that the proposed leisure use would likely result in more comings and goings to/from the site and more intensive activity with associated noise than the lawful horticultural nursery use. However, given the temporary nature of the use as proposed, the distance between the site and subject residential properties and the activity from the A413 (main trunk road) it is not considered that this would be so intrusive as to result in significant harm to amenity. Accordingly, no objections are therefore raised relative to policy BE3 of the VALP. The absence of harm in this respect is afforded neutral weight in the planning balance.

Impact on employment and community

6.27 The VALP provides in-principle support for economic and social growth as part of the achieving the goal of sustainable development. As stated in Section 3 and VALP Policy S1, for development to be sustainable, it must provide and in balance social, economic and environmental benefits. As referred earlier in this report, policy E7 supports tourism/leisure development in the Aylesbury Vale area and policy I2 supports sports and recreation development.

6.28 Officers note the level of public interest and support for the proposed use in the interests of community cohesion. It is recognised that the proposed use has benefitted many members of the community. The supporting cover letter refers to the donations made to local charities and opportunities offered to local community groups to use the rink which in no doubt provides physical and mental health benefits.

6.29 It is also recognised (as referred in some of the third-party representations and supporting cover letter) that the use as proposed would/has provide/d employment opportunities and sought to involve local businesses to provide e.g. food and drink refreshments.

6.30 The positive economic and social benefits clearly provide weight in favour of the proposal. However, given its very temporary nature, this is afforded limited positive weight in favour of the proposal in the planning balance.

7.0 *Weighing and balancing of issues/Overall Assessment*

7.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

7.2 In determining the planning application, 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. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

7.3 As stated at para. 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Para 8 continues that achieving sustainable development means that the planning system has 3 overarching objectives, 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. The three objectives are economic, social and environmental. Para 11 provides a presumption in favour of sustainable development which for decision making means approving development proposals that accord with an up-to-date development plan without delay. In this instance the VALP comprises an up to date development with policies in place designed to deliver sustainable development.

7.4 As referred in this report, it is acknowledged that the proposed development would contribute towards economic and social objectives providing employment opportunities and contributing to the local economy. Social objectives would be provided through a leisure/sport/recreation facility available for use by the public providing health benefits and opportunities for community cohesion. Given the temporary nature of the proposal, these benefits are afforded limited positive weight. However, it is also identified that the development is reliant on the use of unauthorised development which the Council has identified is causing significant environmental harm through the erosion of the countryside and in a location that is

not sustainable. Furthermore, the Council has issued enforcement notices in respect of these unauthorised developments such that the grant of permission, even for a temporary period, would undermine and as regards the notice concerning the ice rink/leisure use defeat the Council's ability to enforce against these breaches of planning control and the requirements of these notices requiring the removal of the unauthorised development. Accordingly, it is not considered that the short term economic and social benefits outweigh this longer term/permanent harm, to justify a grant of planning permission.

Human Rights Act 1998

- 7.5 Given the nature of the development proposed in this application, is it not considered that the human rights set out in the Articles and Protocol Articles are engaged in this instance. However, in the event they are engaged, it is considered that the negative environmental impacts of the proposed development outweigh such considerations. The right to a fair trial under Article 6 is protected through the established challenge/appeal process.

Equalities Act 2010

- 7.6 Local Planning Authorities, when making decisions, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. The applicant, and third parties in response to the consultation process, have drawn attention to the potential benefits of the proposed development to persons with a protected characteristic (i.e. persons with disabilities and children) However, given the nature of this proposed temporary development it is not considered that these persons would be disproportionately disadvantaged by the refusal of planning permission.

8.0 Working with the applicant/agent

- 8.1 In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 8.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 8.3 In this instance, communications were had with the applicant and agent to obtain further information regarding the proposed use. The applicant was subsequently informed/ advised how the proposal did not accord with the development plan and that no material considerations are apparent to outweigh these matters.

9.0 Recommendation

- 9.1 It is recommended that planning permission be refused for the following reason(s):

1. The application site is located in a rural area formally designated as having amenity value, outside of any built-up area of a settlement. Whilst sports and recreation facilities can be supported in such a location, this is on the basis that they do not result in harm to highway safety and have long-term management and maintenance strategies. The activity, in terms of pedestrians and vehicles, noise and light spillage associated with such a town centre use is considered out of keeping with the character of this rural location. Notwithstanding its temporary nature, the use is dependent on the continued presence and use of unauthorised development on the land comprising (i) extensions to the building within which the ice rink would be located and (ii) the unauthorised car park. These unauthorised developments are integral to the operation of the use as proposed and are considered to cause harm to the visual character and appearance of the locality. Consequently, the principle of the use in this location and which is dependent on development which does not benefit from planning permission is contrary to Policies S3, E5, E7 and NE4 of the Vale of Aylesbury Local Plan and Sections 3 and 15 of the NPPF.
2. The applicant has not included adequate provision for space within the site for parking and manoeuvring of vehicles clear of the highway. The development if permitted would therefore be likely to lead to additional on-street parking and to vehicles reversing onto or off of the highway to the detriment of public and highway safety. Furthermore, the proposal fails to demonstrate how it would contribute to a modal shift to more sustainable forms of transport and improving the safety of highway users. In this respect the proposed use is contrary to Policies E5, E7, T1, T4, T5, T6 and T8 of the Vale of Aylesbury Local Plan, Section 9 of the NPPF, Buckinghamshire Council Local Transport Plan 4 (adopted April 2016), the Buckinghamshire Council Buckinghamshire Countywide Parking Guidance Policy (adopted September 2015) and the Buckinghamshire Council Highways Development Management Guidance document (adopted July 2018).

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Ashley Morgan (Aylesbury Town Council) – I fully support this application, this is an asset for the residents of Aylesbury and beyond and it is hugely popular at such a wonderful time of year.

Cllr Steve Bowles – I am in support of the application as the ice rink as well as providing employment for many of the Christmas period also raises monies for charities as well as helping the local economy by employing a significant number of people.

Cllr Julie Ward - I would like this application called in for consideration by committee, should officers be minded to refuse permission. In making this request I have considered all of the comments by the statutory consultees, however as of today 11/5/2023, there are no publicly visible comments from Buckinghamshire Highways. I have been waiting to see what these are but have decided to go ahead and now call in anyway based on the comments from the last application. I can only draw the conclusion that the lack of current Highways comments will delay determination at this point now. I had really hoped they would be visible by now. Highways had no objections to the last application and I therefore have no reason to believe that there will be any to this. Environmental Health have no comments or conditions. Ecology and Trees have assessed as no features being present. Economic Development have nothing to add to their comments to the last application which they "welcomed" and previously supported citing numerous policies in the NPPF and VALP. This application presents much that will benefit the local economy in terms of both, growth, jobs and tourism to the area. It is a good use of otherwise redundant space in a seasonal business. I believe that the location is excellent for the proposal. There is an abundance of free on site parking that is easily accessible. The site itself is easily accessible off of a main road. A town centre location would be inappropriate for this proposal. Aside from not currently knowing what regeneration proposals will look like for Aylesbury town centre, the logistics of the current area do not accommodate a proposal such as this. It is also important that satellite areas to Aylesbury see the benefit of seasonal businesses such as this as the town centre is well served by Christmas parades, light switch on etc. There has been extensive public comment and interest in the application and this further supports my view that determination publicly by committee would be for the benefit of both the Council and the applicant. In conclusion, I am in support of the application for which numerous policies from both the NPPF and VALP support. I have seen no objections that would lead me to change this view, despite waiting this time for something visible from Highways, which I must conclude should not vary from comments submitted in relation to last years

application. I also note that last years application had been requested for call in for committee determination. In balance, it appears to me that the benefits of the application outweigh any potential for harm. Again, if officers are minded to refuse this application, I would like a committee determination for all of the reasons listed above.

