



# Buckinghamshire Council

## Central Buckinghamshire Area Planning Committee

### Agenda

**Date:** Wednesday 7 February 2024

**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

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2	<b>MINUTES</b> To approve as a correct record the minutes of the meeting held 10 January 2024	3 - 6
3	<b>DECLARATIONS OF INTEREST</b>	
<b>APPLICATIONS</b>		
4	<b>23/02704/VRC - GREEN RIDGE PRIMARY ACADEMY, PRESIDENT ROAD, AYLESBURY</b>	7 - 20
5	<b>23/03748/APP - 1 AND 2 CROFT HOUSE, CROFT ROAD, AYLESBURY</b>	21 - 36
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7	<b>AVAILABILITY OF MEMBERS ATTENDING SITE VISITS (IF REQUIRED)</b> To confirm Members' availability to undertake site visits if required.	
8	<b>DATE OF THE NEXT MEETING</b> 6 March 2024	

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For further information please contact: Harry Thomas on 01296 585234, email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).



## Central Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the Central Buckinghamshire Area Planning Committee held on Wednesday 10 January 2024 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 2:30pm and concluding at 6:05pm.

### Members present

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

### Agenda Item

#### 1 Apologies

Members received 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 13<sup>th</sup> December 2023 be agreed as a correct record.

#### 3 Declarations of interest

Councillor R Newcombe declared a general interest as a representative of Buckinghamshire Council on the Chilterns Conservation Board, which oversaw the Chiltern's Area of Outstanding Natural Beauty/National Landscape, which was briefly referenced in the case officer's report for agenda item seven (application 23/00311/AOP). He confirmed that he had made no comments related to the application prior to the meeting, and therefore felt able to participate fully in the consideration of the application.

#### 4 **WITHDRAWN 23/02704/VRC - Green Ridge Primary Academy, President Road, Aylesbury**

This application was withdrawn prior to the meeting.

#### 5 **23/01814/APP - Land adjacent to The Rising Sun PH, 36 Woringhall Road, Ickford** Proposal: Erection of two three-bed dwellings (Use C3) on land adjacent to the public house utilising existing access off Woringhall Road, with associated parking

and landscaping, including demolition of an outbuilding of the public house and reconfiguration of beer garden, children play area and car park of the public house.

The Development Management Team Leader drew members' attention to the report update issued prior to the meeting, which made a revision to the description of the application in relation to the number of bedrooms in each dwelling. The revised description read as follows:

*'Erection of two two-bed dwellings (Use C3) on land adjacent to the public house utilising existing access off Worminghall Road, with associated parking and landscaping, including demolition of an outbuilding of the public house and reconfiguration of beer garden, children's play area and car park of the public house.'*

The report update also revised the weighting of heritage within the report, as well as made minor wording amendments to the Equalities Act and conditions to ensure accuracy and enforceability.

Speakers

Parish Council: Councillor Martin Armistead (Ickford Parish Council)

Objectors: Mr Nigel Hillier and Mr Paul Farrell

Agent/Applicant: Mr Jeremy Heppell (on behalf of the Agent, Jenna Lai)

It was proposed by Councillor P Cooper, seconded by Councillor D Thompson and

#### **RESOLVED**

That application 23/01814/APP be **approved** subject to the conditions outlined in the officer's report as updated in the report update.

#### **6 23/03595/VRC - Weston Lodge, 39 Brook End, Weston Turville**

Proposal: Variation of condition 2 (plans) 3 (materials) relating to application 22/01925/APP (Demolition of existing single garage and sheds. Construction of a double garage with ancillary home office).

The case officer made members aware that the name of the Parish Council within the 'Neighbouring Parish Council' section of the report should read 'Weston Turville Parish Council', not 'Wendover Parish Council'.

Speakers: None

It was proposed by Councillor A Bond, seconded by Councillor N Brown and

#### **RESOLVED**

That application 23/03595/VRC be **approved** subject to the conditions outlined in the case officer's report.

**7 23/00311/AOP - Land at Churchway, Haddenham**

The Chairman confirmed that he had used his discretion following discussion with planning officers, to consider application 23/00311/AOP first.

Proposal: Outline Planning Application for demolition of existing structures and residential development of up to 89 dwellings, open space, landscaping, drainage features and associated infrastructure. Detailed approval is sought for principal means of access with all other matters reserved.

Note: Councillor A Waite left the meeting at 2:39pm, returning at 3:45pm. He did not participate in the vote in the determination of this item.

The case officer drew member's attention to the report update issued prior to the meeting, which referred to the revisions made to the National Planning Policy Framework in December 2023, further comments in relation to landscaping impacts, and an additional condition reading as follows:

*'30. No dwelling shall be occupied until the footway / cycleway connections onto Churchway and Green Lane have been provided in accordance with the approved drawings and constructed to the appropriate Buckinghamshire Council access standards and are available to use.*

*Reason: To ensure that the full choice of sustainable transport links are made available at the earliest opportunity to encourage active travel.'*

**Speakers**

Councillor/Local Member: Councillor S Lewin

Parish Council: Councillor David Truesdale (Haddenham Parish Council)

Objector: Dr Michael Stubbs and Mr Richard Hirst

Agent: Mr Paul Hill

It was proposed by Councillor R Newcombe, seconded by Councillor P Cooper and

**RESOLVED**

That application 23/00311/AOP be **refused** for the following reasons:

1. The proposal would, by reason of the location, scale and extent of built development beyond and poorly related to the built framework of the village, fail to comply with the spatial strategy of the adopted local plan and would comprise an encroachment of and loss of countryside that contributes significantly to the rural character and identity of this part of the village. There are no exceptional circumstances to justify the development in terms of a lack of delivery of the local plan allocated sites as set out in policy D3 of the Vale of Aylesbury Local Plan. The proposal would therefore be contrary to policies S1, S2, S3 and D3 of the Vale of Aylesbury Local Plan.

2. The proposal would, notwithstanding the proposed landscape mitigation, constitute an intrusive urban development within the local landscape resulting in significant adverse impacts to the landscape character and visual amenity of the site and its surroundings including the recreational value and character of the adjoining public footpath. It would therefore fail to conserve and enhance the natural environment or recognize the intrinsic character of the countryside in conflict with policies NE4, BE2 and C4 of the Vale of Aylesbury Local Plan and the policies of the National Planning Policy Framework.

3. The proposal, which is considered to constitute significant development, would result in the unjustified loss of Best and Most Versatile agricultural land contrary to policy NE7 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

4. Notwithstanding the weight to be given to the range of benefits arising from the development and taking into account the Council's current lack of a 5 year supply of deliverable housing, it is considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework taken as a whole. The proposal would conflict with the development plan overall and there are no material considerations that indicate otherwise.

5. The proposal does not include the means to secure necessary mitigation arising from the impacts of the development including appropriate and proportionate contributions towards off site local infrastructure and travel plan monitoring nor to secure the delivery of an appropriate level of affordable housing and public open space and future maintenance and management of the same. The proposal therefore fails to accord with policies I1, I2 and I3 of the Vale of Aylesbury Local Plan, policy CES1 of the Haddenham Neighbourhood Plan and the National Planning Policy Framework.

**8 Availability of Members Attending Site Visits (if required)**

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

**9 Date of the Next Meeting**

7<sup>th</sup> February 2024



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## Report to Buckinghamshire Council Central Area Planning Committee

<b>Application Number:</b>	23/02704/VRC
<b>Proposal:</b>	Variation of Condition 2 (approved plans) 3 (drainage strategy) 6 (drainage and flooding) relating to application CC/66/16 (New three form entry (3FE) primary academy with nursery and accommodation block to accommodate 1no year 1, 1no year 2 and 2no reception classrooms)
<b>Site location:</b>	Green Ridge Primary Academy, President Road, Aylesbury, Buckinghamshire, HP18 0YA
<b>Applicant:</b>	Morgan Sindall and Buckinghamshire County Council
<b>Case Officer:</b>	Carrie Chan
<b>Ward affected:</b>	STONE AND WADDES DON
<b>Parish-Town Council:</b>	BERRYFIELDS
<b>Valid date:</b>	6 September 2023
<b>Determination date:</b>	9 February 2024 (EOT)
<b>Recommendation:</b>	Approve subject to conditions and informatives

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### 1.0 Summary & Reason for Planning Committee Consideration

- 1.1 Buckinghamshire Council is the joint applicant of this application therefore in accordance with the Buckinghamshire Council Constitution, this application must be determined by the Area Planning Committee.
- 1.2 This variation of conditions application seeks permission to make a number of amendments to a 2016 application (approved in 2017) planning application for a new three form entry (3FE) primary academy with nursery and accommodation block to accommodate 1no year 1, 1no year 2 and 2no reception classrooms). The planning permission has been implemented.
- 1.3 The changes proposed are considered to be modest in scale and appropriate to the use and the wider context of the site. Most of the changes will not be readily visible from outside the site and as such would have no additional adverse impact on the existing character and appearance of the area over and above the existing consent. It is not considered that the changes proposed will have any additional impact on the amenities of the neighbouring occupiers or the existing highway network. Provided the relevant conditions are added, the proposal would accord with the relevant policies within the Development Plan.

1.4 The recommendation is that the application be **approved subject to conditions** listed in Section 8 of this report.

## 2.0 **Description of Proposed Development**

### Site Location

2.1 The application site is located to the north of President Road and west of Crispin Street, on the edge of Berryfields and comprises a new school and its associated outdoor space, parking and landscaping. Access to the site is via President Road.

2.2 To the east, south and west of the application site are residential dwellings and to the north is a public footpath and beyond that, an area of undeveloped land.

2.3 The site is not located within any designated Conservation Area, AONB or Green Belt. There are no protected trees or listed buildings within or adjacent to the site.

2.4 This application seeks planning permission to vary the wording of Conditions 2 (approved plans), 3 (drainage strategy) and 6 (drainage and flooding) attached to Planning permission CC/66/16, to accommodate the following changes:

- External alterations to the approved Phase II extension, with no change to the internal layout.

- Installing photovoltaic panels on roof.

- Removal of the growing garden (north of the approved building) to accommodate an area of new hardstanding (545m<sup>2</sup>) as hard play area with metal rebound fencing, ball walls and seating.

- Associated drainage.

- Creation of a grasscrete area to the north of the existing MUGA.

2.5 For clarification, the rest of the site remains unchanged.

2.6 The application is accompanied by the following:

- a) Covering letter
- b) External finishes details
- c) Landscaping plans
- d) Security zoning and access plan
- e) Details of external services
- f) Drainage information
- g) External levels plans

Amended drainage plan received during the assessment stage of the application.

## 3.0 **Relevant Planning History**

Reference: CC/66/16



Development: New Three Form Entry (3FE) Primary Academy with Nursery on a green field development, known as Berryfields, in Aylesbury and temporary accommodation block to accommodate 1no Year 1, 1no Year 2 and 2no Reception Classrooms.

Decision: Permission granted

Decision Date: 8 March 2017

Reference: 17/04560/ACC

Development: Approval of details pertaining to condition 5 (materials) of permission number CC/66/16 for New three form entry (3FE) Primary Academy with nursery on a green field development, known as Berryfields, in Aylesbury and temporary accommodation block to accommodate 1no year 1, 1no year 2 and 2no reception classrooms.

Decision: ACCN

Decision Date: 8 December 2017

Reference: 18/01489/ACC

Development: Consultation on Section 73 application for the variation of Condition 7 (Construction site work activities) pertaining to application CC/66/16 to extend the Saturday construction site work activity hours from 08:00- 13:00 to 08:00 -17:00.

Decision: ACCN

Decision Date: 18 May 2018

Reference: NMA/0058/2018

Development: Non Material Amendment sought for the amendments of landscape proposals for the permanent school, including general strategy, planting plan and details on Application CC/66/16; New Three Form Entry (3FE) Primary Academy with Nursery on a green field development, known as Berryfields, in Aylesbury and temporary accommodation block to accommodate 1no Year 1, 1no Year 2 and 2no Reception Classrooms.

Decision: Non Material Amendment Permitted

Decision Date: 27 July 2018

Reference: NMA/0047/2018

Development: The amendment of a boundary line and location of the substation for CC/66/16; New Three Form Entry (3FE) Primary Academy with Nursery on a green field development, known as Berryfields, in Aylesbury and temporary accommodation block to accommodate 1no Year 1, 1no Year 2 and 2no Reception Classrooms.

Decision: Non Material Amendment Permitted

Decision Date: 20 June 2018

#### 4.0 **Consultation comments and third party representations**

##### Councillor Comments

Stone and Waddesdon

Cllr Paul Irwin

Cllr Ashley Waite

Cllr Mick Caffrey

No comments received.

#### Parish Council Comments (Verbatim)

Berryfields Parish Council: The Parish Council supports this application.

#### Consultation Responses (Summarise)

Ecology: No objection, the amendments proposed do not impact the ecological enhancement measures which are detailed in the landscape drawings submitted for this application.

Education Service: As the applicant, is supportive of the application.

Highways: No highway objections.

LLFA: No objection to the variation of condition, subject to the following condition being placed on approval.

Following the submission of the amended drainage plan: No objection, subject to condition.

#### Representations

No third-party comments received at the time of writing this report.

