



# Buckinghamshire Council

## Central Buckinghamshire Area Planning Committee

### Agenda

**Date:** Wednesday 6 March 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

Agenda Item	Time	Page No
1	<b>APOLOGIES</b>	
2	<b>MINUTES</b> To approve as a correct record the minutes of the meeting held 7 February 2024	3 - 6
3	<b>DECLARATIONS OF INTEREST</b>	
<b>APPLICATIONS</b>		
4	<b>23/03765/APP - ROSE AND THISTLE PH, 6 STATION ROAD, HADDENHAM</b>	7 - 34
5	<b>22/00316/APP - LAND TO THE REAR OF 42 WORMINGHALL ROAD, ICKFORD</b>	35 - 58
6	<b>AVAILABILITY OF MEMBERS ATTENDING SITE VISITS (IF REQUIRED)</b> To confirm Members' availability to undertake site visits if required.	
7	<b>DATE OF THE NEXT MEETING</b> 3 April 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 7 February 2024 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 2:30pm and concluding at 4:32pm.

### Members present

A Bond, M Caffrey, B Chapple OBE, P Irwin, R Khan BEM, H Mordue, R Newcombe (Vice-Chairman), G Smith, D Thompson and A Waite

### Agenda Item

#### 1 Apologies

Members received apologies from Councillors N Brown, M Collins, P Cooper, and M Rand.

Councillors A Bond and H Mordue sat as substitutes.

#### 2 Minutes RESOLVED

That the minutes of the meeting held on 10<sup>th</sup> January 2024 be agreed as a correct record.

#### 3 Declarations of interest

There were none.

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

Proposal: 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 one year 1, one year 2 and two reception classrooms).

Public Speakers

Agent: Mariyam Afnida

It was proposed by Councillor R Khan, seconded by Councillor P Irwin and

**RESOLVED**

That application 23/02704/VRC be **approved**, subject to the conditions detailed in the case officer's report.

It was agreeable to the committee that the Education Department be contacted following the meeting to highlight the unsuitability of Grass Crete as a surface due to potential accidents.

**5 23/03748/APP - 1 and 2 Croft House, Croft road, Aylesbury**

Proposal: 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.

Public Speakers: N/A

It was agreed by the committee that the Service Director for Planning, Growth and Sustainability - Property & Assets be contacted following the meeting, to seek clarification as to why the apparent potential for greater PV panel provision on this application was not met, and to stress their view, that the maximisation of renewable energy sources on council owned property should be given greater priority for future planning applications.

It was proposed by Councillor R Khan, seconded by Councillor P Irwin and

**RESOLVED**

That application 23/03748/APP be **approved** subject to the conditions detailed in the case officer's report.

**6 23/03387/APP - Barn South Of Holymans Farm, Frog Lane, Cuddington**

Proposal: Demolition of existing barns and erection of dwelling with garden, parking area, and associated works. (Alternative development to permitted dwelling 23/00944/COUAR).

Public Speakers

Parish Council: Cllr Ken Trew (Cuddington PC)

Objectors: Gail Fairey and James Stonham

Agent/Applicant: David Burson, JPPC (Agent) and Caolan Ryan (Applicant)

It was proposed by Councillor B Chapple OBE, seconded by Councillor A Bond and

**RESOLVED**

That application 23/03387/APP be **approved**, subject to the conditions as detailed in the case officer's report and with the following amendments:

1. That condition 2 be amended to require further details on construction materials to be submitted to the planning authority for approval prior to the commencement of construction.
2. That condition 20 be amended to require the removal of all existing materials in the barn from the site unless they were to be reused or repurposed in the new construction.
3. That a new condition 25 be added to require details on proposed external lighting to be submitted to the planning authority for approval prior to installation

**7 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.

**8 Date of the Next Meeting**

6<sup>th</sup> March 2024

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## Report to Buckinghamshire Council Central Area Planning Committee

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<b>Application Number:</b>	23/03765/APP
<b>Proposal:</b>	Change of use from a public house (sui generis) with related C3 use to a single dwellinghouse (C3) with parking and amenity space.
<b>Site Location:</b>	Rose and Thistle PH, 6 Station Road, Haddenham, Buckinghamshire, HP17 8AJ.
<b>Applicant:</b>	Mr and Mrs Brazier
<b>Case Officer:</b>	Bibi Motuel
<b>Ward(s) affected:</b>	Bernwood
<b>Parish-Town Council:</b>	Haddenham
<b>Date valid application received:</b>	4.12.2023
<b>Statutory determination date:</b>	29.01.2024 (EOT agreed to 29.2.2024)
<b>Recommendation</b>	Approval subject to conditions and informatives

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

- 1.1 Cllr Greg Smith called in the application to planning committee in the event the officer recommendation is for approval. The call-in is made citing four reasons, namely that the pub was registered as a community asset (*author notes that it was nominated for consideration, but that a decision was made on 23/10/2015 not to list as a Community Asset*) considerable community support for the pub, depletion of a community resource in a strategic settlement and a detrimental impact on the conservation area. Cllr Sue Lewin also requested that the application be called in, for similar reasons. 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.
- 1.2 The application seeks planning permission for the change of use of the building from a public house (sui generis) with related C3 use to a single dwellinghouse (C3) with parking and amenity space. It has been evaluated against the adopted Development Plan and the NPPF.