Further call-in comments:

While I agree that the economic benefits in relation to this proposal relate to a relatively short trading window, it cannot be underestimated how beneficial this is. We saw, for example how, during lockdown (particularly that of December), food and beverage and entertainment businesses lost a significant proportion of their annual turnover in just a short trading window. For a business to be able to continue trading year round there is the knock on effect of providing job security to all staff throughout the year via the continuation of trading in some capacity. I would therefore contest that the social and economic benefits are short term. Many businesses can attribute a large portion of their annual sales to the Christmas trading period. It does not equate relatively to the rest of the year... Looking at the application alone on it's own merits, it still appears to be finely balanced and will continue to benefit from the consideration of the committee. I also think that given the significant public interest in this application, it should be determined publicly.

Cllr Susan Morgan - As a Bucks Councillor I fully support this application. This is a hugely beneficial asset to the community. Its great for mental health, it's fully inclusive for disabled and special needs residents, and the nearest ice rink is Milton Keynes which isn't accessible to all our residents. I would like to see it being a permanent feature. There isn't enough youth provision in Bucks, and contributes to the reduction in anti-social behaviour. It's in a covered space which means it's not open to the elements and its availability is not affected by the weather. It's far enough away from residential housing and so they wouldn't be affected by noise or music generated. It has a large car park and although there would be an increase in traffic to the location, it's always well managed by staff working at the Centre. It's my view that it is not overbearing or changes the street scene significantly and the proposals for the structure are sympathetic and in keeping with the surrounding nursery. It doesn't overlook anyone so therefore won't impact anyone's privacy. If the planning officer is minded to refuse this application, I would ask that it goes before the Planning Committee for decision

Cllr Michael Collins – I have no doubt that the ice rink last year brought Christmas joy to the old, young and the disabled. I helped several wheelchair users and young people with learning difficulties for an experience of a lifetime. It must go ahead this year.

I understand the ice rink may not go ahead this Christmas if Councillors fail to support the application prior to June 7th.

For the last two years I have taken group of the elderly, the disabled, also children with physical and or mental disability to savour the experience of skating on ice in the build up to

Christmas. I have helped young people in wheelchairs who enjoyed an otherwise unknown experience.

I do understand the many issues you and the planning team have to endure, however, if you are minded to refuse the application I wish to call it in. Please take a pragmatic view on this application as in troubling times we as a council can at least help our residents experience a true Christmas experience.

Further call-in comments:

My personal experience is the help I was able to give to my residents, especially those with mental and physical health problems. I believe it would have a positive effect on the relationship between the council and our residents. My view is a pragmatic view where our residents best interest are best served. The enforcement/non-compliance issues are concerning and need to be addressed but surely we have the knowledge and expertise to address those issues without the need to ban a Christmas event that has been enjoyed by so many in the past and could be enjoyed by many over the Christmas period.

Cllr Ashley Waite - As a Buckinghamshire councillor could I request a call in on this application please.

Further call-in comments:

- While this application does not sit in my ward, I believe it offers a wide benefit for the whole of north bucks. The closest Ice rinks are MK, Hemel and Oxford which is a significant distance to families on low income who wish to experience this.*
- Post covid with cost-of-living issues all over the place, opportunities like this should be encouraged with the right regulation in place.*
- It is therefore a unique temporary facility for the area*
- Offering community, social, welfare and employment benefits to both a local and wider area*
- limited impact to local traffic and parking as I believe all is off site*
- I do appreciate the potential planning issues with a waste transfer site, I have had planning issues with two in the past. but, my understanding of the site is composed of waste transfer, garden centre and other retail, I am unsure as to why enforcement on one part of the business and the site would affect the whole site and different parts of the operation.*

Parish/Town Council Comments

Weston Turville PC – no objections raised to this application

Consultation Responses (Summaries)

Environmental Health Team – no comments or conditions

Economic Development Team – no additional comments as this application is similar to 22/03095/APP

(Summary and Recommendations of EDT re. 22/03095/APP: *Economic Development welcomes the opportunity to create a temporary ice rink during the festive period and provide 20 full-time and 10 part-time jobs as well as support local charities.*)

Highways Team -

01/05/23:

The proposed development is for the temporary change of use to accommodate an ice rink, refreshment bar, and associated ancillary facilities. I note that the Highway Authority raised no highway objections to prior application references 21/04294/APP and 22/03095/APP for similar proposals.

Wendover Road is an A-class road, and the proposed development site lies on a part of the road which is a subject to a 50mph speed limit. Parking / waiting restrictions are not present and footways run either side of Wendover Road in the vicinity of the site.

Due to the likely peak operating times of this development, the net additional traffic generation, access arrangements, and parking provision would not have a material impact on the safety and operation of the adjoining public highway. However, this should not be seen as tacit approval for a permanent development of this, or any other for a similar proposal.

16/06/23:

Following the submission of these comments (01/05/2023) further detail relating to the parking situation and the lawful permitted development on the site has been requested:

I understand that the site has lawful permission for a nursery at a size of 1296sqm. Following parking guidance at the time the nursery building would have an acceptable level of parking. Should we be basing our comments on the permitted consent only, and discounting the current layout on site, this is the only parking area that the proposed ice rink could use.

Based on the lawful permitted layout only, we would have concerns that the proposed ice rink would potentially give rise to an issue regarding parking and over spill in the site, restricting manoeuvring within the site and even spilling out onto the local highway network. Should the Planning Authority wish to take these concerns further we would expect the applicant to provide further evidence to support the case that parking overspill, or any other issue related to parking shortfall, would not have an impact on the local highway network.

However, we are aware that there has been a substantial amount of development on the site, including a large area of additional parking that is currently in situ. Based on the quantum of parking currently on the site we believe that any parking from the proposed ice rink can be accommodated within the wider site.

04/08/2023:

Following previous comments dated 16th June 2023, the Planning Officer has requested further comments from the Highway Authority.

In our previous comments we stated that:

“Based on the lawful permitted layout only, we would have concerns that the proposed ice rink would potentially give rise to an issue regarding parking and over spill in the site, restricting manoeuvring within the site and even spilling out onto the local highway network. Should the Planning Authority wish to take these concerns further we would expect the applicant to provide further evidence to support the case that parking overspill, or any other issue related to parking shortfall, would not have an impact on the local highway network.

However, we are aware that there has been a substantial amount of development on the site, including a large area of additional parking that is currently in situ. Based on the quantum of parking currently on the site we believe that any parking from the proposed ice rink can be accommodated within the wider site.”

Following further discussions with the Planning Officer we have been advised that the in-situ parking should not be considered as viable, lawful parking for the site as proposed. No further documentation has been provided by the applicant to show that there is additional lawful parking. As this is the case there is a clear shortfall of parking as no further parking has been allocated for this use.