### **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) (2023) 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 The Development Plan**

Vale of Aylesbury Local Plan (VALP), adopted 15th September 2021 (carries full weight)

Policy S1 –Sustainable development for Aylesbury Vale  
Policy T1 - Delivering the sustainable transport vision  
Policy T4 – Capacity of the transport network to delivery development  
Policy T5 – Delivering transport in new development  
Policy T6 - Vehicle Parking  
Policy BE2 Design of new development  
Policy BE3 Protection of the amenity of residents  
Policy NE1 Biodiversity and Geodiversity  
Policy I3 - Community facilities, infrastructure and assets of community value  
Policy I4 - Flooding  
Policy C3 - Renewable energy

Neighbourhood Plan

There is no made neighbourhood covering the area.

5.3 **National Policy**

National Planning Policy Framework (NPPF) 2023  
Section 2 –Achieving sustainable development  
Section 4 –Decision making  
Section 12 –Achieving well-designed places  
Section 14 –Meeting the challenge of climate change, flooding and coastal change

In addition, the Planning practice Guidance (PPG) is also a material consideration

5.4 **Main issues:**

Principle of development  
Design, character and appearance  
Residential amenity  
Highway and parking implications  
Ecology  
Flood risk

Principle of development

5.5 There have been several changes to both the national and local planning policies since the determination of the original application, including a new Local plan (VALP) having been adopted in Sept 2021.

5.6 This application seeks to vary to vary a number of conditions attached to a planning permission granted in 2017. For clarity, there will be no change to the end use of the site or the number of buildings on site.

- 5.7 The principle of development was considered acceptable at the time of assessing the original application and given majority of the works approved under the 2017 permission have been completed and in use, it would be unreasonable to re-assess the principle of development under this application.
- 5.8 With the above in mind, the rest of this report will concentrate on the changes proposed in this application and these will be assessed against the latest Development plan.

#### Design, character and appearance

- 5.9 Policy BE2 of VALP emphasises that new development, including buildings and other structures must preserve local distinctiveness through design, use of materials, density, siting and height.
- 5.10 The Phase II of the building works (the subject of this application) would be attached to the rear (northern end) of the existing school building and would run parallel with the eastern site boundary. There will be minor changes to the envelope and roofscape of this part of the building, but no changes are proposed to the approved dimensions or the siting of this Phase Two extension. A stepover ladder is proposed on the roof and would provide access between the existing and proposed built forms.
- 5.11 The installation of photovoltaic panels on the roof of this extension would not be readily visible from outside the site given the setback position of the building and the design of the roof. Furthermore, the introduction of renewable energy is both encouraged and supported by Policy C3 of VALP and the NPPF.
- 5.12 The proposed removal of the growing garden to the north of the Phase II building in order to accommodate an area of hard surface play area with associated equipment is not objected to. The removal of the growing garden would have very little impact on the overall appearance of the site and from outside the site, the change would not be noticeable. Given the hard surface area is located within the school ground, there is very little risk of it being used outside of sociable hours. Details of the gate, the ball walls and seating will be secure via condition(s) if permission is granted. The provision of such facilities is a matter solely for the school.
- 5.13 Although changes to the approved drainage system are necessary due to an increase in hardstanding on site, the works are considered to have no adverse impact on the approved scheme.
- 5.14 The creation of a grasscrete area north of the existing MUGA would not be noticeable from outside the site.
- 5.15 A new metal rebound fence is also proposed between the existing building and the warm up area. According to the submitted plan, this fence will be 2m high with an access gate. Given this is set well within the site, it is unlikely to have any adverse impact on the wider area.
- 5.16 The above changes are supported by the Council's Education Team.

- 5.17 Overall, it is considered that, in the context of the wider site, the changes proposed are modest in scale and would not have any adverse impact on the character and appearance of the wider school site. Provided the appropriate conditions are added, the proposed development would accord with Policy BE2 of VALP.

#### Residential amenity

- 5.18 Policy BE3 of the VALP seeks to ensure that development proposals do not cause an adverse impact on residential amenity.
- 5.19 The use of the site as a school has already been established and it has been accepted, by virtue of the 2017 permission, the Phase II extension would be located at the rear of the existing building where there was always an extension planned.
- 5.20 Given all the proposed changes will take place within the school site, it is not considered that there will be any additional impact to the neighbouring occupiers above what was expected at the assessment stage of the original application.

#### Parking and highways implications

- 5.21 Policies T1, T4 and T5 of VALP seek to ensure that development proposals are sustainable in regard to their links to public transport, traffic generation and general accessibility to all users of the highway. Policy T6 governs the parking requirement for the development and highlighted that all development must provide an adequate level of car parking.
- 5.22 Furthermore paragraph 111 of the NPPF 2021 highlighted that development can be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.23 In this instance, the changes proposed will not require any additional parking spaces above what was requested at the original application stage. The above is echoed in the Council's Highways Officer's comment where he confirmed that there is no highways objection to this application.

#### Ecology

- 5.24 Policy NE1 of VALP and the NPPF state that the Council will aim to conserve and enhance biodiversity. It also states that development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion, of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife.
- 5.25 It is considered that the amendments proposed do not impact the ecological enhancement measures which are detailed in the landscape drawings submitted for this application.
- 5.26 As such, no supporting ecological information is required and there are no ecological reasons to object to this application.

### Flood risk

- 5.27 Policy I4 of VALP seeks to ensure development incorporates a sustainable drainage system and management plan.
- 5.28 The site is located within flood zone 1 where in accordance with the Environmental Agency flood map, the land and building have low probability of flooding.
- 5.29 Due to an increase in hardstanding, several drainage information has been submitted with the application along with an amended drainage strategy plan, and following re-consultation with the Council's LLFA Team, it is considered that provided the development is carried out in accordance with the approved details and the latest drainage layout submitted, the proposal would accord with Policy I4 of VALP and 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 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
- 6.3 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.
- 6.4 As set out above it is considered that the proposed changes would accord with development plan policies BE2, BE3, NE1 and I4 of the Vale of Aylesbury Local Plan. The scale of change, in the context of the wider site, is considered to be modest and would not

adversely impact on the use of the site, the character and appearance of the area or any neighbouring occupiers.

- 6.5 Local Planning Authorities, when making decisions of a strategic nature, 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.

#### Human Rights Act 1998

- 6.6 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

- 6.7 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.

### 7.0 **Working with the applicant / agent**

- 7.1 In accordance with the NPPF (2023) 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.
- 7.2 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.
- 7.3 In this instance, the agent and applicant were kept up to date with the progress of the application and amended information was accepted. The agent was also notified of the recommendation in advance of the Planning Committee meeting.

### 8.0 **Recommendation**

- 8.1 The case officer recommends this application for approval, subject to the conditions and reasons listed below:

1. The approved development shall be carried out in accordance with the following drawings/details:
  - 36020-HML-ZZ-ZZ-D-A-10154 Security, Zoning and Access – Planning.
  - 36020-00600 rev C05 External Levels Hard Play Space.
  - 36020-HML-ZZ-ZZ-A-10151 Site Phasing Plan – Planning.
  - 36020-HML-ZZ-ZZ-D-A-10158 Proposed Elevations – Planning.

- 36020-AGL-01-XX-D-ME-40001 rev C07 External Services.
- 36020-BCL-00-XX-D-C-00900 rev C03 External Finishes Details Hard Play Space.
- 36020-HML-ZZ-RL-D-A-10156 rev P01 Roof Layout – Planning.
- 36020-HML-ZZ-ZZ-D-A-10152 rev P01 Landscape General Arrangement – Planning.
- 36020-HML-ZZ-ZZ-D-A-10157 rev P01 Proposed Sections – Planning.
- 36020-00500 rev C08 Drainage Layout Hard Play Space.
- 36020-BCL-00-XX-D-C-00550 rev C03 External Drainage Details Hard Play Space Phase II.
- 36020-HML-ZZ-00-D-A-10155 rev P01 General Arrangement Plan – Planning.
- 36020-HML-ZZ-ZZ-D-A-10153 rev P01 Landscape Availability Plan – Planning.
- 36020-00700 rev C05 External Finishes Hard Play Space.
- 36020-HML-ZZ-ZZ-D-A-10150 Proposed Site Plan

Reason: Reason: For the avoidance of doubt and to secure sustainable development in line with the objectives of the Development Plan.

2. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment FRA prepared by AKS Ward (ref. BPNS-AKSW-00-ZZ-RP-C00001\_Flood\_Risk\_Assessment, dated March 2016), the Surface & Foul Drainage Design and Maintenance Philosophy prepared by PEP (ref. 453216-PEP-00-XX-RP-D-6200 Rev. P02, dated October 2016), the Drainage Layout Hard Play Space drawing prepared by BCAL Consulting (ref.36020-BCL-XX-XX-DR-C-00500 C08, dated 15.01.24) and the following mitigation measures detailed within the FRA:
  - Limiting the surface water run-off generated by the total site area to 14.1l/s,
  - Incorporate sustainable drainage measures such as tanked permeable paving, attenuation storage and granular trenches,
  - Whole life maintenance and management plan, which sets out the frequency of maintenance activities and who is responsible for completing such activities.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure a Sustainable Drainage Strategy is put in place and to minimise the impact of flooding elsewhere in accordance with Policy I4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.



3. The development hereby permitted shall be carried out in accordance with the details within the Construction Management Plan and Traffic Management Plan approved as part of the Discharge of conditions application reference AOC/0027/17.

Reason: In the interests of highway safety, prevention of congestion and protect residential amenity and in accordance with Policies T4 and BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

4. The development hereby permitted shall be carried out and constructed in accordance with the materials specified on the approved plans and schedule.

Reason: To ensure the development is not detrimental to the character of the locality and in the interests of local residential and visual amenity, in accordance with Policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

5. Prior to the installation of the ball walls associated with the Hardplay area details including height, specifications and materials shall be submitted to and approved in writing by the Local Planning Authority. The fixtures shall thereafter be constructed / installed in accordance with the approved details.

Reason: To ensure the fixtures is not detrimental to the character of the locality and in the interests of local residential and visual amenity, in accordance with Policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

6. Prior to the installation of the seatings associated with the Hardplay area details including height, specifications and materials shall be submitted to and approved in writing by the Local Planning Authority. The fixtures shall thereafter be constructed / installed in accordance with the approved details.

Reason: To ensure the fixtures is not detrimental to the character of the locality and in the interests of local residential and visual amenity, in accordance with Policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

7. Prior to the installation of the double leaf gate associated with the Hardplay area details including height, specifications and materials shall be submitted to and approved in writing by the Local Planning Authority. The fixtures shall thereafter be constructed / installed in accordance with the approved details.

Reason: To ensure the fixtures is not detrimental to the character of the locality and in the interests of local residential and visual amenity, in accordance with Policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

8. Construction site work activities must be restricted to the hours agreed and approved under Planning application reference CC/0033/18.

Reason: To ensure the development is delivered within a set timeframe and in the interests of highway safety, prevention of congestion and protect residential amenity and in accordance with Policies T4 and BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

9. The development hereby approved shall continue to be served by the following off site highway works:

- Zebra crossing to connect to the site to the south side of Bramley Road;
- “Keep Clear” road markings along Bramley Road adjacent to the school site;
- Double and single yellow lines along Bramley Road adjacent to the school site;
- Signage to set up parking restrictions and that stopping is prohibited during the hours of 8.00am and 9.00am in addition to 2.30pm and 4.00pm along Bramley Road adjacent to the school site.

Reason: To ensure the safety of pedestrians at drop off and pick up times and deter parking on the highway through enforceable parking restrictions, in the interests of local residential amenity and in accordance with policies T4 and BE3 of the VALP and the NPPF.

10. Prior to first use of the final school building, the Car Park management Strategy approved under Discharge of Condition application reference AOC/0046/18 shall be fully implemented and thereafter shall be complied with in perpetuity.

Reason: To ensure safety and effective management of the circulatory drop off/pick up facility minimising the need for parents to park on the Highway, in the interests of the local residential amenity and in accordance with Policies T4 and BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

11. The Travel Plan approved under Discharge of Condition application reference AOC/0062/17 shall be implemented fully prior to first use of the final school building and shall therefore be remained in perpetuity with regular review and monitoring.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with National and Local Transport Policy including in the interests of the local residential amenity and in accordance with Policies T1 and BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

12. The landscaping scheme hereby approved shall be carried out in accordance with the approved plans and specifications within or before the first planting season following the completion of development.

Any trees or shrubs removed, dying, severely damaged or diseased within the first two years following the implementation of the scheme shall be replaced in the next planting season with trees or shrubs of the same size and species.

Reason: In the interests of the visual amenities of the local area, in accordance with Policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

13. The school buildings shall not be occupied between the hours of 10pm and 6am on weekdays and 10pm and 8am on weekends and Bank/Public Holidays. The school shall not be used for any activity other than community use between the hours of 6pm and 10pm Mondays to Fridays and 8am to 10pm at weekends and Bank/Public Holidays.

Reason: In order to protect the local residential amenity and to promote community interactions and in accordance with Policies BE2, BE3 and I3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

14. Other than the lightings approved by the original permission and those including with the approved plans of this application no additional lighting (external) shall be installed until details have been submitted to and approved by the Local Planning Authority. Details shall include location, illuminance level, direction of lights and hours of operation. The lights shall thereafter be installed in accordance with the approved details.