Therefore, mindful of the above I must object from a Highway perspective, for the following reason:

Reason 1: *The applicant has not included adequate provision for space within the site for parking and manoeuvring of vehicles clear of the highway. The development if permitted would therefore be likely to lead to additional on-street parking and to vehicles reversing onto or off of the highway to the detriment of public and highway safety. The development is therefore contrary to the National Planning Policy Framework, Buckinghamshire Council Local Transport Plan 4 (adopted April 2016), the Buckinghamshire Council Buckinghamshire Countywide Parking Guidance Policy (adopted September 2015) and the Buckinghamshire Council Highways Development Management Guidance document (adopted July 2018).*

Representations (Summaries)

- 1086 third party representations have been received. The majority of these have been made via the Council’s online form and simply register ‘support’ the proposal. It is also noted that some individuals have submitted more than one representation. Of those which have made additional comments, these comments are summarised as follows:
 - A welcome local facility

- Used by local adults with disabilities charity and provides vital life line for clients and their families
- Used by local families/the community and brings people together
- Brings jobs and celebrities to the village/town/community
- Inexpensive/affordable and therefore accessible
- A fun and festive experience, well organised
- Offers kids/adults opportunity to learn how to skate
- Nothing else like this nearby, no need to travel
- Providing exercise for people, a healthy activity
- It has a large car park and does not cause problems for residents
- Parking is easy and free
- This is a much-respected business being innovative
- Have attended before and look forward to it returning this Christmas
- Wish the ice rink were there all year round as no other facility like this locally
- Keeps children out of trouble in a safe environment
- Supports local schools for children with special needs
- So few places like this nearby, we have visited more than once
- Accommodates everybody – children in wheelchairs can go on the ice and enjoy
- Good use of an existing building which would not be used in winter otherwise
- This should be supported and encouraged by the Council no made difficult to do and it should be advertised properly this time
- Provides an invaluable experience for children in care
- Facilities for younger generation are never wasted/inconvenient
- Visiting the ice rink is becoming a tradition for families
- Provides great boost to commerce of the area
- Supports local schools to fundraise by giving them tickets
- Beavers/scouts have trips to the ice rink
- The event holds SEN sessions
- Aylesbury needs more places like this
- There should be more local events like this for the benefit of the community
- I visit with the Autism Society socially
- As birthplace of the Paralympic Games we should support an ice rink facility for disabled people to have fun and develop skills to take up the sport for fun or professionally
- the community supports and needs this
- we visit the ice rink and then also other shops and cafes, therefore further supporting local businesses
- A great local event held by respectable local company
- Nearest rinks are otherwise at Hemel and Milton Keynes
- Run well with timed slots and well thought out parking
- Would prefer if the ice rink was accessible for longer than proposed

- Travelling further away (to another ice rink) would be bad for the environment
 - Good security, parking and consideration to neighbours – noise is not disturbing
 - Puts Aylesbury on the map
 - Helps raise with charity fundraising
 - Safe access from the A413
 - Gives people opportunity to experience new activity and locally
 - Good use of the nursery that would otherwise be quieter due to the Winter months
 - Good example of business diversification
 - Aylesbury needs more facilities like this as the town has grown
 - It's all on his own land, it's hurting nobody
 - Working within existing site infrastructure I can see it having little to no differential impact to that of a normal operating day on the site
 - Facility for local youth groups to visit
 - Is not funded by the local authority budget, what will they put on as an alternative?
 - This is a vendetta against the proprietors
- PACE Centre (Wendover Road) – visited last year with children and would like to visit again
 - 1 representation of objection was received making the following comments:
 - Small skates, busy
 - 4 bogus objection comments were also received – contents therefore not reported

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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Report to Buckinghamshire Council – (Central Area) Planning Committee

Application Number:	23/00904/APP
Proposal:	Replacement of existing Scout Headquarters
Site location:	The Old Hostel, Wendover Road, Weston Turville, Buckinghamshire,
Applicant:	14 Vale of Aylesbury Scout Group
Case Officer:	Kirstie Elliot
Ward affected:	ASTON CLINTON & BIERTON
Parish-Town Council:	WESTON TURVILLE
Valid date:	17 March 2023
Determination date:	16 August 2023
Recommendation:	Approve subject to conditions

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application proposes the demolition of the existing scout hut building which is located on the east side of Wendover Road, close to the junction with Station Road, and the construction of a similarly sized replacement building in broadly the same position. The application follows a previous application (reference 18/03146/APP) for the same development which was granted planning permission on 20/02/2019. This earlier permission is no longer extant by reason condition 1 required that the permission be implemented by 20/02/2022. This permission, is, however, material to the consideration of the current application given its significant similarities.
- 1.2 The principle of the replacement of the building is supported as it will ensure the continuing and safe provision of a community facility. The building is of an acceptable design and appearance and in an appropriate location. The building is sufficiently distanced from residential properties to the west (which back on to the site) such that no significant harm would be caused to existing residential amenity.
- 1.3 The application is referred to committee for consideration by reason of the application site being Council owned land. Land ownership certificate B of the application form has been signed to declare that requisite notice has been served on the Council as 'owner' 21 days prior to the date of the application.
- 1.4 It is recommended that permission be granted subject to conditions.

2.0 Description of Site Location/Proposed Development

Site location

- 2.1 The application site is located on the east side of Wendover Road, approximately 200 metres north-east of the junction with Station Road. The site is set back behind the residential properties and their gardens on Wendover Road and is accessed via a long drive adjacent to the PACE centre. The site is rectangular and comprises a single storey, 'T' shaped building with a dual pitched roof. The area to the east of the site comprises open fields. The site shares a common boundary with the rear gardens of the residential properties on the west side.
- 2.2 The site is located in an amber great crested newt impact risk zone (moderate/high presence of suitable habitat for GCN indicating moderate/high chance of presence of GCN). The site is also within an archaeological notification area. The site is not a listed building, or located within a conservation area, the Chilterns AONB or the Green Belt. There are no trees protected by Preservation Order (TPO) on or within proximity of the site. The site is in Flood Zone 1 and not in an area recorded as susceptible to surface water flooding.

Proposed development

- 2.3 The application proposes the demolition of the existing building and the construction of a replacement building. The building would be single storey with a pitched roof. The building would sit on the footprint of the existing building to be demolished but would be marginally larger and taller than the current building. The proposed building is of the same size, appearance and layout as that previously approved under 18/03146/APP (permission no longer extant).
- 2.4 The application is accompanied by:
- a) *Design and Access Statement (Buchanan Richardson Partnership, dated 10/03/2023)*
 - b) *Arboricultural Report (Sylva Consultancy, dated July 2018)*
 - c) *Arboricultural Report Addendum ((Sylva Consultancy, dated 10/07/2023)*
 - d) *Full set of proposed plans and elevations, location and site plans*
 - e) *Set of 3D illustrative images*

3.0 Relevant Planning History

Reference: 02/03382/APP

Development: Extension to provide boat store

Decision: Conditional permission granted Decision Date: 8 April 2003

Reference: 18/03146/APP

Development: Replacement of existing scout headquarters.

Decision: Conditional permission, granted Decision Date: 20 February 2019

Officer note: this permission was not implemented by 20 February 2022 and as such is no longer extant.

4.0 Representations

4.1 See Appendix A.

5.0 Policy Context Considerations and Evaluation

5.1 In determining the planning application, 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. The relevant development plan comprises the following documents:

Vale of Aylesbury Local Plan (Adopted September 2021) 'VALP' Policies:

S1 Sustainable development for Aylesbury Vale

S2 Spatial strategy for growth

S3 Settlement hierarchy and cohesive development

S5 Infrastructure

S7 Previously developed land

T1 Delivering the sustainable transport vision

T4 Capacity of the transport network to deliver development

T5 Delivering transport in new development

T6 Vehicle parking

BE1 Heritage assets

BE2 Design of new development

NE1 Biodiversity and geodiversity

NE4 Landscape character and locally important landscape

NE8 Trees, hedgerow and woodlands

C3 Renewable Energy

I3 Community facilities, infrastructure and assets of community value

I4 Flooding

I5 Water resources and wastewater infrastructure

Buckinghamshire Minerals and Waste Local Plan (July 2019) 'BMWLP' Policies:

Application site is not within a minerals safeguarding area for the purposes of Policy 1. No other policies are relevant to the proposed development.

Weston Turville Neighbourhood Plan (Made May 2018) 'WTNP' Policies:

H1 – Settlement Boundaries

H2 – Development design in the neighbourhood areas

E3 – Biodiversity

C1 – Retention and enhancement of community facilities

6.0 Policy Considerations and Evaluation

6.1 The main planning considerations are (i) the principle of development (ii) impact on site, setting and landscape character (iii) impact on heritage assets (iv) impact on ecology (v) impact on parking/highway safety (vi) impact on flooding/water resources (vii) impact on residential amenity (viii) renewable energy/sustainable construction

Principle of development

VALP policies S1, S2, S3, S5, S7, I3

WTNP policies H1, C1

- 6.2 Table 2 of VALP Policy S2 identifies Weston Turville in the settlement hierarchy as a medium village, that is a settlement with a 'moderate' level of sustainability due to the presence of some key services and facilities and where some development is acceptable. The application site is located within the settlement boundaries of Weston Turville (Wendover Road and Hampden Hill) wherein development is enabled directing the physical growth of the settlement (WTNP Policy H1).
- 6.3 The VALP supports the provision of infrastructure and recognises that this includes community infrastructure, such as buildings/services for use by the community, whilst Policy I3 seeks to prevent the loss of community facilities. Policy C1 of the WTNP supports proposals that contribute to improvements of established community buildings which are appropriate in design terms and will not harm the amenities of adjoining residential properties.
- 6.4 The application proposes the replacement of a community building ('scout hut'), which is approximately 70 years old, and would allow for the continued provision of a community service for local young people. The existing building is a poor state of repair. The case is made that the new building will be fit for modern purposes and will facilitate the future provision of a wider range of activities for young people in the local community. In this respect, the replacement of the building to be used for the same community purposes as existing but in an improved state to secure the continued service provision is acceptable in principle. This should be afforded significant weight in favour of the proposal in the planning balance.

Impact on site setting and landscape character

VALP policies BE2, NE4, NE8

WTNP policies H2, C1

- 6.5 The existing building is of a simple timber and corrugated metal construction of an appearance common to a rural location, consistent with the open countryside land located immediately to the east of the site. It is of no architectural merit albeit it is of a 'typical' scout hut appearance. Under the current application, the building would be constructed in similar materials comprising a mix of timber and corrugated metal and with the main roof comprising a partial 'green' or living roof (sedum). The building as proposed is clearly of a more modern design but it remains of a simple appearance and reflective of the edge of settlement location and the proximity of the site to the open countryside beyond. The proposed living roof will assist in softening the building and with its assimilation into the landscape. Conditions are considered reasonable and necessary to secure the external construction materials as proposed. In this respect the development is considered reflective and respectful of the site and its setting and given it would replace a building which is currently in a poor state of repair with a new, modern building, it would improve the contribution of the site to the wider landscape.

6.6 The application is accompanied by an Arboricultural Report. Following review by the Council's Arboricultural Team, updated information was requested and subsequently submitted ('Addendum'). The Addendum comprises a desk-top evaluation in respect of impacts on the root protection areas (RPA) of those trees closest to the construction site of the proposed building. The conclusions of the Addendum are that whilst incursion may occur into the RPAs of trees T9 and T10, this is unlikely to result in adverse impacts. The Addendum was reviewed by the Council's Arboricultural Team who have accepted the report findings and raise no objection subject to conditions to require appropriate tree protection during construction. The building is sufficiently spaced from other trees/hedges such that they do not require removal and should not be impacted by the works. Accordingly, it is concluded that the contribution to the rural nature of the site and setting should not be significantly impacted as a result of the proposed development. The absence of harm in this respect should be afforded neutral weight in the planning balance. The improvement in the site's contribution to the wider landscape setting through the removal and replacement of the existing building should be afforded moderate weight in favour of the proposal in the planning balance.

Impact on heritage assets

VALP policy BE1

WTNP policy H2

6.7 The site is located in an archaeological notification area. Archaeological remains are a heritage asset and as per para.199 of the NPPF the Council must afford great weight to the conservation of the significance of the heritage asset when taking decisions on development proposals. Policy BE1 requires that all developments should seek to conserve heritage assets in a manner appropriate to their significance.

6.8 The application has been reviewed by the Council's Archaeology Team who has advised that given the nature of the development (i.e. demolition of existing building and replacement with a new building over same footprint) it is unlikely to impact on any potential archaeological remains. The impact of the proposed development on the heritage asset is therefore concluded to be neutral. The absence of harm in this respect should be afforded neutral weight in the planning balance.

Impact on ecology

VALP policy NE1

WTNP policies H2, E3

6.9 The VALP seeks to preserve and enhance the wildlife and biodiversity of the Aylesbury Vale area, achieving net gains proportionate to the site and its setting and in the context of the development proposed. Policy E3 of the WTNP expects development proposals to provide net gains to biodiversity and also that lighting within and around development should respect the ecological functionality of wildlife corridors. In this instance the proposals have been reviewed by the Council's Ecology Team who do not consider the development would pose harm to wildlife and biodiversity and no further ecological information is therefore required. The site is within an Amber Great Crested Newt Impact Risk Zone meaning a

moderately high predication of species presence due to the moderate presence of suitable habitat in the area. However, it is recognised that the construction is to be undertaken on an already developed site occupied by an existing building. In these circumstances, an informative is therefore suggested to advise of the appropriate action to take should the species be encountered during the works in the event permission is forthcoming. The proximity of the building close to existing hedgerow and trees, predominantly to the west, is recognised and it is noted that the previous permission included a condition to control the provision of lighting on and around the building. It is considered reasonable and necessary to include such a condition if permission is granted for the current proposal. The absence of harm in this respect should be afforded neutral weight in the planning balance.

- 6.10 In terms of net gains, the inclusion of the green/living roof would provide local biodiversity enhancements through the provision of a new habitat. As referred earlier in this report, conditions to secure the external construction materials would include the materials on the roof (i.e. including the green roof) and this feature would also serve to provide ecological enhancement feature of the site. In this instance, it is considered that the biodiversity gains should be afforded moderate positive weight in favour of the proposed development.

Impact on parking/highway safety

VALP policies T1, T4, T5, T6, T8

- 6.11 There are no alterations proposed to the existing access and parking arrangements at the site. The submitted site plan shows 79 metres visibility from the access and the 13 on-site parking spaces will be retained, although the parking arrangements will be more formalised. The building does not materially increase in size, meaning there is no requirement to provide additional parking over and above existing provision. The application has been reviewed by the Council's Highways Team who have no objections subject to the parking and access arrangements being as per the plan. There is therefore no evidence that the proposal will have an impact on highway safety. Given the nature of the development and that the parking provision is essentially to remain the same, it is not considered that requirement for EVC points is reasonable in this particular instance. The absence of harm is therefore afforded neutral weight in the planning balance.