Reason: In the interest of protecting local amenities and biodiversity in accordance with Policies BE3 and NE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

15. Prior to the installation of any PV panels details including fittings shall be submitted to and approved in writing by the Local Planning Authority. The panels shall thereafter be fitted/ installed in accordance with the approved details.

Reason: In the interest of protecting local amenities in accordance with Policy BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

Informative(s):

This permission relates solely to the changes proposed within the application and shall be read in conjunction with the original planning permission reference CC/66/16.

**Appendix A: Site Location plan**

## **APPENDIX A: Site Plan**



Do not scale - this map is indicative only

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## Report to Buckinghamshire Council Central Area Planning Committee

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<b>Application Number:</b>	23/03748/APP
<b>Proposal:</b>	Amalgamation of Nos.1 and 2 Croft House with demolition of existing adjoining garage and provision of replacement linked single storey ground floor extension, change of use from dwellinghouse (Use Class C3b) to a small children's home for Buckinghamshire Council Leaving Care Service (Use Class C2), installation of solar panels on side roof slope and creation of 3no. parking spaces including 1no. disabled parking space.
<b>Site Location:</b>	1 & 2 Croft House, Croft Road, Aylesbury, Buckinghamshire, HP21 7RD
<b>Applicant:</b>	Buckinghamshire Council
<b>Case Officer:</b>	Bibi Motuel
<b>Ward(s) affected:</b>	Aylesbury North
<b>Parish-Town Council:</b>	Aylesbury
<b>Date valid application received:</b>	28.11.2023
<b>Statutory determination date:</b>	31.1.2024 (EOT agreed to 9.2.2024)
<b>Recommendation</b>	Approve subject to conditions and informatives

### **1.0 Summary & Recommendation/ Reason for Planning Committee Consideration**

- 1.1 The application seeks planning permission for the “Amalgamation of Nos.1 and 2 Croft House with demolition of existing adjoining garage and provision of replacement linked single storey ground floor extension, change of use from dwellinghouse (Use Class C3b) to a small children's home for Buckinghamshire Council Leaving Care Service (Use Class C2), installation of solar panels on side roof slope and creation of 3no. parking spaces including 1no. disabled parking space”. It has been evaluated against the extant Development Plan and guidance set out in the National Planning Policy Framework and whether the proposals deliver sustainable development.
- 1.2 The proposed development would be acceptable in principle and has been considered acceptable in terms of impact on the wider area, residential amenity,

transport and parking, landscape, trees and hedgerows, ecology, flooding and the historic environment.

- 1.3 The application is referred to the Planning Committee due to numbers 1 & 2 Croft House, Croft Road in Aylesbury being owned and maintained by Buckinghamshire Council and in accordance with the Council's Scheme of Delegation, such planning applications must be determined at the relevant Area Planning Committee to ensure openness and transparency.
- 1.4 Taking all the relevant factors into account and having regard to all relevant policies of the Vale of Aylesbury Local Plan and National Planning Policy Framework, it is considered that proposal would accord with an up to date development plan and is therefore recommended for **approval subject to condition**.

## **2.0 Description of Site and Proposed Development**

### **SITE**

- 2.1 The application site comprises 2 two-storey three bedroom dwellings located to the south east of Croft Road in Aylesbury, constructed with brick and the upper part in black timber cladding. They are linked by a single storey flat roof garage.
- 2.2 Each dwelling has associated gardens and there is a side gate providing access to Croft Road.
- 2.3 To the south is no 1 – 18 Blue Cedar Lodge a specialist home for people with care needs. To the north and east are open market residential properties.
- 2.4 Vehicular access to the site is from Croft Road. There are no existing designated off-site parking, but the landowner has a right of access from the highway.

### **PROPOSED DEVELOPMENT**

- 2.5 The proposal seeks planning permission for the amalgamation of Nos.1 and 2 Croft House with demolition of an existing adjoining garage and the provision of a replacement linked single storey ground floor extension, the change of use from dwellinghouse (Use Class C3b) to a small children's home for Buckinghamshire Council Leaving Care Service (Use Class C2), the installation of solar panels on a side roof slope and the creation of 3no. parking spaces including 1no. disabled parking space.
- 2.6 The proposed amalgamated property will accommodate up to 5 children aged from 13 to 18 years old on a long-term basis who will be supported by permanent member of staff who will provide adult supervision 24 hours a day.
- 2.7 The existing single storey linked garage would be replaced with a flat roof single storey extension on the same footprint and would be constructed of matching materials and a felt roof with aluminium framed door and windows so this will provide a corridor to link the two properties, an office space and a staff bedroom. A

number of internal alterations are proposed, with 5 bedrooms, staff office and bed, a social lounge, dining area and kitchen over two floors.

- 2.8 There would be 3 no. off street parking spaces including one disabled parking space with permeable block paving on the area forward of No. 2 Croft Road. This will involve the removal of some planting and a small, grassed area however this will be compensated by replacement planting and grassed areas within the site.
- 2.9 New fencing, paving and gates are also proposed. The existing shed will be retained which will be used for secure cycle storage for staff and residents.
- 2.10 It is also proposed to install solar panels on the side roof slope of No.1 to enhance the energy efficiency of the amalgamated building.
- 2.11 The application is accompanied by:
  1. Planning Application Form received on 30.11.2023.
  2. Covering Letter from agent ref 1333 dated 22.11.2023 received on 30.11.2023.
  3. Unnumbered Drawing– Location Site Plan received on 30.11.2023.
  4. Drawing No. 2133-PL01A – Existing Plans and Elevations received on 30.11.2023.
  5. Drawing No. 2133-PL02B – Proposed Plans and Elevations received on 30.11.2023.
  6. Unnumbered drawing showing boundary received on 5.12.2023.
  7. Management Plan dated November 2023 received on 30.11.2023.
  8. Ecology and Trees Checklist received on 30.11.2023.

### **3.0 Relevant Planning History**

- 3.1 No relevant planning history.

### **1.0 Parish Council and Ward Councillors**

#### **1.1 Ward Councillors:**

No comments received from Ward Councillors at the time of writing this report.

#### **1.2 Parish Council: (verbatim)**

Aylesbury Town Council has no objection to this application - received on 19.12.2023.

### **2.0 Representations**

- 2.1 None received at the time writing this report.

### **3.0 CONSULTEE COMMENTS**

#### **3.1 Social Services**

Comments: 1 & 2 Croft House will be used as a Residential Care Home for Buckinghamshire for children, it will be Ofsted Registered and will not be used for accommodation for surrounding authorities. Received on 5.1.2024.

### **3.2 Highways**

Comments: No objection subject to condition and informatives received on 20.12.2023.

### **3.3 Ecology**

Comments: No objections received on 1.12.2023.

### **3.4 Archaeology**

Comments: No objection received on 13.12.2023.

### **3.5 Economic Development**

Comments: ED welcomes creation of new children's home, received on 9.1.2024

### **3.6 Environmental Health**

Comments: No objection subject to condition and informative received on 13.12.2023.

## **4.0 Policy Considerations and Evaluation**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

4.2 Vale of Aylesbury Local Plan (VALP) (2013-2033) was adopted on 15<sup>th</sup> September 2021 and therefore has full weight.

4.3 Aylesbury has no made neighbourhood plan.

4.4 Aylesbury Vale Design Guide SPD (adopted on 30 June 2023).

4.5 Buckinghamshire Minerals and Waste Local Plan (July 2019) - Policy 1: Safeguarding Mineral Resources – change of use within an urban area so exempt (Box 1) .

4.6 The National Planning Policy Framework (NPPF) December 2023.

4.7 Planning Practice Guidance (PPG).

## **5.0 Principle of the Development**

Vale of Aylesbury Local Plan: S1: Sustainable Development for Aylesbury Vale

5.1 Policy S1 of the VALP provides support for sustainable development and seeks to secure development that improves the economic, social and environmental conditions in the area. In addition, all development proposals should contribute positively to meeting the vision and strategic objectives for Aylesbury Vale and fit



with the intentions and policies of the VALP (and policies within neighbourhood plans where relevant).

- 5.2 Section 8 of the NPPF on promoting healthy communities states that planning decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments and to ensure that facilities and services can develop in a way that is sustainable and integrated with the location of housing.
- 5.3 The application site currently consists of two dwellinghouses in in Class C3 of the Use Classes Order 1987. Planning permission is not always required in all cases of development of children's homes, including where the children's home remains within Class C3 or there is no material change of use to Class C2. The use of premises as a children's home will generally be held to fall within Class C2 of the Order (Residential institutions). In this case, planning permission has been sought for a change of use and so the question of whether a material change of use would occur as a result of the development is no longer relevant.
- 5.4 A Ministerial Statement made on 23 May 2023 by the Minister of State for Housing and Planning stated that "Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs". The Government is therefore supportive of this type of development, and this is a material consideration which should be afforded considerable weight.
- 5.5 The proposal would enable the re-use of two vacant properties as a small children's home to provide long term care for up to 5 children aged 13-18. It will enable them to be provided with a secure environment and be supported as they transition to adulthood and independent living whilst integrated within the local community.
- 5.6 Although the proposal would result in the loss of two dwellings, the proposed C2 use displays many features of a family dwelling and the buildings could potentially be converted back to C3 use at a future date if there is no longer a need for the C2 use.
- 5.7 The Council's Economic Development officer states that the application would create an increase in children care home capacity. He welcomes the creation of a new children's home and the creation of 2 full-time equivalent jobs, recognising the lack of children's care homes that are needed to support children in Buckinghamshire.
- 5.8 In this instance, the important social benefits of providing a well-managed environment for the care of vulnerable children can be considered as sustainable development. As such, it is considered that the application accords with Policy S1 of VALP and the NPPF, and can be supported in principle, subject to other considerations.

## **Transport matters and parking**

VALP policies T5 (Delivering transport in new development); Policy T4 Capacity of the transport network to deliver development; T6 (Vehicle parking)  
Appendix B (Parking Standards)

- 5.9 VALP Policy T4 of the VALP states new development will be permitted where there is evidence there is sufficient capacity in the transport network to accommodate the increase in travel demand.
- 5.10 VALP policy T5 states that new development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts that arise from the development.
- 5.11 Paragraph 115 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.12 The site has an existing access off Croft Road which is an unclassified local road. There would be no change to the existing site access or public highway. The Highway Authority has undertaken an assessment in terms of the impact on the highway network including net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The site is in a sustainable location within walking and cycling distance of day to day facilities and public transport services, including bus services on Walton Street.
- 5.13 Turning to parking, VALP Appendix B requires that C2 care homes provide 1 space per 3 residents. There would be 5 children plus a permanent member of staff. Therefore, the provision of three parking spaces, one of these a disabled parking space would accord with these standards.
- 5.14 The proposal therefore accords with policies T4 to T6 of VALP and the NPPF with regards to highway impact and parking provision.

## **Raising the quality of place making and design**

- 5.15 Policy BE2 of VALP states that all new development proposals shall respect and complement the following criteria:
- a. The physical characteristics of the site and its surroundings including the scale and context of the site and its setting,
  - b. The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials,
  - c. The natural qualities and features of the area, and
  - d. The effect on important public views and skylines.

- 5.16 The main physical alteration would be the replacement of a single storey garage with a single storey link extension on the same footprint and constructed of matching materials. The height of the link extension would be about 3m, only 0.2m higher than the existing garage. Doors and windows would be positioned where the garage doors are now and would not look out of place. The proposed solar panels would be positioned on the side roof slope of No.1 facing away from the road and so would be barely if at all visible from the public domain. In any case, Principle DES47 of the Design SPD is supportive of sustainable design features such as photovoltaics in new developments.
- 5.17 There would be some modest internal alterations, especially at ground floor level, but the buildings would contain all the normal facilities for day-to-day living and sleeping activities associated with use as a dwellinghouse, and the buildings would continue to share the characteristics of Class C3 dwellinghouses, with bedrooms, kitchen, a lounge and dining room.
- 5.18 Overall, the proposal would have an acceptable design and appearance and as such, would accord with VALP policy BE2 and the NPPF.

#### **Amenity of existing and future residents**

VALP policy BE3 (Protection of the amenity of residents), NE5 (Pollution, air quality and contaminated land)

- 5.19 Policy BE3 of VALP seeks to protect the amenity of existing residents and achieve a satisfactory level of amenity for future residents.
- 5.20 Policy NE5 states that significant noise-generating development will be required to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding environment. It also seeks to mitigate impacts from light pollution and on air quality.
- 5.21 The NPPF at paragraph 135 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.
- 5.22 The existing buildings would not be extended, other than a marginal increase in height of the link section compared to the existing garage, and so there would be no impacts on any neighbouring dwellings in terms of being overbearing. Although there would be new doors and windows on the link section, these would face to the front or rear, similar to existing fenestration, and would be at ground floor level, such that there would be no overlooking or loss of privacy for adjoining dwellings, including those on Laurel Way to the north east.
- 5.23 The proposed children's home would be in a residential environment, with dwelling to the north and east, and a flatted development for people with mental health problems to the south. The home would accommodate a maximum of five children with a member of staff present 24 hours a day.

- 5.24 The proposed development has been reviewed by Environmental Health on matters of impact to the local amenity from noise and stated that the submitted Management Plan makes reference to additional planting of vegetation to address matters of noise, but such barriers offer little or no effect on the reduction of noise but only to act as a barrier of sight into and from the proposal. However, Environmental Health consider that the Management Plan addresses matters of noise in protection of the local amenity, and raised no objection, subject to a condition to be placed on any approval.
- 5.25 The level of movement to and from the property would be considered to be similar to that of the existing dwellinghouses and it would not intensify the use to the extent that it would be incompatible in this residential area.
- 5.26 In light of the above, it is considered that there would be no unreasonable loss of amenity for any nearby residents and so the proposal accords with Policy BE3 and NE5 of the VALP, and guidance set out in the NPPF.

### **Flooding and drainage**

#### VALP policy I4 (Flooding)

- 5.27 Policy 14 of the VALP states that a site specific flood risk assessment will be required where evidence indicates there are records of other sources of flooding, including critical drainage problems.
- 5.28 The NPPF seeks to control the risks of flooding to developments and would be a consideration in any subsequent formal application. Paragraph 173 of the NPPF (December 2023) requires new development to consider the risk of flooding to the site and elsewhere.
- 5.29 The site is within Flood Zone 1 and the development would therefore be at low risk of fluvial flooding. None of the site lies within an area susceptible to surface water flooding and so it would not increase or exacerbate flood risk on the site, nor in the wider locality.
- 5.30 It is therefore concluded that the proposal would not increase or exacerbate flood risk on the site, nor in the wider locality. As the proposal is for a change of use of an existing building, no new drainage infrastructure is needed.
- 5.31 As such it is considered that the proposed development would accord with Policy I4 of VALP and the NPPF in this regard.

### **Landscape and Tree Issues**

#### VALP policy NE4 (Landscape character and locally important landscape)

#### VALP NE8 (Trees, hedgerows, and woodlands)

- 5.32 Policy NE4 of the VALP requires that development must recognise the individual character and distinctiveness of particular landscape character areas set out in the

Landscape Character Assessment (LCA), their sensitivity to change and contribution to a sense of place.

- 5.33 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, hedgerows, community orchards, veteran trees or woodland which make an important contribution to the character and amenities of the area will be resisted. Development should seek to enhance and expand Aylesbury Vale's tree and woodland resource.
- 5.34 The site is located within an urban area where there would be no wider landscape impacts as a result.
- 5.35 There are no trees or hedges on the site, but a small, grassed area and planting will be lost to provide parking. There are very limited opportunities to provide any additional landscaping in the context of the current application. However, there would be replacement hedging and new grassed areas within the site, as shown on the proposed block plan and this will be secured by condition.
- 5.36 It is therefore considered that the proposal would not have a detrimental impact upon the landscape or any trees and hedges, and it would therefore comply with policies NE4 and NE8 of VALP and NPPF in this regard.

## **Ecology**

### VALP NE1 (Biodiversity and geodiversity)

- 5.37 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. Policy NE1 of the VALP is reflective of the NPPF in requiring all development to deliver a biodiversity net gain.
- 5.38 The Council's Ecologist was consulted and commented that there is not a reasonable likelihood of protected species and/or priority habitats being affected by this development, adding that no supporting ecological information is required and raising no objection towards this application.
- 5.39 It has been identified that the application site is set within a red impact zone for Great Crested Newt Habitats which means there is habitat suitability and Great Crested Newts (GCN) may be present. However, given the nature of the proposal, it is considered that there is no reasonable likelihood of protected species or priority habitats being affected by the proposed change of use proposed. An informative will be imposed, setting out the actions to take if a GCN is encountered during the development.
- 5.40 Therefore, the proposal accords with VALP policy NE1 and the advice contained within the NPPF.

## **Historic environment**

VALP policy BE1 (Heritage Assets)

- 5.41 Policy BE1 of VALP which requires that all development shall contribute to heritage values and local distinctiveness is also relevant.
- 5.42 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration.
- 5.43 There are no listed buildings or conservation areas near the site. However, the site lies within an archaeological notification area (Walton historic core). The Council's Archaeologist was consulted and stated that despite the high potential for archaeological remains dating to the Anglo Saxon period, the nature of the proposals are such that they are unlikely to substantially harm the archaeological significance of any assets. The Archaeologist has no objection to the proposed development and does not consider it necessary to apply a condition to safeguard archaeological interest.
- 5.44 As such, the proposed development would cause no harm to any designated heritage assets. The proposal therefore accords with Policy BE1 of VALP and guidance in 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 scheme has been considered acceptable in principle and in terms of its impact on design, residential amenity, transport and parking, landscape, trees and hedgerows, ecology, flooding and the historic environment. However, these do not represent benefits of the scheme but rather demonstrate an absence of harm.
- 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 the proposal would accord with an up to date development plan and is therefore recommended for approval.

### Equalities Act 2010

- 6.4 Local Planning Authorities, when making decisions of a strategic nature, 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 persons sharing a protected characteristic disproportionately when compared to those not sharing that characteristic.

### Human Rights Act 1998

- 6.5 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.

## **7.0 Working with the applicant / agent**

- 7.1 In accordance with paragraph 38 of the NPPF (December 2023) 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.
- 7.2 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.
- 7.3 In this case, the application was acceptable as submitted, and no further assistance was required. The application has been determined without delay.

## **8.0 Recommendation**

The Officer recommendation is that the application be **APPROVED** subject to the following 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 materials to be used in the development shall be as specified on the submitted application form and approved plans unless otherwise approved in writing by the Local Planning Authority.

**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.

3. This permission shall only relate to the development as carried out and shown on the approved drawing number, 2133- PL02 Rev B and unnumbered Location Plan, received on 30.11.2023 by the Local Planning Authority.

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

4. The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the first occupation 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.

5. The landscaping works shown on Proposed Block Plan drawing 2133 - PL02 B received on 30.11.2023 shall be carried out in accordance with the approved details before any part of the development is first occupied. Any tree or shrub which forms part of the landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season with others of similar size and species.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

6. The approved Management Plan submitted by the applicant Buckinghamshire Council dated 23<sup>rd</sup> November 2023 shall be implemented upon first occupation of the development and adhered to thereafter. At no time shall the approved use accommodate more than 5 children.

**Reason:** To safeguard the amenities and quiet enjoyment of nearby residential properties in accordance with Policies BE3 and NE5 of Vale of Aylesbury Local Plan and advice in the National Planning Policy Framework.

#### INFORMATIVES:

1. Noise, Odour and Dust from Construction/Demolition

Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme Initiative.

This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.

By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at [www.ccscheme.org.uk](http://www.ccscheme.org.uk)

This is an advisory scheme. Should the applicant not adopt this specific scheme then Environmental Health recommend a similar scheme be considered to achieve the same effect as described above.

Site operational hours for works that generate noise over the boundary of the premises:



Monday to Friday – 8 am until 6 pm

Saturday – 8 am until 1 pm

Sunday, Bank Holidays and Public Holidays – No noisy works

Outside of these times, no noisy equipment should be used that would be audible to nearby residents.

2. 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.
3. 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
4. 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 an EPS mitigation licence from Natural England or the district licence distributed by Buckinghamshire Council. If a great crested newt is encountered during development, works must cease and advice should be sought from a suitably qualified ecologist.

# **APPENDIX A: Consultation Responses and Representations**

## **Councillor Comments**

- None received at the time of writing this report.

## **Parish Council comments (Verbatim):**

- Aylesbury Town Council have no objection to this application.

## **Consultation Responses**

- Social Services have no objection to this application
- Highway Officer has no objection subject to condition and informatives.
- Ecology Officer has no objection.
- Archaeology Officer has no objection.
- Economic Development Officer welcomes the creation of a new children's home.
- Environment Health Officer has no objection subject to condition and informative.

## **Representations**

- No received at the time of writing this report.

**APPENDIX B: Site Location Plan**



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## Report to Buckinghamshire Council Central Area Planning Committee

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<b>Application Number:</b>	23/03387/APP
<b>Proposal:</b>	Demolition of existing barns and erection of dwelling with garden, parking area, and associated works. (Alternative development to permitted dwelling 23/00944/COUAR).
<b>Site Location:</b>	Barn South of Holymans Farm Frog Lane Cuddington Buckinghamshire HP18 0AU
<b>Applicant:</b>	Messrs Bernard
<b>Case Officer:</b>	Bibi Motuel
<b>Ward(s) affected:</b>	Stone and Waddesdon
<b>Parish-Town Council:</b>	Cuddington
<b>Date valid application received:</b>	31.10.2023
<b>Statutory determination date:</b>	26.12.2023 (agreed eot 16.02.2024)
<b>Recommendation</b>	Approval subject to conditions and informatives

### 1.0 Summary & Recommendation

- 1.1 Cuddington Parish Council called in the application to planning committee in the event the officer recommendation is for approval. The call-in is made citing public interest, being contrary to the local plan and CNP and the “unusual fallback position justification”.
- 1.2 Following due process, it was considered that the application should be considered at the relevant committee in line with the provisions in the Council's Constitution.
- 1.3 The application seeks planning permission for the demolition of existing barns and the erection of a dwelling with garden, parking area, and associated works. It has been evaluated against the adopted Development Plan and the NPPF.
- 1.4 The site, on the edge of the built up part of Cuddington, is a sustainable location for the scale of development proposed and the extant prior approval permission is a material consideration that carries weight. Therefore, the principle of the proposed development is accepted. There would be economic and housing land supply benefits in terms of the development itself, with the tilted balance engaged.
- 1.5 The scheme has been considered acceptable in terms of housing mix, design, transport and parking, flooding and drainage, residential amenity, flooding, landscape, trees, ecology and historic environment.

- 1.6 Taking all the relevant factors into account and having regard to all relevant policies of the Vale of Aylesbury Local Plan (VALP), Cuddington Neighbourhood Plan and National Planning Policy Framework (NPPF), the proposal would accord with an up to date development plan and is recommended for **approval subject to conditions and informatives**.

## 2.0 Description of Proposed Development

### Site description:

- 2.1 The site relates to a 0.2 hectare area of land located to the south of Holymans Farm, just beyond the northern edge of the village of Cuddington. The site consists of a large steel frame barn that has recently received prior approval permission to be converted to a dwelling, along with several low barns with a mono-pitch roof in an L shaped footprint.
- 2.2 The site is accessed by a track which extends from Frog Lane. To the north is Holyman's Barn, now converted into a dwelling, and Holymans Farmhouse, both of which are Grade II listed buildings. To the east and south east are Tacks Orchard and Lower Church End, with other detached dwellings beyond. To the west is open countryside.
- 2.3 The site lies within the Brill-Winchendon Hills Area of Attractive Landscape. There is a public right of way CUD/2/1 running west to east along the northern boundary of the site. The site also is within the Manorial site archaeological notification area. The level of the land slopes down from south to north.

### Proposals

- 2.4 This application seeks full planning permission for the demolition of existing barns and the erection of a dwelling with garden, parking area, and associated works. It is described as an alternative development to permitted dwelling 23/00944/COUAR.
- 2.5 The proposed dwelling would be L shaped and single storey with three bedrooms, two with ensuites, and a study in the western wing and a sitting/dining room, kitchen and utility room on the northern wing. The two wings would be connected by a flat roofed link section containing a bathroom.
- 2.6 The dwelling would have a footprint of about 300 sqm, measuring about 29m by 24m, and a maximum height of about 5.2m. It would have a traditional barn-like design, with contemporary detailing. It would be constructed of timber weatherboarding and lime render walls, under a plain clay tile and slate roof. The front door would be timber boarded and the windows and sliding doors would be anthracite powder coated aluminium.
- 2.7 There would be garden areas at the front and rear, with a terrace area next to the house. There would also be a parking area for two cars.

The application is accompanied by:

1. Application Form received on 31.10.2023.
2. Drg. No. 1651 01 – Existing Plan and Elevations (class Q) received on 31.0.2023.
3. Drg. No. 1651 06 – New dwelling floor plan received on 31.10.2023.
4. Drg. No. 1651 07 – New dwelling east & south elevations received on 31.10.2023.
5. Drg. No. 1651 08 – New dwelling west & north elevations received on 31.10.2023.
6. Amended Drg. No. 1651 Parking and garden plan December 2023 – New dwelling site & location plan received on 18.12.2023.
7. Drg. No. 1651 10 – Existing building elevations received on 31.10.2023.
8. Planning Statement dated 25.10.2023 ref DB/8777 received on 31.10.2023.
9. Arboricultural Report prepared by Sylva Consultancy dated Oct 23 ref 23091 received on 31.10.2023.
10. Ecological Impact Assessment dated Oct 23 prepared by Windrush Ecology received on 31.10.2023.
11. BMERC Environmental Information Search received on 31.10.2023
12. Heritage Statement dated Oct 2023 prepared by JP Heritage received on 31.10.2023

### **3.0 Relevant Planning History**

- 3.1 Reference: 85/00475/AV - Development: Conversion of barn to dwelling. Decision: Approved on 13 June 1985.
- 3.2 Reference: 85/02008/AV - Development: Conversion of barn to dwelling. Decision: Approved on 17 April 1986.
- 3.3 Reference: 85/02009/AV - Development: Conversion of barn to dwelling. Decision: Approved on 17 April 1986.
- 3.4 Reference: 86/00004/ALB - Development: Stable block at south east corner of barn. Decision: Approved on 5 June 1986.
- 3.5 Reference: 86/00046/ALB - Development: Insertion of new windows and internal alterations. Decision: Approved on 28 April 1986.
- 3.6 Reference: 86/01924/ALB - Development: Installation of dormer windows and internal alteration. Decision: Approved on 2 February 1987.
- 3.7 Reference: 87/02157/ALB - Development: Modify doors insert dormer windows and internal alterations. Decision: Approved on 19 November 1987.
- 3.8 Reference: 89/02672/ALB - Development: Replacement of windows to north elevation. Decision: Approved on 13 December 1989.