Impact on flooding/water resources

VALP policies 14, 15

- 6.12 The site is located in Flood Zone 1 and is less than 1 hectare in area. As such, no flood risk assessment (FRA) is required with the application. The site is not identified as being susceptible to surface water flooding. As an already developed site, there is no evidence that the construction of the replacement building would increase the likelihood of flooding on the site or elsewhere.
- 6.13 The site has existing water connections and as an existing community facility/public building it is not envisaged that there would be any significant change to water consumption resulting from the proposed works.

- 6.14 In these respects, the proposal is considered to meet the requirements of Policies I4 and I5. The absence of harm should be afforded neutral weight in the planning balance.

Impact on residential amenity

VALP policy BE3

WTNP policy C1

- 6.15 The VALP seeks to ensure that development does not impact on existing residential amenity to an unreasonable extent. Policy C1 requires that enhancements to existing community facilities should not harm amenities of adjoining residential properties. The application site is located to the rear (east) of several residential dwellings on the east side of Wendover Road (no's 148 to 154). The existing building is located some 50 metres (approx.) to the rear of dwellings separated by their gardens and its own curtilage. The common boundary between the site and its neighbours comprises mature hedgerow and trees. The proposed building would sit primarily in the position of the existing building. It is recognised that it would be marginally taller (max height of approx. 5 metres) and slightly larger in footprint than the existing building but given the separation distances, it is not considered that the building would give rise to significant amenity impacts, such as loss of outlook, loss of daylight or by reason of being an overbearing development. The building is single storey with openings on the west side comprising doors and some high level windows. A partially enclosed bouldering wall is also proposed at the north end of the west elevation. Given the nature of the use of the building, the separation distances and existing common boundary treatment, it is not considered that the development would give rise to loss of amenity by reason of loss of privacy.
- 6.16 The comments of the Environmental Health Team are noted in respect of the proposed 'plant room' in the new building. Clarification was sought from the applicant as to the nature of the 'plant' and it is confirmed that this will comprise the electricity fuse board and water heater/heating boiler, such features being present in the existing building and required for the functioning of the proposed building. The layout and composition of the building is the same as that found acceptable under the previous application and the use of the building is to continue as currently exists, as was the case with the previous application.
- 6.17 Accordingly, it is concluded that the development will not give rise to any significant harm to the amenities of occupiers of neighbouring residential properties. The absence of harm in this respect should be afforded neutral weight in the planning balance.

Renewable energy/sustainable construction

VALP policy C3

- 6.18 Policy C3 of the VALP seeks to require that new development achieves greater efficiency in the use of natural resources. This can include measures to minimise energy use, improve water efficiency and promote waste minimisation and recycling. Developments should also

minimise, reuse and recycle construction waste wherever possible. The policy states that in seeking to achieve carbon emissions reductions, the council will assess developments using an 'energy hierarchy'. An energy hierarchy identifies the order in which energy issues should be addressed and is illustrated in criteria (h) to (k) of the Policy.

- 6.19 The existing building, in consideration of its simple construction and age, is considered to be of poor energy efficiency. The application's accompanying Design and Access Statement (DAS) describes that the materials to be used in the construction of the building will likely comprise pre-made frames and insulated panels brought to site and which are then quickly assembled. The DAS continues that the goal is to provide an energy efficient and low maintenance building.
- 6.20 Of particular note is the proposed use of a green/living roof, which as the DAS states, as well as providing ecological benefits through habitat creation, would also provide insulation and cooling properties and reduce rainwater runoff. In this respect it is considered that the applicants have demonstrated regard to the energy hierarchy and the development, particularly in view of the proposal green/living roof will contribute towards delivery of sustainable construction goals. A construction materials condition is already considered reasonable and necessary in the interests of amenity and ecology, and also now in respect of sustainable construction. The delivery of sustainable construction as proposed should be afforded moderate weight in favour of the development in the planning balance.

7.0 Weighing and balancing of issues / Overall Assessment

- 7.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 7.2 In determining the planning application, 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. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 7.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect

areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case, and for the reasons provided in Section 6 of this report, it is considered that the development complies with the relevant policies of an up to date development plan (comprising the VALP and the WTNP) which support the retention and enhancement of community facilities which do not result in significant harm to the landscape, heritage assets or amenities of residents. Further, the application submissions demonstrate how the development would seek to incorporate and deliver elements of sustainable design and construction to be more energy efficient and ultimately contribute towards tackling climate change (albeit on a small scale).

Human Rights Act 1998

- 7.4 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

Equalities Act 2010

- 7.5 Local Planning Authorities, when making decisions, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

8.0 Working with the applicant / agent

- 8.1 In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 8.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 8.3 In this instance the applicant
- the applicant/agent was updated of any issues after the initial site visit,
 - The applicant was provided the opportunity to submit additional/clarifying information to address issues.
 - The application was referred to the next available Planning Committee Meeting for determination following receipt and consideration of the additional/clarifying information and in accordance with an agreed extension of time.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

9.0 Recommendation

9.1 It is recommended that the application is approved subject to the following conditions, reasons and informatives:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following approved plans received by the local planning authority on 17/03/2023:

- oDrg no. B1490.100 Rev.C 'Block Plan, Floor Plan
- oDrg No. B1490.101 Rev.A 'Proposed Elevations'
- oDrg no. B1490.102 Rev.A 'Location Plan'
- oDrg No. B1490.103 'Site Plan – parking and visibility splays'

and in accordance with any other conditions imposed by this planning permission.

Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

3. Notwithstanding the details shown the plans hereby approved, prior to construction above ground level, details of the materials to be used in the external construction of the building hereby approved shall be submitted to and approved in writing by the local planning authority. These details shall include the type and colour of materials to be used including any colour/staining to be applied and with reference to the manufacturer's and/or supplier's specifications. The building shall thereafter be constructed in accordance with the approved materials details.

Reason: In the interests of the visual amenity of the site and its setting as part of the rural landscape, in accordance with Policies BE2 and NE4 of the Vale of Aylesbury Local Plan and Policies H2 and C1 of the Weston Turville Neighbourhood Plan.

4. No floodlighting or other form of external lighting shall be erected or installed on the building or within the site without details being submitted to and approved in writing by the local planning authority. The details shall include location, height, type and direction of light sources and levels of illumination. The lighting thereafter shall be installed in accordance with the approved details.

Reason: In the interests of the residential amenities of nearby properties and local wildlife, in accordance with Policies BE3 and NE1 of the Vale of Aylesbury Local Plan and Policies H2, C1 and E3 of the Weston Turville Neighbourhood Plan.

5. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the first use of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: 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 in accordance with Policies T1, T4, T5, T6 of the Vale of Aylesbury Local Plan.

6. No works or development (including for the avoidance of doubt any works of demolition/site clearance) shall take place until a Tree Protection Plan (TPP) has been submitted to and approved in writing by the Local Planning Authority. The TPP shall accord with current British Standard 5837 and shall include detailed plans showing the location(s) of trees, shrubs and hedgerows to be retained and the positions of protective fencing and ground protection. The protective fencing and ground protection shall be installed on site in accordance with the approved details prior to the commencement of any works or development on the site. Thereafter the development shall be implemented in accordance with the approved details and the approved fencing and ground protection measures shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced or protected areas without prior written agreement from the Local Planning Authority.