- 3.9 Reference: 92/00072/AGN - Development: Notification of intention to erect farm buildings. Decision: Approved on 12 February 1992.
- 3.10 Reference: 92/00466/APP - Development: Erection of agricultural buildings. Approved on 23 April 1992.
- 3.11 Reference: 19/00771/ALB - Development: Alteration to windows. Decision: Approved on 26 April 2019.
- 3.12 Reference: 00/00857/ALB - Development: Two replacement windows. Decision: Approved in 2000.
- 3.13 Reference: 02/00658/ALB - Development: Removal of existing extension and erection of garden room and conservatory. Decision: Refused on 19 April 2002.
- 3.14 Reference: 02/00659/APP - Development: Removal of existing extension and erection of garden room and conservatory. Decision: Refused on 19 April 2002.
- 3.15 Reference: 02/01894/APP - Development: Demolition of existing rear extension and erection of single storey rear garden room/conservatory. Decision: Approved on 20 September 2002.
- 3.16 Reference: 02/01895/ALB - Development: Demolition of existing rear extension and erection of single storey rear garden room/conservatory. Decision: Approved on 20 September 2002.
- 3.17 Reference: 20/02318/APP - Development: Repairs and alterations to the outbuilding. Decision: Approved on 22 December 2020.
- 3.18 Reference: 20/02319/ALB - Development: Repairs and alterations to the outbuilding. Decision: Approved on 22 December 2020.
- 3.19 Reference: 22/03751/ALB - Development: Listed building application for proposed increase in height of central chimney. Line flue with twin wall insulated flue liner. Installation of wood burning stove. Decision: Approved on 30 January 2023.
- 3.20 Reference: 23/00944/COUAR - Development: Determination as to whether prior approval is required in respect of transport & highway impact, noise, contamination risk, flooding and locational considerations for the conversion of an agricultural building into one dwellinghouse (Class Q(a)) and in relation to design and external appearance of the building (Class Q(b)). Decision: Approved on 15 May 2023.
- 3.21 Reference: 20/A2318/DIS - Development: Application for approval of details subject to condition 3 (programme of archaeological work) and condition 7 (roof tiles) of planning approval ref:20/02318/APP. Decision: Pending Consideration.
- 3.22 Reference: 20/A2319/DIS - Development: Application for approval of details subject to condition 5 (insulation specification), condition 6 (roof tiles), condition 7 (timber windows) and condition 8 (timber frame repairs) of listed building consent:20/02319/ALB. Decision: Pending consideration.



#### 4.0 Ward Councillor (s) and Parish/Town Council comments (Verbatim)

3.1 No comments received from Ward Councillor (s) at the time of writing the report.

3.2 Cuddington Parish Council:

- 30.11.2023: Objection. Full response provided in Appendix A.
- 12.12.2023: Cuddington Parish Council has opposed the application (Holymans) and wishes to call-in the application on the following material considerations:

1. Public interest
2. Country to local plan and CNP
3. Unusual fallback position justification.

- 26.01.2024: "Objection to 23/04487/APP by Cuddington Parish Council

##### **Additional information**

The objection submitted by Cuddington Parish Council referred to approx. building heights.

This note provides additional and more detailed information.

It supplements the information on the cross section that has been submitted.

The Arboricultural Report (Appendix 4) includes a topographical survey plan showing the following measured levels (AOD) :-

E/W Ridge of Holymans Farmhouse	79.43
N/S Ridge of outbuildings west of Holymans Farmhouse	77.98
Ridge of existing hay barn	80.35
Ridge of E/W cowshed	76.35
Ridge of N/S shed	77.49

For comparison , the ridge of proposed single storey building is 79.30."

#### 5.0 Representations

4.1 33 representations received, 29 objecting and 4 supporting, raising the following summarised issues:

- Greater footprint than approved plans.
- Significantly higher than buildings it would replace.
- Harm to heritage, including adjacent listed buildings and Manor house that stood on site of 'grassy knole'.
- Loss of or damage to trees would be detrimental to wildlife. A haven for flora and fauna. Ecological study is incomplete and inaccurate.
- Increased number of windows and glazed doors compared with approved plan increases light pollution and affects privacy of neighbours.

- Increase in traffic onto narrow private road which is also a footpath.
- Sufficient sites to meet growth of village have already been identified.
- Site is visible from all directions.
- Site is much larger than curtilage of permitted development.
- Materials (slate roof) are inappropriate.
- Building is not in keeping with location and is unsympathetic.
- Fall back position should not apply as proposals are so different.
- If approved, should only be on basis of replacing permitted development scheme with surrounding ecological areas maintained.
- Site is outside of village boundary contrary to VALP and NP.
- Village is being overrun by big new builds.
- Roof ridge would block views south towards the church.
- Location of proposed dwelling is in a less prominent position compared to approved scheme.
- Demolition of tall barn opens up views of the site and countryside.
- Design of the new dwelling is more in keeping with surrounding vernacular than approved barn.
- Delivers a net gain in biodiversity.

## **6.0 Policy Considerations and Evaluation**

- 6.1 Vale of Aylesbury Local Plan (VALP) was adopted on 15th September 2021 and therefore has full weight.
- 6.2 Cuddington Neighbourhood Plan was formally made by Buckinghamshire Council on 23/08/2022.
- 6.3 Aylesbury Vale Design Guide SPD (adopted on 30 June 2023)
- 6.4 National Planning Policy Framework (NPPF) December 2023
- 6.5 Planning Practice Guidance (PPG)
- 6.6 Buckinghamshire Minerals and Waste Local Plan (July 2019) - Policy 1: Safeguarding Mineral Resources – within a Mineral Safeguarding Area but exempt from consultation as on edge of an urban area and less than 10 houses.
- 6.7 Recycling and Waste: Advice note for developers 2015.
- 6.8 Parking – Appendix B – VALP

## **7.0 Principle and Location of Development**

### *Principle of development*

Vale of Aylesbury Local Plan (VALP): S1 (Sustainable development for Aylesbury Vale); S2 (Spatial strategy for growth), S3 (Settlement hierarchy and cohesive development), D3 (Proposals for non-allocated sites at strategic settlements, larger villages, and medium villages).

Cuddington NP: Policy CDN01 (Settlement Boundary)

- 7.1 Policies S2 and S3 of the 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, supported by growth at other larger, medium and smaller villages.
- 7.2 Policy D3 of VALP states that proposals in medium villages not on allocated sites will be restricted to small scale areas of land within the built-up areas of settlements, including infilling of small gaps in developed frontages in keeping with the scale and spacing of nearby dwellings and the character of the surroundings, or development that consolidates existing settlement patterns without harming important settlement characteristics.
- 7.3 The site is located within the parish of Cuddington. Cuddington is identified in Table 2 of VALP as a medium village. Medium villages have some provision key services and facilities, making them moderately sustainable locations for development.
- 7.4 The site lies about 30m outside the settlement boundary of Cuddington as shown on the Cuddington Neighbourhood Plan (CNP). Policy CDN01 states that development proposals outside of the boundary “will not be supported unless it is a rural exception housing site, necessary for the purposes of agriculture or forestry, or for enterprise, diversification, recreation, or tourism that benefits the rural economy without harming countryside and heritage interests.” There is no suggestion that the dwelling would be a rural exception housing site.
- 7.5 However, it is not isolated from the village and would be within short walking distance of facilities. Furthermore, it is part of a group of buildings close to the boundary. Although it is not brownfield land (as agricultural buildings are exempt), the proposed dwelling would be on a similar footprint to an existing structure that would be demolished and removed. Therefore, whilst it would not comply fully with D3 of VALP or CDN01 of CNP, it is considered that the site, on the edge of the built up part of Cuddington, is a sustainable location for the scale of development proposed (one dwelling).

#### Fall-back position

- 7.6 Within the Planning Statement, it is explained that the recent Class Q prior approval permission for a barn conversion (23/00944/COUAR) allows a new home on the land and is a fall-back position for the site and hence a material consideration. Various case law is cited, the argument is put forward that the extant approval for conversion of the barn establishes the principle of the creation of a dwelling on the site. The

agent adds that if the current scheme is not permitted it is inevitable that the approved conversion will be undertaken. The Council does consider this to be a viable and realistic fallback position.

- 7.7 It is noted that the current proposal is on a different part of the site to the barn with extant permission to be converted. Nevertheless, in the context of the extant permission, it is accepted that a dwelling can be provided in a similar location, albeit the fall-back proposal would have a much tighter residential curtilage to that currently proposed. The Council is not aware of any information that would suggest that there is no "real prospect" of the prior approval permission being implemented, it is accepted that its existence is a material consideration that must therefore carry weight in a future assessment.
- 7.8 Because of a difference in siting, there is the potential for the fallback scheme AND the current proposal to be built out. The agent has confirmed that if the current application is permitted, the barn (with the Class Q permission) would be demolished and so in that respect it can be seen as an alternative to the Class Q scheme, with no barn on site, the class Q conversion would effectively fall away, meaning that at no time will this site be the location of multiple dwellings. If the current application is considered to be acceptable, then a condition is suggested to ensure that the barn the subject of the Class Q conversion is demolished prior to works above slab level of the proposed dwelling.
- 7.9 Turning to housing land supply, the latest Five-Year Housing Land Supply Position Statement (September 2023) for the Aylesbury Vale area is 4.7 years' supply of deliverable housing sites for the 2023-28 period.
- 7.10 The proposal would contribute to housing land supply tempered by the scale of the development (gain of one net dwelling). It is considered that there would also be some economic benefits in terms of the erection of the development as well as the resultant increase in population which would contribute to the local economy. This is a benefit of the proposal, albeit limited as it is recognised that the principle has already been secured for a new dwelling on this site, therefore this proposal does not represent a net increase of dwellings over and above that already secured.
- 7.11 Therefore, whilst the proposal would not fully comply with policies S2, S3 and D3 of the VALP or CDN01 of CNP, the principle of a new dwelling within the context of the site on the edge of a medium village is considered acceptable. Notwithstanding this, the proposal still must be assessed against all other material considerations.

### **Affordable Housing and Housing Mix**

SPD – Affordable Housing

VALP policies H1 (Affordable Housing) and H6a (Housing Mix)

- 7.12 With regard to affordable housing, the provision of 1 dwelling on a site with an area of 0.2 hectare would not meet the thresholds for requiring affordable housing contributions to be made.
- 7.13 With regard to housing mix, there would be one 3-bedroom dwelling. The finding of the Housing and Employment Development Needs Assessment (HEDNA) set out in the VALP indicate that, based on current figures and population growth, 3 bedroom homes are of the highest need followed by 4-bed houses.
- 7.14 Given the scale of the proposal, the provision of one 3-bedroom dwelling would be acceptable, given the small number of units proposed.

### **Transport matters and parking and public rights of way**

VALP policies T5 (Delivering transport in new development) and T6 (Vehicle parking), T8 (Electric vehicle parking), Appendix B (Parking Standards), policy C4 (public rights of way)

- 7.15 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, and that safe and suitable access can be achieved, taking account of the policies in the NPPF.
- 7.16 Some local residents have raised concerns over an increase in traffic onto the narrow private road that runs to the site from Frog Lane. Frog Lane is an unclassified road subject to a speed limit of 30 mph. In the vicinity of the site, parking and waiting restrictions are not present. There are no footways on either side of the road.
- 7.17 The Council's Highways Officer stated that he previously commented on application no. 23/00944/COUAR and raised no objections subject to conditions and informatives. He added that this new application is highly similar in highways terms and as such he repeated some of his previous comments. He stated that there is enough space within the site for the vehicle to turn and leave in a forward gear. The Highways Officer added that visibility splays of 2.4m x 17m to the north and 2.4m x 31m to the south will be conditioned, as will a Construction Traffic Management Plan to ensure terms are agreeable prior to development commencing.
- 7.18 Turning to the on-site parking provision, VALP Policy T6 states that all development must provide an appropriate level of car parking, in accordance with the standards set out in Appendix B. The proposed dwelling would have three bedrooms and therefore 2.5 parking spaces would be required. Although the application form states that two car parking spaces would be provided, the submitted plans did not show where these would be located. The agent was asked to submit a drawing showing where these spaces would be positioned. The amended drawing shows that these would be on the site of the existing steel barn which is to be removed.
- 7.19 The spaces would each be 2.8m x 5m in size with a turning area provided. There would also be secure bicycle parking to the rear of the proposed dwelling.