Reason: To ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the works to implement and complete the development approved in the interests of the health and welfare of the trees and hedgerows and their contribution to the setting of the site and wider landscape and biodiversity of the local area, in accordance with Policies NE1 and NE8 of the Vale of Aylesbury Local Plan and Policies H2 and E3 of the Weston Turville Neighbourhood Plan.

7. Any trees, hedgerows or shrubs shown for retention which within a period of five years from the first use or substantial completion of the development hereby approved, whichever is the latter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size, species and maturity, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of preserving the contribution to the setting of the site and wider landscape and biodiversity of the local area provided by the trees, shrubs and hedgerows, in accordance with Policies NE1 and NE8 of the Vale of Aylesbury Local Plan and Policies H2 and E3 of the Weston Turville Neighbourhood Plan.

8. Prior to construction above ground level, details of the proposed living roof (green roof), including substrate depth and a programme of maintenance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and the living roof (green roof) maintained in accordance with the approved details.

Reason: In the interests of the amenity of the site and its contribution to the wider rural setting, to ensure biodiversity net gains are provided and in the interests of sustainable construction, in accordance with policies BE2, NE4, NE1 and C3 of the Vale of Aylesbury Local Plan and Policies H2 and E3 of the WTNP and the guidance within the NPPF.

Informative(s):

1. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
2. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Councillor Comments

None received at time of drafting report.

Parish/Town Council Comments

Weston Turville PC – The Parish Council supports this application.

Consultation Responses (Summarise)

Ecology Team:

Summary
No Objections
Discussion
<p>It is considered that there is not a reasonable likelihood of protected species or priority habitats being affected by this development.</p> <p>The proposals for this development include the provision of a green roof to the new structure. Once established it is considered that this feature will generate the ecological enhancements required under local and national planning policy that are now required. The features described in the plans submitted will need to be secured under standard design conditions if this application is approved.</p> <p>Therefore, no supporting ecological information is required and there is no objection towards this application.</p>

Environmental Health Team:

I note that the application, specifically the Black Plan and Floor Plan, Drawing Number: B1490. 100 makes reference to a 'Plant Room' proposed as part of the premises, directly connected to the kitchen. This also appears to be the closest part of the proposed development to the nearest sensitive receptor.

Unfortunately, no information has been submitted with the application concerning what plant is proposed to be installed within the plant room as part of the development, nor the noise output of such plant and therefore I cannot provide an accurate opinion to the Local Planning Authority (LPA) on their likely impact vis-à-vis existing residential amenity. Given that the plant room is proposed to be located on the elevation of the development facing a neighbouring property, there is a potential for noise and potentially odour disturbance.

I would therefore recommend that determination of the application is held in abeyance until such time the applicant has provided details of all plant proposed as part of the development, and technical data (i.e. either manufacturer sound pressure or sound power levels) associated with said plant to the LPA. I'm happy to review this information and provide an opinion on their resultant acoustic and odour impact.

INFORMATIVE

Construction/Demolition Noise

The attention of the applicant is drawn to the requirements of section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. An

application under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Services Division of the Council.

Information in relation to construction noise can be found at:

<https://www.buckinghamshire.gov.uk/environment/environmental-health-and-nuisance/noise/light-smoke-and-smells/noise-from-a-construction-site/>

Arboricultural Team:

1st response

I have reviewed the Arboricultural Impact Assessment submitted to support this application and note that both the initial tree survey and report itself are now nearly five years old.

Due to the amount of time that has lapsed, I would be grateful if you could request a walkover survey of the existing tree stock to verify the existing B55837 data, which in turn should inform an updated Arboricultural Impact Assessment. Once this is received I will be able to make further comment.

2nd response following receipt of Addendum

Approve subject to conditions (1) Tree Protection (2) Replacement Trees/Hedgerows

Archaeology Team:

Archaeological interests

The nature of the proposals are such that they are unlikely to substantially harm the archaeological significance of any assets. We therefore have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest.

Economic Development Team:

No comments

Highways Team:

Comments as per previous application ref: 18/03146/APP. No objection subject to conditions (1) parking as per plan (2) access arrangements/visibility splays

Representations

Six (6) third party representations have been received in support of the application, the mains of which are summarised as follows:

- Current 1940s building is in poor condition/not fit for purpose
- Replacement building will enable scouting/guiding to be delivered in a modern setting for years to come
- Good location with easy access
- Secure and safe location due to long drive
- Valuable (local) resource for young people

APPENDIX B: Site Location Plan



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Report to Buckinghamshire Council – Central Planning Committee

Application Number:	23/01691/APP
Proposal:	Change of use from A2 Bank to Class E Offices with removal of windows and cladding with new aluminium cover panels and new windows with beech coloured panels / removal of render and coping stone to Boundary walls and replaced with new painted render and aluminium capping to wall
Site location:	Lloyds Bank Plc, Gatehouse Road, Aylesbury, Buckinghamshire, HP19 8ED
Applicant:	Johnsons Accountants
Case Officer:	Dayna Simmons
Ward affected:	AYLESBURY NORTH WEST
Parish-Town Council:	AYLESBURY
Valid date:	5 June 2023
Determination date:	31 July 2023
Recommendation:	APPROVAL subject to conditions

1.0 Summary & Recommendation

- 1.1 The application seeks full planning permission for the change of use from A2 Bank to Class E Offices and associated works. It has been evaluated against the adopted Vale of Aylesbury Local Plan and the NPPF.
- 1.2 The application site is located on Gatehouse Road in Aylesbury and is a detached unit.
- 1.3 The site is located within an accessible location and there are no concerns regarding an increase in the amount of traffic to and from the development.
- 1.4 Economic benefits would also arise as a direct consequence of the proposal in terms of its contribution to the local economy. This is in terms of accelerated job creation, retention and training opportunities and increased expenditure to support other local businesses. In combination, these weigh very substantially in favour of the proposal.
- 1.5 This application has been considered with regards to the adopted Development Plan and it is considered that the proposal would have a minimal impact on the existing character and appearance of the site and the surrounding area.
- 1.6 The application is referred to the Planning Committee because the application site is owned by Aylesbury Vale Estates LLP (AVE). Because of the commercial link between AVE

and Buckinghamshire Council this item has been brought to the relevant Area Planning Committee to ensure openness and transparency.

- 1.7 The application is recommended for approval subject to appropriate conditions.

2.0 Description of Proposed Development

2.1 Site Location

- 2.2 The application site is a two storey, brick built, detached building located to the west side of Gatehouse Road, Aylesbury with Gatehouse Way running adjacent to the south side of the site.

2.3 Site Constraints

- Great Crested Newt Amber Impact Area
- Site is susceptible to surface water flooding

2.4 Proposal Description

- 2.5 The proposal is for a change of use from a Bank to Class E Offices together with limited external changes. New aluminium cover panels and new windows with beech-coloured panels are proposed together with the removal of some render. The coping stone to boundary walls would be replaced with new painted render and aluminium capping to walls. The existing entrance onto Gatehouse Road would be closed with sole access into and out of the site being from Gatehouse Way to the south.

- 2.6 To the rear, the existing flat roof would be decked and enclosed to provide an area of outdoor space for employees.