- 7.20 Finally, the adopted VALP standards require a new dwelling to be served by an electric vehicle charging point. This can be secured by a condition.
- 7.21 Mindful of the above, the Highways Officer does not have any objections to this proposal subject to conditions and informatives.

#### PUBLIC RIGHTS OF WAY

- 7.22 VALP policy C4 states that planning permission will not normally be granted where the proposed development would cause unacceptable harm to the safe and efficient operation of public rights of way.
- 7.23 The Bucks Council Strategic Access officer was consulted and stated that there are several public footpaths near the site, including CUD/2/1 which borders the site to the north and arcs from Frog Lane to a junction of footpaths north of Tibby's Cottage. Footpath CUD/1/3 heads north from Frog Lane and ends at the footbridge over the River Thames.
- 7.24 The Strategic Access Officer stated that any increase in vehicular traffic on Frog Lane would have a negative impact on the walking amenity but added that given the relatively small increase in traffic expected from a development of this size it would not impact to the extent of raising any particular concerns.
- 7.25 The officer raised some concerns over a possible gate on the track towards the site from Frog Lane denoted by a question mark. However, this was removed from the amended site plan. The Strategic Access Officer was reconsulted and confirmed that the revised plans had alleviated any concerns about a possible gate preventing access to the footpath. As such, there are no objections from a rights of way perspective.
- 7.26 It is therefore considered that the proposal would comply with Policies T5, T6, T8 and C4 of VALP, the Council's Parking Standards and the NPPF in this regard.

#### **Raising the quality of place making and design**

VALP policy BE2 (Design of new development).

CNP policy CDN05 (Design of New Development outside the Conservation Area).

- 7.27 The NPPF at paragraph 8, states that one of the overarching principles of the planning system is a social objective, including fostering well-designed, beautiful and safe places. Policy BE2 of VALP states that new development should respect and complement the character of the site and its surroundings and the local distinctiveness and vernacular character of the locality, as well as important public views.
- 7.28 CNP policy CDN05 state that designs should be of high quality with sympathetic architecture and urban design, with building heights that follow the existing pattern of single and two-storey houses. It adds that the use of high-quality innovative designs, materials and techniques will be supported where they contribute to the

interest of the streetscape or offer other benefits to the environment. It also supports development forms and layouts that offer greater energy efficiency.

7.29 The Vale of Aylesbury Design SPD, adopted in 2023, states that in general, traditional houses in the area have a distinctly rural character. The majority of traditional buildings in Aylesbury Vale, in both urban and rural areas, adopt a very consistent, simple form, with rectangular floorplans and pitched roofs over narrow spans. Materials should reflect the character of the area and also the style of architecture adopted. It adds that contemporary solutions of high architectural quality that deliver outstanding places are welcomed and encouraged where they respond to and maintain or enhance their context.

7.30 The proposal seeks to demolish a range of low cattle sheds in an L shaped footprint and replace them with a single storey dwelling on broadly the same footprint. The existing barns to be demolished are unremarkable architecturally. It is noted that there is a large steel framed barn within the site that has recently been granted permission for a conversion to a house under prior approval ref. 23/00944/COUAR. Details shown below.



7.31 Some local residents have claimed that the replacement building would be significantly larger than the existing structures, and that it would not be in keeping with the location and is unsympathetic in terms of its design. There are also concerns over the materials, including a slate roof, and the number of windows. The Parish Council has stated that the alternative proposals are significantly larger than the consented scheme, including its footprint, and are out of scale and character with the adjacent farm buildings. The Parish Council also submitted additional information on the heights of existing buildings and the proposed dwelling based on AOD (Above Ordnance Datum) height levels obtained through a topographical survey.

7.32 The proposed dwelling would have a larger footprint (about 290 sqm) than the barn with an extant Class Q approval for conversion to residential (about 83 sqm), although this barn has a height of about 6.2m compared to a maximum of 5.2m for

the current proposed dwelling. Furthermore, the dwelling now proposed would replace a range of low cattle sheds on a similar sized, L shaped footprint, although these have a maximum height of about 3.4m. It cannot therefore be said that the footprint is located on an open area of the site unharmed by built form.

- 7.33 The topographical information shows that the land where the proposed new dwelling would be sited is around 0.75m higher than on the track next to Holymans Farmhouse and that the ridge of the new dwelling would have a total height of 79.3m AOD, compared to 79.43m for the neighbouring dwelling.
- 7.34 With regards to its design, the proposed dwelling would have a barn-like appearance, with a mix of materials including slate and clay tiled roof, lime render and black stained weatherboarding walls. These materials are generally appropriate in a rural context and are reflective of traditional farm buildings. One of the sections would have a hipped roof and other would have a gable end roof, with the two parts connected by a low, flat roofed link section.
- 7.35 The proposed dwelling would have a relatively large amount of glazing, but this would primarily be on the south facing side, visible from within the site, with the other elevations having fewer windows so as to maintain a more traditional appearance. The roof would be unbroken and free from domestic features such as rooflights, dormers and chimneys.
- 7.36 The Design SPD states that sustainability must be considered throughout the design process for all proposed developments. The Planning Statement states that the proposed dwelling would have a substantially lower energy demand than the permitted conversion and would be highly insulated to minimise heat loss and energy wastage and be water efficient. These are all positive aspects of the design.
- 7.37 The development would also involve the retention and restoration of the witchert and rubble northern boundary wall, an important local characteristic. Such works are not included in the fall back scheme, it is considered that this work can be condition.
- 7.38 Concerns were raised by the case officer over the apparent large size of the curtilage of the site, especially compared to that in the Class Q scheme. The agent responded by providing a curtilage plan, showing that the garden area would be restricted to the western half of the 'red edge' site. The agent confirmed that the rest of the site would be maintained as species rich grassland and not part of the residential curtilage. This cant be secured by condition to ensure no diluting of land use.
- 7.39 Whilst the difference in land level would increase the proposed new dwelling's prominence from the access track, it would still be lower than Holymans Farm to the north and would not appear overly prominent to the extent that would justify a refusal, particularly as it would be over 1m lower in height than the existing hay barn.
- 7.40 Overall, whilst the concerns of the parish council and local residents are noted, it is considered that the proposed dwelling would have an acceptable design and scale and although it would be larger in footprint than the barn with a permission to be



converted, it would be lower in height and replace a L shaped range of barns in broadly the same position. Furthermore, a condition can be imposed to ensure that the large barn would be removed. On balance, the proposal would respect the character of the site and wider area and would offer a building of better quality appearance than the fall back position.

- 7.41 As such, the proposal would accord with Policy BE2 of the VALP, the Design SPD, CNP policy CDN05, and the guidance set out in the NPPF.

### **Amenity of existing and future residents**

VALP policy BE3 (Protection of the amenity of residents).

- 7.42 The NPPF at paragraph 135 states that authorities should always seek to create places that have a high standard of amenity for all existing and future users.
- 7.43 Policy BE3 of VALP seeks to protect the amenity of existing residents and achieve a satisfactory level of amenity for future residents.
- 7.44 The nearest dwellings to the site are Holymans Barn and Holymans Farm to the north. There would be a gap of about 8 to 9 m between each dwelling and the proposed house. The topographical data and cross section diagram submitted by the parish council show that the proposed dwelling would be on land that is about 0.75m higher than on the track next to Holymans Farmhouse. As a result of this, the new dwelling would appear more prominent to the occupants of the neighbouring dwelling than it would otherwise have done, although it would still have an AOD height that is 0.13m lower than Holymans Farm.
- 7.45 The new dwelling would be set back by about 1m from the boundary with these neighbouring dwellings and although it would be taller than the cattle sheds that it would replace, it would remain single storey in height with low eaves. Therefore, whilst the new dwelling would be more visible to the occupants of Holymans Farmhouse than the existing shed from their south facing windows, due to the separation distance and the pitched roof of the proposed dwelling, it would not so overbearing as to justify a refusal on this basis. Furthermore, there would be no windows on the north elevation facing these neighbours and so there would be no overlooking or loss of privacy. In addition, the larger steel framed barn would be demolished which would be a benefit in terms of amenity for these neighbours as it would reduce overshadowing.
- 7.46 No other dwellings are close enough to be affected by the development.
- 7.47 With regards to the amenity of the future occupiers, the dwelling would have a rear garden area with an area of about 150 square metres, and a front garden area of about 350 sqm, which is more than adequate for a three bedroom dwelling. All habitable rooms would have sufficient natural light and the dwelling would comfortably meet the recommended nationally prescribed space standards.

- 7.48 The Council's Environmental Health officer was consulted but raised no objections.
- 7.49 It is considered that the proposal would not have an unacceptable adverse impact upon the neighbouring amenity and would provide an adequate quality of life for future occupiers. This would accord with policy BE3 of VALP and the NPPF.

### **Flooding and drainage**

#### VALP policy I4 (Flooding)

- 7.50 Paragraph 170 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere.
- 7.51 The site is within Flood Zone 1 and the development would therefore be at low risk of fluvial flooding. None of the site lies within an area susceptible to surface water flooding and so it would not increase or exacerbate flood risk on the site, nor in the wider locality.
- 7.52 The Planning Statement states that the proposal would be provided with SuDS compliant drainage for surface water and sustainable arrangements for foul water.
- 7.53 As such, it is considered the proposed development would be resilient to climate change and flooding and would not increase flood risk elsewhere in accordance with Policy I4 of the VALP and the Framework.

### **Landscape Issues, including trees and hedgerows.**

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

#### CNP policy CDN 05: Design of new development outside the conservation area

- 7.54 The site lies within the Brill-Winchendon Hills Area of Attractive Landscape (AAL). Policy NE4 states that AALs have particular landscape features and qualities considered appropriate for particular conservation and enhancement opportunities and development in such areas should have particular regard to their character. It also lies within the A418 Ridge Landscape Character Area (LCA) 9.9, a low hills and ridges type.
- 7.55 There are concerns from local residents that the development would be in a prominent position and visible from all directions.
- 7.56 The proposed building would be similar in footprint to the range of cattle sheds that it would replace, although it would be slightly greater in height. It would be positioned immediately adjacent to Holyman's Barn and Holyman's Farm and so would not be prominent in views from the open countryside to the north. Furthermore, it would be a condition of any permission that the larger scale barn with a Class Q permission for conversion to a dwelling would be removed, which would be an improvement. Therefore, the development in the view of officers have a

detrimental impact upon wider landscape views nor would it detract from the rural character of the landscape and the AAL.

- 7.57 Turning to trees or hedgerows, an Arboricultural Report was submitted with the application, and this states that one category C tree (T12) would be removed to implement the scheme, although the footprint of the proposal falls marginally within the root protection area of two other trees (T1 and T2). The report adds that a landscape plan would be developed showing new tree planting with suitable species for the site.
- 7.58 The Council's Tree Officer was consulted and stated that the development, if not implemented with suitable measures, has the potential to adversely impact on existing trees (particularly T1 and T12). As such, the Tree Officer expects piled foundations to be utilised where they fall within the Root Protection Areas, as well as appropriate arboricultural monitoring of the site. These could be secured by conditions. A future landscape scheme should be submitted pursuant to condition
- 7.59 Therefore, it is considered that the proposal would comply with policies NE4 and NE8 of the VALP and the NPPF in this regard.

## **Ecology**

VALP NE1 (Biodiversity and geodiversity)

CNP CDN 01 Settlement Boundary and CDN05 Design of New Development outside the Conservation Area

- 7.60 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. Policy NE1 of VALP is also reflective of the NPPF in requiring all development to deliver a biodiversity net gain. Policy CDN 01 of the CNP states that proposals will be assessed in terms of their potential impact upon the biodiversity of the area, amongst other things, and proposals that fail to demonstrate that these impacts can be satisfactorily addressed and mitigated will not be supported. Policy CDN 05 adds that proposals should be enhanced by new planting, with plants selected to enhance biodiversity.
- 7.61 The agent submitted with the application an Ecological Impact Assessment. This concluded that there will be a loss of areas of poor semi-improved grassland, scrubs etc, but that this will only result in the loss of habitats of negligible ecological value. It added that the proposed development is unlikely to have any significant impacts on rare plant species, invertebrates and reptiles, but is likely to result in significant impacts on great crested newts. Furthermore, removal of woody vegetation and buildings during the bird nesting period could have direct impacts on birds through the loss of nests and eggs, and new lighting has the potential to adversely affect bats.

- 7.62 The Council's Ecology Officer was consulted and stated that the Ecological Impact Assessment (EclA) is considered to be an accurate account of the ecological features present on site at the time of the assessment. The measures detailed in the recommendations section of the report will need to be secured through a planning condition if this application is approved. In doing so the mitigation measures for the ecological features identified will be protected during and post construction.
- 7.63 Within the EclA a Biodiversity Net Gain (BNG) calculation has been provided. The Ecology Officer stated that these calculations demonstrate the proposals, post development, generate the gains required under local and national planning policy. The metric and the measures proposed to enhance the sites habitat features are considered acceptable.
- 7.64 To secure these measures a condition requiring the establishment of a Landscape and Ecological Management Plan (LEMP) will need to be secured. This will need to detail the habitat enhancement measures detailed in the BNG report. Key to this document will be management prescriptions for the habitat proposed to be established and how these will be retained in perpetuity and whom will be responsible for the management of the areas.
- 7.65 The site lies in a Great Crested Newt Red impact zone, a highly suitable habitat and the most important areas for great crested newts. The applicant's EclA has identified the need to secure a District Licence for Great Crested Newts. The Council's newt officer was consulted and initially raised a holding objection, stating that further information is required, namely proof of entry into Buckinghamshire Council's District Licence Scheme via provision of a NatureSpace Report or Certificate, adding that this must be done prior to determination of the application.
- 7.66 The agent subsequently submitted the NatureSpace certificate. The Newt Officer confirmed that the applicant has provided evidence of entry into the council's district licensing scheme and raised no objection, subject to conditions.
- 7.67 Overall, it is considered that in terms of impact upon the natural environment, the proposal would have an acceptable impact on protected species and their habitats and would therefore comply with VALP policy NE1, CNP policies CDN01 and CDN05 and relevant NPPF advice.

### **Historic environment**

#### VALP policies BE1 (Heritage Assets)

- 7.68 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 195 of the NPPF identifies heritage assets as an irreplaceable resource which should be conserved in a manner appropriate to their significance. Paragraph 205 confirms that 'great weight' should be given to the assets conservation (the more important the asset, the great the weight should be).

- 7.69 Policy BE1 states that proposals will only be supported which do not cause harm to heritage assets.
- 7.70 The site is not in a conservation area but there are two listed buildings directly to the north of the site (Holyman's Barn and Holyman's Farm). The Parish Council and some residents expressed concern over the impact on heritage assets.
- 7.71 The Council's Heritage Officer was verbally consulted and stated that the proposed design has much less of an impact on the setting of the LB adjacent than the permitted fallback scheme in terms of its subservience and form. The form replicates a previous 20<sup>th</sup> century structure (of little historic interest) and replicates the form of the listed buildings opposite. The proposed barn utilises vernacular materials as seen elsewhere in the Conservation Area and appears ancillary in design. The Heritage Officer raised concerns that an additional building may be constructed next to the proposed barn in the future. This would clutter the area opposite the Listed Buildings and negatively impact its setting, therefore requested that a condition be added to prevent further development of the plot without permission from the authority as this could prevent harm to the setting of the heritage assets in the future. The Heritage Officer also request a condition to ensure the repair of the witchert wall. Due to the current condition of the wall, the repair is seen to be a heritage benefit which carries great weight.
- 7.72 The Council's Archaeologist was consulted and stated that the application site lies within an Archaeological Notification Area due to it being a possible medieval manorial site. Cartographic sources from the past 200 years show the main focus of the farm to be to the north of the application site, but earlier maps show the proposed new building to be located within the approximate area where a medieval house once stood. It is possible that the building depicted on this mapping is related to the manorial history of the site. If remains associated with the medieval/post-medieval house are present within this area, they are at risk of truncation from the proposed development, and this impact should be appropriately mitigated.
- 7.73 If planning permission is granted for this development, then it is likely to harm a heritage asset's significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 211. With reference to the NPPF the Archaeologist recommends that any consent granted for this development should be subject to a condition requiring that an archaeological investigation is undertaken during all groundworks.
- 7.74 Special attention has been paid to the statutory test of preserving the setting of the listed buildings under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. It has been concluded that the setting of the listed buildings would be preserved and so the proposal accords with section 66 & 72 of the Act.

7.75 As such no harm would be caused to the significance of the heritage assets and the proposal accords with guidance contained within the NPPF and with the aims of policy BE1 of VALP. This issue is afforded great weight in the planning balance.

## **8.0 Weighing and balancing of issues / Overall Assessment**

- 8.1 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.
- 8.2 The site, on the edge of the built up part of Cuddington, is a sustainable location for the scale of development proposed. The extant prior approval permission on the same site is a material consideration that carries weight. Therefore, the proposed development is accepted in principle. It is accepted that there would be economic benefits in terms of the construction of the development itself. The scheme would also deliver one additional dwelling thereby adding to the Aylesbury Area's housing supply. It is acknowledged that a tilted balance is engaged as a result of the Council being unable to demonstrate a 5-year land supply. The absence of harm to heritage assets is afforded great weight in the planning balance.
- 8.3 The scheme has also been considered acceptable in terms of its impact to housing mix, design, transport and parking, flooding and drainage, residential amenity, flooding, landscape, trees and ecology. However, these do not represent benefits of the scheme but rather demonstrate an absence of harm.
- 8.4 Taking all the relevant factors into account, and having regard to the NPPF as a whole, 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.
- 8.5 Local Planning Authorities, when making decisions of a strategic nature, 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 persons sharing a protected characteristic disproportionately when compared to those not sharing that characteristic.
- 8.6 Human Rights Act (1998) 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.

## **9.0 Working with the applicant / agent**

- 9.1 In accordance with paragraph 38 of the NPPF (December 2023) 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.

- 9.2 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.
- 9.3 In this case, the agent was informed of the issues arising from the proposal and given the opportunity to submit additional information in order to address those issues prior to determination. The agent responded by submitting additional information which were found to be acceptable, so the application has been approved.

## 10.0 Recommendation

The officer recommendation is that the application be **APPROVED** subject to the following conditions 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 permitted shall be carried out in accordance with the materials specified in the planning application form hereby approved and approved drawings nos. 1651/07 and 1651/08, both received by the Local Planning Authority on 31.10.2023.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no development covered by Classes A, B and E of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 to that Order shall be carried out without the specific grant of planning permission from the Local Planning Authority. No fences or boundary treatment shall be erected or grown on site other than in strict accordance with details hereby approved. No windows are to be installed within the roof of the development hereby approved without the express permission of the Local Planning Authority.

**Reason:** In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions of the dwelling or outbuildings and other development having regard for the particular layout and design of the development, to protect the openness and the character of the area in accordance with policies BE2 and BE3 of the VALP and the guidance set out in the National Planning Policy Framework.

4. No other part of the development shall be occupied until the existing means of access has been upgraded in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Private Vehicular Access Within the Public Highway".

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

5. The scheme for parking and manoeuvring indicated on the submitted plan ref 1651-09 received on 13.12.2023 shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

**Reason:** To enable vehicle to draw off, park and turn clear off the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, in accordance with Policy T6 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

6. Prior to the commencement of any works on the site (including any demolition), a construction traffic management plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide for the following:

- The routing of construction vehicles.
- Construction access details, temporary or otherwise.
- Details of largest used construction vehicles
- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials storage of plant and materials used in constructing the development.
- Operating hours.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused.

The approved CTMP shall be adhered to throughout the construction period.

**Reason:** In order to mitigate any unacceptable transport impacts arising during construction and comply with Policy T5 of the Vale of Aylesbury Local Plan, and National and Local Transport Policy.

7. Prior to the occupation of the development minimum vehicular visibility splays of 17 metres from 2.4 metres back from the edge of the carriageway to the north of the access and 31 metres from 2.4 metres back from the edge of the carriageway to the south of the access onto Frog Lane shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.



**Reason:** To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access and comply with Policy T5 of the Vale of Aylesbury Local Plan, and National and Local Transport Policy.

8. An electric charging point shall be installed prior to the initial occupation of the development hereby permitted and shall thereafter be retained as approved.

**Reason:** To ensure adequate provision is made for electric vehicles and to accord with the National Planning Policy Framework and Policies T6 and T8 of the Vale of Aylesbury Local Plan.

9. No works or development (including for the avoidance of doubt any works of demolition, or vehicular movements) shall take place until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) is submitted in accordance with current British Standard 5837 and approved in writing by the Local Planning Authority. The AMS and TPP shall include:

- 1) Detailed plans showing location of the protective fencing including any additional ground protection whether temporary or permanent;
- 2) An overlay of proposed services and utilities, where these are close to Root Protection Areas (RPAs);
- 3) Details of all proposed Access Facilitation Pruning, including root pruning, as outlined in current British Standard 5837 guidance (shall be carried out in accordance with current British Standard 3998);
- 4) All phases and timing of the project, including phasing of demolition and construction operations and access layout requirements, in relation to arboricultural matters;
- 5) Siting of work huts and contractor parking; areas for the storage of material and the siting of skips and working spaces; the erection of cranes are to be shown on the submitted TPP; and
- 6) A scheme of supervision detailing the frequency of site visits, how and when the reports from visits will be submitted to the LPA and what plans will be used to ensure compliance with and agreed tree protection.

**Reason:** To ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction, in the long-term interests of local amenities and accordance with Policy NE8 of the Vale of Aylesbury Local Plan, BS5837, and the National Planning Policy Framework.

10. No works or development (including for the avoidance of doubt any works of demolition, or vehicular movements) shall take place until details of the proposed foundations and methodology for their installation has been submitted to and approved in writing by the Local Planning Authority. This will include:

- 1) The type of foundation to be used, noting incursions will be required into the root protection areas of retained trees;
- 2) Dimension of any piles or other foundations used; and
- 3) Details of how excavations will be undertaken to implement the foundations.

**Reason:** To ensure that the root systems of the shrubs, trees and hedgerows are not damaged during the period of construction, in the long-term interests of local amenities and accordance with Policy NE8 of the Vale of Aylesbury Local Plan, BS5837, and the National Planning Policy Framework.

11. Notwithstanding any indications illustrated on drawings already submitted, no development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority.

Landscape details shall include:

- 1) a scaled plan showing all existing trees, shrubs and hedgerows to be retained, including crown spreads
- 2) proposed hardstanding and boundary treatment:
- 3) a schedule detailing species, sizes and numbers of all proposed trees/plants; and
- 4) Sufficient specification to ensure successful establishment and survival of new planting to improve the rooting environment for retained and proposed trees and landscaping (including watering, mulching, staking, weeding, formative pruning, planting pit details).

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless already agreed in writing by the Local Planning Authority. The development is to then proceed in strict accordance with approved scheme.

**Reason:** To ensure satisfactory landscaping of the site in the interests of amenity to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development and remain consistent with Policy NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

12. All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the completion of the development, whichever is the sooner. Any retained trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be

replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development and in accordance with Policy NE8 of the VALP, and the National Planning Policy Framework.

13. Prior to first occupation, details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

**Reason:** To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and to comply with policy BE2 of Vale of Aylesbury Local Plan, and the National Planning Policy Framework.

14. The development shall be implemented in accordance with the agreed Ecological Impact Assessment from the consultant ecologist Windrush Ecology dated October 2023.

**Reason:** To ensure that measures are undertaken in accordance with submitted plans for the benefit of important wildlife, in line with policy NE1 of the Vale of Aylesbury Local Plan and in accordance with the National Planning Policy Framework.

15. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies or remedial action will be identified, agreed, and implemented so that the development still delivers the

fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:** To ensure appropriate protection and enhancement of biodiversity, to make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare, in line with policy NE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

16. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Holymans: Impact plan for great crested newt District Licensing (Version 1)" dated 9th January 2024.

**Reason:** In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-OR112, or a 'Further Licence'), Policy NE1 of the Vale of Aylesbury Local Plan, section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

17. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence'), and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

**Reason:** In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), Policy NE1 of the Vale of Aylesbury Local Plan, section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

18. The residential dwelling hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' as a minimum prior to first occupation. Such provision shall be maintained for the lifetime of the development.

**Reason:** To ensure the adequate provision of accessible and adaptable dwellings in accordance with Policy H6c of the Vale of Aylesbury Local Plan.

19. The dwelling(s) hereby approved shall be constructed to meet as a minimum the higher standard of 110 litres per person per day using the fittings approach as set out in the 'Housing: optional technical standards' guidance and prescribed by Regulation 36(2)(b) of the Building Regulations 2010

**Reason:** The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; and to use natural resources prudently, and in accordance with Policy C3 of the Vale of Aylesbury Local Plan (adopted September 2021) and guidance contained in the NPPF (December 2023).

20. Prior to construction of the dwelling hereby permitted the building identified to be removed on drawing 1651/Parking and garden plan December 2023 shall be demolished and resulting debris and materials removed from the land.

**Reason:** to ensure that the barn permitted for conversion under application ref. 23/00944/COUAR is removed prior to the construction of the development hereby permitted and to prevent the possibility that both schemes would be implemented, in accordance with Policies BE1 and BE2 of the Vale of Aylesbury Local Plan (adopted September 2021) and guidance contained in the NPPF (December 2023).

21. Prior to the commencement of any works, details of the methodology and materials for the repair of the witchert wall shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out using the approved details and retained thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies BE1 and BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

22. No development shall take place until the applicant, or their agents or successors in title, have undertaken a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

**Reason:** To record or safeguard any archaeological evidence that may be present at the site and to comply with Policy BE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

23. The development hereby permitted shall only be carried out in accordance with drawing numbers 1651/06, 1651/07, 1651/08, all received by the Local Planning Authority on 31.10.2023 and 1651/Parking and garden plan December 2023, received on 18.12.2023 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.

24. The development hereby approved shall store all additional runoff within the site and either reuse it or release it into the ground through infiltration. Where the additional runoff is not to be re-used or on-site infiltration methods are not proposed, details of how the risk of flooding elsewhere will not be increased shall be submitted to and approved by the local planning authority prior to any

development taking place. The approved details shall thereafter be implemented prior to the development being brought into use and thereafter managed and maintained for the lifetime of the development.