- 2.7 The application is accompanied by:

- Application Form received on 01.06.2023
- (Unnumbered) Location Plan received 01.06.2023
- (Unnumbered) Block Plan received 01.06.2023
- 1B Plans and Elevations received 01.06.2023
- 11B Car Parking received 10.07.2023

3.0 Relevant Planning History

Reference: 02/00591/APP

Development: Ramp to entrance of bank

Decision: APPROVED Decision Date: 22 April 2002

Reference: 79/01607/AV

Development: Conversion of part of male toilets to form a boiler room

Decision: NOT PROCEEDED WITH Decision Date: 17 September 1979

Reference: 90/02168/AAD

Development: Illuminated sign to cash point
Decision: APPROVED Decision Date: 5 December 1990

Reference: 90/02169/APP
Development: Installation of cash point
Decision: APPROVED Decision Date: 5 December 1990

Reference: 96/00475/APP
Development: Installation of satellite antenna
Decision: APPROVED Decision Date: 15 May 1996

Reference: 98/02148/AAD
Development: Erection of advertisements consisting of shop fascia, illuminated projecting and pole sign
Decision: ADVERTREFUSED Decision Date: 30 November 1998

Reference: 99/00860/AAD
Development: 1 No internally illuminated fascia sign 1 No internally illuminated projecting sign & 1 No internally illuminated pole mounted sign
Decision: ADVERT APPROVED Decision Date: 28 May 1999

Reference: 03/00333/AAD
Development: One internally illuminated ATM collar surround and one internally illuminated projecting sign
Decision: ADVERT APPROVED Decision Date: 31 March 2003

Reference: 06/02927/AAD
Development: Two internally illuminated fascia signs and two internally illuminated projecting signs
Decision: ADVERT APPROVED Decision Date: 18 December 2006

Reference: 06/02976/AAD
Development: Internally illuminated fascia sign and two internally illuminated projecting signs
Decision: ADVERT APPROVED Decision Date: 8 January 2007

Reference: 13/00053/AAD
Development: Internally illuminated signage comprising two fascia signs, two projecting signs and one ATM surround
Decision: ADVERT APPROVED Decision Date: 7 March 2013

Reference: 13/01978/AAD
Development: Non illuminated built up letters, internally illuminated fascia sign, two

projecting signs and one ATM surround

Decision: ADVERT APPROVED Decision Date: 27 September 2013

Reference: 19/02133/APP

Development: New shopfront, new rear security door, two new air conditioning condenser units and two existing extract grilles

Decision: APPROVED Decision Date: 14 August 2019

Reference: 19/03108/APP

Development: New external services door to utilities cupboard

Decision: APPROVED Decision Date: 17 October 2019

4.0 Representations

4.1 See appendix A for responses.

5.0 Policy Considerations and Evaluation

5.1 The starting point for decision making is the development plan i.e., the adopted Vale of Aylesbury 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) (2021) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither changes 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.

5.2 Principle and Location of Development

Vale of Aylesbury District Local Plan (VALP): S1 (Sustainable development for Aylesbury Vale); S2 (Spatial strategy for growth), S3 (Settlement hierarchy and cohesive development), E5 (Development outside town centres)

5.3 Sustainable location

5.4 The site is located on Gatehouse Road, Aylesbury, next to the Gatehouse Way industrial area and is readily accessible from the main highway. The application site is located just outside of Aylesbury Town Centre, however, there are nearby bus routes and Aylesbury train station is located a short walk from the site. The site is considered to be in a highly sustainable location.

5.5 Policies S2 and S3 of VALP identify that strategic settlements are the most sustainable locations for development, with the primary focus for growth being at Aylesbury along with other large settlements.

5.6 Paragraph 88 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the

town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of town centre sites are fully explored.

- 5.7 The general principle relating to employment land and premises is that fit-for-purpose appropriate class E, B2 and B8 key employment sites should be safeguarded to maintain a diverse range of business activities in Aylesbury Vale.
- 5.8 The proposal would create about 9 jobs initially which reportedly would increase to 40 over time according to the submission.
- 5.9 Whilst the change of use to offices (Class E) would result in the loss of a A2 bank use building it is noted that VALP does not afford any protection to banks. A Class E office use is deemed an appropriate use class for the immediate location, the use would sit comfortably within the local area given the variety of commercial uses present. The unit is currently empty having been closed by the existing operator and therefore not contributing to local economic growth nor provision of a service.
- 5.10 It is recognised that Aylesbury is in principle considered to be a highly sustainable location and can accommodate further development as a result of the facilities and services on offer. Furthermore, it is considered that public transport options are available within a short walking distance and so most facilities and services could be accessed without the reliance upon motor vehicles.
- 5.11 A Class E office would contribute to local economic growth and given the small scale and obviously links to the town centre would have no impact upon the vitality and viability of the town centre. Bringing the unit back into use is considered a benefit that is a material consideration, it is noted that the Council's economic development officer supports the application. The proposal is considered acceptable and complies with policies S2, S3 and E5 of VALP and also accords with the relevant policies of the NPPF.

5.12 Transport matters and parking

VALP policies T1 (Delivering the sustainable transport vision), T4 (Capacity of the transport network to deliver development), T6 (Vehicle parking), Appendix B (Parking Standards)

- 5.13 It is necessary to consider whether the proposed development is located where the need to travel will be minimised, the use of sustainable transport modes can be maximised, and that safe and suitable access can be achieved. As set out above, the site is in a sustainable location due to the readily available access to public transport.
- 5.14 Gatehouse Road is an A-class road subject to a speed limit of 30mph. The application site benefits from footways on either side of the road.
- 5.15 The public transport links are located nearby with bus services to Bicester and train services to Central London. The site is considered sustainable in transport terms in the context of the requirements of the NPPF and would not be reliant on the use of the private motor vehicle.

- 5.16 The Council's Highway Officer has not objected to the works and considers the development to be acceptable in principle.
- 5.17 Concerns were initially raised regarding the existing access off the A41, however following amendments, this access is now proposed to be closed off via extending the existing dwarf wall. Highways alterations will also be required to remove the existing bell-mouth access (kerbed radii), reinstate a footway, undertake drainage works, and alter road markings along the A41 carriageway. This can be secured by condition.
- 5.18 The access of Gatehouse Way is wide enough for two vehicles to pass at low speed in the event that two vehicles enter and exit the site simultaneously. There are no highway objections to an electric sliding gate off Gatehouse Way, as this is a lightly-trafficked side road. The use of this access as both an entrance and exit is acceptable.
- 5.19 It is acknowledged that there is no parking plan submitted with the application, however, it is considered appropriate that this matter be dealt with by way of condition requiring the applicant to submit a parking plan and electric charging point plan prior to occupation. The existing parking provision does not comply VALP standards, the parking area to the front of the site would not be sufficient to provide parking in accordance with VALP for the proposed use; however, given the highly sustainable location and the fact that alternative forms of transport are viable a refusal on this point would not be sustainable if challenged. A plan demonstrating a safe and viable layout should be provided prior to occupation.
- 5.20 Mindful of the above, there is no objection to the application from a highway perspective and the proposal would accord with VALP policies T1, T4-T6, and NPPF.
- 5.21 Raising the quality of place making and design**
VALP policy BE2 (Design of new development).
- 5.22 The exterior of the building would largely remain the same with the introduction of a glazed balustrade around the flat roof of the existing single storey rear projection, and the introduction of additional openings in the front and rear elevations. Given the existence in glazing in these locations and the significant distance to the nearest dwelling, there are no concerns regarding these alterations.
- 5.23 The proposal would also include the introduction of a sliding electric gate to the south of the site and the replacement of the existing boundary wall coping with anthracite coping. The proposed changes would not appear incongruous and would integrate well with the existing building. As such, the proposal would therefore accord with VALP policy BE2.
- 5.24 Amenity of existing and future residents**
VALP policy BE3 (Protection of the amenity of residents).
- 5.25 The NPPF at paragraph 130 sets out guiding design principles. One of the principles set out is that authorities should always seek to create places that have a high standard of amenity for all existing and future users.
- 5.26 Policy BE3 of VALP seeks to protect the amenity of existing residents and achieve a

satisfactory level of amenity for future residents.

5.27 The principle of the development was established by the original consent, and it is considered that the nature of the proposed use would be materially no different in terms of noise and other impacts. The local area is commercial in nature with the nearest residential properties being a significant distance from the site.

5.28 The Council's Environmental Health (EH) officer was consulted and raised no concerns regarding the proposal.

5.29 It is considered that the proposed development would comply with policy BE3 of VALP and NPPF in this regard.

5.30 Flooding and drainage

VALP policy I4 (Flooding)

5.31 Paragraph 167 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere.

5.32 Policy I4 of VALP requires a site-specific Flood Risk assessment (FRA) on sites of 1 hectare or more in size or where there is evidence of flooding.

5.33 The site lies within Flood Zone 1, however the site is within an area susceptible to surface water flooding.

5.34 As the proposal is for a change of use of an existing building, it requires no new drainage infrastructure. The application form states that foul sewage and surface water would be disposed of via the main sewer.

5.35 Therefore, the proposed development would be resilient to climate change and flooding and it would not increase flood risk elsewhere in accordance with Policy I4 of Vale of Aylesbury Local Plan and National Planning Policy Framework.

5.36 Landscape and Tree Issues

VALP policy NE4 (Landscape character and locally important landscape), NE8 (Trees, hedgerows and woodlands)

5.37 Policy NE8 of VALP states that development that would result in the unacceptable loss of, or damage to, or threaten the continued well-being of any trees and hedgerows which make an important contribution to the character and amenities of the area will be resisted.

5.38 In this case the site is situated within the built-up area of Aylesbury on an existing developed plot. There are no existing trees, vegetation or other landscape features on the site that make a meaningful contribution to the character and appearance of the area. Given the urban context there is little opportunity to provide any meaningful additional landscaping as part of the scheme, other than a small amenity space at the front. Given the existing site layout, it is considered unreasonable for car parking provision to be lost to achieve limited landscape gains.

5.39 As such, it is considered that the scheme would accord with the aims of policy NE8 of VALP and the advice within the NPPF.

5.40 Ecology

VALP policy NE1 (Biodiversity and geodiversity)

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

5.42 Policy NE1 of the VALP is reflective of the NPPF in requiring all development to deliver a biodiversity net gain.

5.43 The site is located within a Great Crested Newt Amber Impact Zone, however due to high levels of hardstanding throughout the site, there are no concerns that the protected species would be negatively impacted as a result of the proposal. As such the proposal is considered to accord with Policy NE1 of VALP as well as the advice within the NPPF.

6.0 Weighing and balancing of issues / Overall Assessment

6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

6.2 The proposal would contribute to local economic growth, have no negative impact upon the vitality and viability of the area and would avoid the unit standing empty. The scheme has been considered acceptable in terms of its design and the impact on residential amenity, biodiversity and transport and parking.

6.3 Taking all the relevant factors into account and having regard to all relevant policies of the VALP and NPPF, it is considered that proposal would accord with an up to date development plan and is therefore recommended for approval.

7.0 Working with the applicant / agent

7.1 In accordance with paragraph 38 of the NPPF (2021) Buckinghamshire Council takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. Buckinghamshire Council 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, the applicant/agent was informed of the issues arising from the proposal and given the opportunity to submit amendments/additional information in order to address those issues prior to determination. The applicant/agent responded by submitting amended plans/additional information which were found to be acceptable so the application has been approved.

8.0 Recommendation

The officer recommendation is that the application be **APPROVED** for the following conditions and reasons:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the details contained in the planning application hereby approved, unnumbered drawings 'Location Plan' and 'Block Plan' and plan number 1B received on 1st June 2023 and plan number 11B received by the Local Planning Authority on 10th July 2023 and in accordance with any other conditions imposed by this planning permission.

Reason: To ensure that the development is carried out in accordance with the details considered by the local planning authority.

3. The external materials to be used in the construction of the development hereby permitted shall be as specified on plan numbers 1B received by the Local Planning Authority on 1st June 2023 and 11B received by the Local Planning Authority on 10th July 2023.

Reason: To ensure a satisfactory appearance to the development and to comply with policy BE2 of the Vale of Aylesbury Local Plan, and the National Planning Policy Framework.

4. Prior to the occupation of the development hereby permitted, the existing access off the A41 shall be closed off by removing the existing bell-mouth access (kerbed radii) and reinstating the footway and highway boundary to the same line, level, and detail as the adjoining footway and highway boundary. For the avoidance of doubt, a highways legal agreement will be required to undertake the highway works which will include any required drainage works and alterations to the road markings along the A41 carriageway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the development.

5. Prior to the occupation of the development hereby permitted, a parking plan is to be submitted to and approved in writing by the Local Planning Authority which demonstrates the maximum number of parking spaces able to be provided while meeting the standards required within VALP. The parking plan should also include the provision of electric charging points in accordance with VALP requirements.

Reason: To ensure highway safety and the promotion of clean technologies.

6. At no time shall this site be used for any other use other than that permitted under Class E without permission of the Local Planning Authority.

Reason: to ensure appropriate use remains and certainty about what is being permitted.

Informatives:

1. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England. If a great crested newt is encountered during works, advice should be sought from a suitably qualified ecologist.
2. The applicant is advised that the off-site works will need to be constructed under a Section 184 / 278 of the Highways Act legal agreement. This Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge, or other land forming part of the highway. Please visit the Council's website for further guidance or contact Highways Development Management via highwaysdm@buckinghamshire.gov.uk

List of approved plans:

Plan Reference	Received
<i>(Unnumbered) Location Plan</i>	<i>01 June 2023</i>
<i>(Unnumbered) Block Plan</i>	<i>01 June 2023</i>
<i>1B Plans and Elevations</i>	<i>01 June 2023</i>
<i>11B Car Parking</i>	<i>10 July 2023</i>

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Ward Councillor Comments (Aylesbury North West)

None received at the time of writing this report.

Town Council Comments (verbatim)

Aylesbury Town Council has no objection to this application.

Consultation Responses

Highways (16.06.2023):

- Amendments required to the proposed electric sliding gate entrance off of the A41 to allow cars to safely pull clear of passing traffic.

Highways (30.06.2023):

- Amendments required to the proposed electric sliding gate entrance off of the A41 to allow cars to safely pull clear of passing traffic or alternatively the access off the a41 could be closed off.

Highways (14.07.2023):

- No objections subject to condition

Environmental Health:

- No objections

Economic Development (10.07.2023):

- Economic Development welcomes this application change of use of 1037 sq. m of A2 into an office buildings of 1037 sq. m of E use.

Representations

- None received at the time of writing this report.

APPENDIX B: Site Location Plan



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