**Reason:** To ensure that the development does not increase the risk of flooding elsewhere and in accordance with policy I4 of Vale of Aylesbury Local Plan and Paragraph 173 of the National Planning Policy Framework (December 2023) to ensure that there is a satisfactory solution to managing flood risk.

## Informatives

1. The applicant is advised that a licence 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. A period of 28 days must be allowed for the issuing of the licence, please contact Transport for Buckinghamshire at the following address for information:  
Transport for Buckinghamshire (Streetworks)  
10<sup>th</sup> Floor, New County Offices  
Walton Street, Aylesbury,  
Buckinghamshire  
HP20 1UY  
01296 382416
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.
3. 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.
4. The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the appropriate Water Authority may be necessary.
5. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website  
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
6. Your attention is drawn to the "Recycling and Waste: Advice Note for Developers 2015" to assist developers and planning applicants by highlighting Buckinghamshire Council's current management of refuse and recycling collections and what provisions will be

expected when proposals for new dwellings and commercial premises come forward in the future and the adopted policy on waste container charges. Developers should contact the Council's Operations and Waste Management Section for specific advice on current recycling collection arrangements.

7. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.
8. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newt are thereby committed then criminal investigation and prosecution by the police may follow.
9. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).
10. 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, injure or kill a bat; intentionally, recklessly or deliberately disturb a roosting or hibernating bat; intentionally or recklessly obstruct access to a roost. Planning consent for a development does not provide a defence against prosecution under these acts. Buildings, other structures and trees may support bats and their roosts. 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 bat or bat roost is encountered during works, , all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.
11. Protection of breeding birds during construction (as per D.3.2.2 of BS42020:2013 Biodiversity – Code of practice for planning and development) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being

built. Planning consent for a development does not provide a defence against prosecution under this act. [Buildings, trees, scrub and other vegetation] are likely to contain nesting birds between 1st March and 31st August inclusive. [Buildings, trees, scrub and other vegetation] are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

12. Developers are encouraged to maximise the water efficiency of the development. Thames Water offer environmental discounts for water efficient development which reduce the connection charges for new residential properties. Further information on these discounts can be found at <https://www.thameswater.co.uk/developers/charges>



## Appendix A: Consultation Responses and Representations

### Ward Councillor(s) Comments - *Verbatim*

- No comments received from Ward Councillor (s) at the time of writing the report.

### Parish/Town Council Comments - *Verbatim*

- Cuddington Parish Council objection received on 30.11.2023 as follows:

#### **“Background**

The Holymans field was considered as a potential development site during the preparation of the Cuddington Neighbourhood Plan and rejected on the basis of adverse impacts on ecology, access and parking, amenity, and heritage. It was excluded from the settlement boundary to leave a gap between the edge of the main village and the cluster of buildings around the Grade 2 Listed Holymans Farmhouse

The application for a barn conversion under permitted development rights (23/00944/COUAR) was most unwelcome as it introduced residential development into an area that the Parish Council (PC) specifically sought to protect. The PC objected to the barn conversion proposal, including the construction impacts, but it was approved in May 2023.

#### **Alternative proposals**

The developers have submitted a proposal for residential use (23/03387/APP), as an alternative to the approved barn conversion. The legitimacy for this approach is set out in the applicants planning statement that references a ‘fallback position’ and the relevant case law. The planning statement states that *‘This application falls to be considered upon its amenity impacts. Planning permission should be granted so long as it does not result in harm when compared to the extant planning permission’*.

A comparison between the consented and alternative proposals is set out below, showing that the alternative proposals would result in considerable harm.

#### **Proposal site boundary**

The extent of the alternative proposals should be clarified to understand the definition of the proposed residential curtilage and any temporary additional land take for construction purposes.

#### **Future permitted development rights**

Given the sensitive nature of the site and its surroundings, it is important to condition any planning consent by removing permitted development rights that would allow future horizontal or vertical extensions etc.

This restriction would also acknowledge the unusual route to residential development (contrary to the Local Plan and Neighbourhood Plan), via permitted development legislation and a fallback position

#### **Comparison between the proposal and the fallback position**

The table below compares the consented barn proposals against the proposed alternative for the main issues affecting the area,

<b>Issue</b>	<b>Barn Conversion (23/00944/COUAR)</b>	<b>Alternative proposal (23/03387/APP)</b>	<b>Comments</b>
The site	Existing barn east of Holymans Farm	Existing cowsheds south of Holymans Farm	The alternative proposals include the demolition of the barn, the barn site and additional land to the west and south.
Building footprint	88sqm	320 sqm	The alternative proposals are significantly larger than the consented scheme. They are out of scale and character with the adjacent farm buildings.
Building height approx	6.5m	5m	The alternative proposals would be lower than the barn but their height would obstruct views from Holymans Farm and its courtyard / setting.
Bedrooms	2	3	The number and size of rooms in the alternative proposal creates a much larger footprint, with harmful effects on the setting and visual impact.
Access and Parking	2 car parking spaces	2 car parking spaces	No comment
Residential amenity	Very limited outside space for the building	Reasonable space for amenity	The alternative provides a better level of residential amenity but at the expense of greater and take and greater environmental impact.
Visibility	Visible from properties to the south. Shading effect on the garden to Holymans Farm	Visible from Holymans Farm and its setting. Obstruction of views to the open field to the south	The alternative provides benefits to households to the south but adverse effects on Holymans Farm. Overall, there would be an adverse effect arising from the scale and height of the proposed alternative.
Heritage	Little impact on heritage	Located in area of heritage interest and setting of the listed farmhouse	The scale of the proposals are out of proportion to the historic agricultural buildings and unsympathetic to their surroundings.
Ecology			The alternative proposals would have a greater

			effect on existing trees and involve greater loss of existing habitat. It is noted that the alternative proposals intend to compensate for this loss and achieve net gain . Bucks ecologist is satisfied with the survey and biodiversity proposals subject to conditions.
Lighting	Glazed windows facing south	More extensive glazing facing south and east	The alternative has curtain glazing throughout and would have more harmful effects from light pollution.
Drainage	No known issues	Located in the lower part of the field with a history of moats. Water channels	The alternative proposals are likely to encounter drainage issues during construction with potential implications for buildability and tree roots.
Construction	Existing structure to be retained	New structure and foundations required plus longer drainage and utility connections to local infrastructure. The alternative, larger, development requires more materials, deliveries, and site works.	The alternative proposals would have more extensive construction impacts over a longer period of time
Design	Industrial / agricultural character typical of many barn conversions. Modest proportions	Traditional style but extensive glazing out of character with agricultural / heritage context.	The alternative proposals are separated from the farmhouse and barn to the north by the existing boundary wall. The traditional style for the single storey alternative results in a relatively high roofline over a considerable footprint.

The PC consider that, in principle, an alternative to the barn conversion has the potential to deliver a residential development that would be less harmful than the consented 'fallback

position'. In addition, it offers an opportunity for a design of high quality with exceptional sustainability credentials.

The alternative proposals go some way to meeting these objectives but, overall, they would be significantly more harmful than the approved scheme and, therefore, should be refused consent."

26.01.2024: "Objection to 23/04487/APP by Cuddington Parish Council

**Additional information**

The objection submitted by Cuddington Parish Council referred to approx. building heights.

This note provides additional and more detailed information.

It supplements the information on the cross section that has been submitted.

The Arboricultural Report (Appendix 4) includes a topographical survey plan showing the following measured levels (AOD) :-

E/W Ridge of Holymans Farmhouse	79.43
N/S Ridge of outbuildings west of Holymans Farmhouse	77.98
Ridge of existing hay barn	80.35
Ridge of E/W cowshed	76.35
Ridge of N/S shed	77.49

For comparison , the ridge of proposed single storey building is 79.30."

**Consultation Responses**

***Highways –***

- 23/11/2023 - No objections subject to conditions and informatives.

***Ecologist –***

- 23/11/2023 - No objection subject to recommended conditions.

***Newt Officer –***

- 03/01/2024 - Holding Objection; Further Information Required.
- 11/01/2024 - No objection subject to district licence conditions

***Environmental Health -***

- 30/11/2023 - No objections or comments regarding this proposed development.

***Archaeology Officer –***

- 06/12/2023 - No objection subject to condition.

### ***Heritage Officer (surgery) -***

- 29/11/2023 – No objections subject to conditions.

### ***Tree Officer –***

- 30/11/2023 – acceptable, subject to conditions.

### ***Strategic Access Officer -***

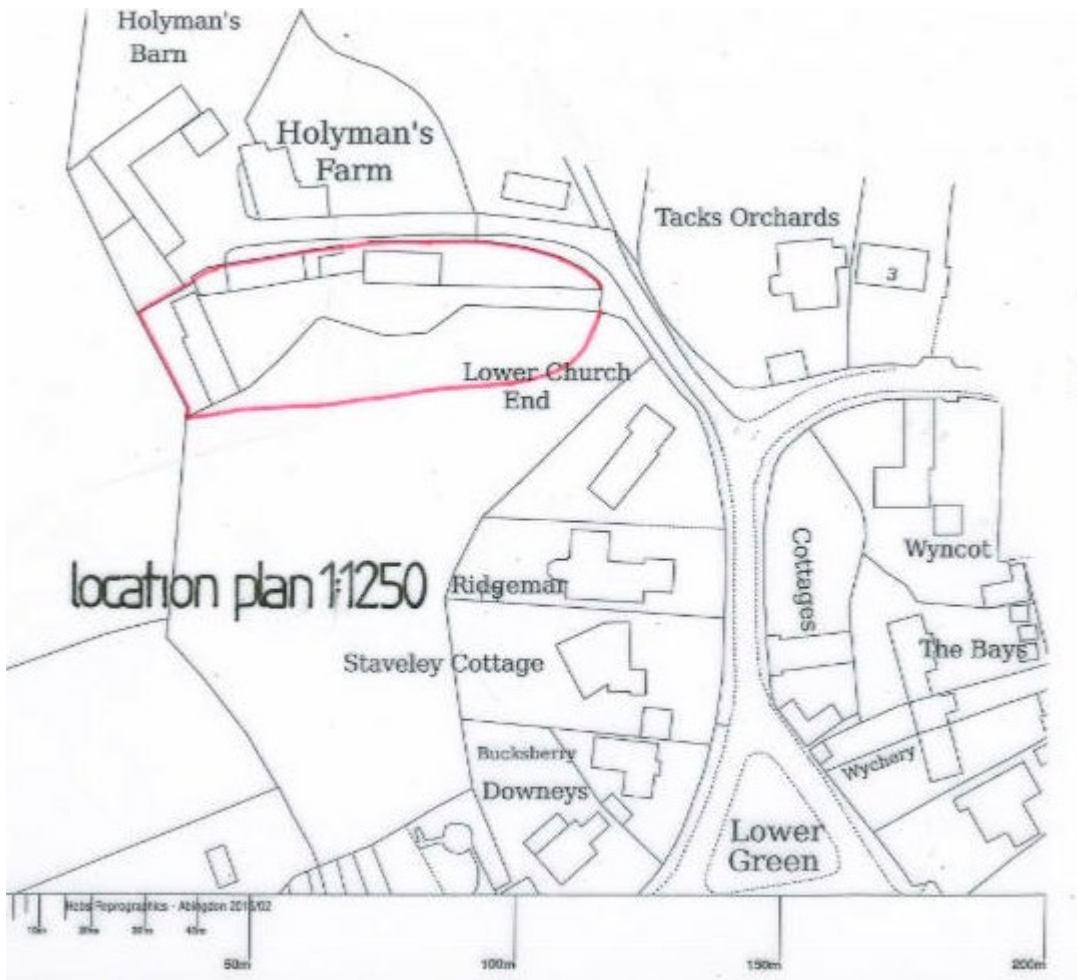
- 15/11/2023 – No particular concerns but there should be no gate across the vehicular highway at this location.
- 15/12/2023 – Revised plans have alleviated any concerns. No objection.

## **Representations**

- 33 representations received, 29 objecting and 4 supporting, raising the following summarised issues:
  - Greater footprint than approved plans.
  - Significantly higher than buildings it would replace.
  - Harm to heritage, including adjacent listed buildings and Manor house that stood on site of 'grassy knole'.
  - Loss of or damage to trees would be detrimental to wildlife. A haven for flora and fauna. Ecological study is incomplete and inaccurate.
  - Increased number of windows and glazed doors compared with approved plan increases light pollution and affects privacy of neighbours.
  - Increase in traffic onto narrow private road which is also a footpath.
  - Sufficient sites to meet growth of village have already been identified.
  - Site is visible from all directions.
  - Site is much larger than curtilage of permitted development.
  - Materials (slate roof) are inappropriate.
  - Building is not in keeping with location and is unsympathetic.
  - Fall back position should not apply as proposals are so different.
  - If approved, should only be on basis of replacing permitted development scheme with surrounding ecological areas maintained.
  - Site is outside of village boundary contrary to VALP and NP.
  - Village is being overrun by big new builds.
  - Roof ridge would block views south towards the church.
  - Location of proposed dwelling is in a less prominent position compared to approved scheme.

- Demolition of tall barn opens up views of the site and countryside.
- Design of the new dwelling is more in keeping with surrounding vernacular than approved barn.
- Delivers a net gain in biodiversity.

## Appendix B: Site Location plan



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