- 1.3 The site lies within the built up part of a strategic settlement and so the site is in principle a sustainable location for limited small-scale development. There would be economic and land supply benefits in terms of the conversion of the building itself.
- 1.4 The change of use would result in the loss of a community facility and business, but there is independent evidence that its retention as a pub would not be economically viable.
- 1.5 The scheme has been considered acceptable in terms of its impact to housing mix, transport and parking, residential amenity, flooding and drainage, trees and landscape, ecology and heritage.
- 1.6 Taking all the relevant factors into account, and having regard to the NPPF as a whole, all relevant policies of the VALP, Neighbourhood Plan, it is considered that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits and it is therefore **recommended for approval subject to appropriate conditions** as set out in section 10 of this report.

## 2.0 Description of Proposed Development

### Site

- 2.1 The application site is a rectangular (approx.) area of land approximately 0.12 hectares in size, located on the northern side of Station Road in the village of Haddenham.
- 2.2 The site consists of the Rose and Thistle Public House, a predominantly two storey building comprising two ranges, with the left hand side being set back with an open covered porch and catslide roof with a dormer window and the right hand side being a more typical two storey building with rendered finish. Both sides have a clay tiled roof. To the rear, the building has been extended with two storey and single storey extensions to create an L shape plan form. The public house has been closed since 2019.
- 2.3 To the north of the building is a car park accessed from Station Road and further to the north there is a garden area.
- 2.4 Within the garden there are a number of outbuildings and sheds. The garden area is lawned with benches. The access into the site is from the entrance to the north of the pub, leading to the tarmacked car park.
- 2.5 To the west is No.8 Station Road (Swizz Cottage), a Grade II building. To the east is No.4 Station Road, with No.2, a Grade II listed building. To the rear of No.2 and 4 are two dwellings known as Witchert and Capella. To the south of the site are No.1 and 3 Station Road, also both Grade II listed. The site lies within the Haddenham Conservation Area.



### Proposal

- 2.6 The application seeks full planning permission for the change of use of the building from a public house (sui generis) with related C3 use to a single dwellinghouse (C3) with parking and amenity space.
- 2.7 There would be no alterations to the external elevations of the building with alterations primarily limited to internal works at ground floor level. The proposed dwelling would have living accommodation at ground floor, a basement and six bedrooms and a bathroom at first floor level.
- 2.8 There would be no change to the existing access or parking area except for the reconfiguration of some parking bays. The existing landscaped area to the rear would be used as amenity space for the proposed dwelling.
- 2.9 The application is accompanied by:
1. Application form received on 1.12.2023
  2. Drawing No. P100 – Site Location Plan received on 1.12.2023.
  3. Drawing No. P101 – Existing Site Plan received on 1.12.2023.
  4. Drawing No. P102 – Proposed Site Plan received on 1.12.2023.
  5. Drawing No. 9873-102 – Existing Ground Floor Plan + Cellar received on 1.12.2023.
  6. Drawing No. 9873-103- Existing First Floor Plan received on 1.12.2023.
  7. Drawing No. 9873-112 – Proposed Ground Floor Plan + Basement received on 1.12.2023.
  8. Drawing No. 9873-113 – Proposed First Floor Plan received on 1.12.2023.
  9. Planning, Heritage and Design and Access Statement dated November 2023 prepared by JCPC received on 1.12.2023.
  10. Ecology and Trees Checklist received on 1.12.2023.

### **3.0 Relevant Planning History –**

- 3.1 Reference: 74/00633/AV - Development: Change of use of two rooms from residential to club rooms.

Decision: Approved

Decision Date: 14 October 1974

### **4.0 Ward Cllrs and Parish/Town Council**

**Ward - Bernwood**

Cllrs : Nic Brown

Gregory Smith

Susan Lewin

- 4.1 Comments from Cllr Smith on 14.12.2023: "I request that this application is called in for a full public discussion if officers are minded to approve this application.
- The pub was registered as a community asset, de registered by AVDC for no apparent reason
  - there is considerable community support for the pub suggesting a high amenity asset and a change of use may therefore contravene the Neighbourhood Plan and the VALP.
  - As a designated Strategic Settlement this type of community resource has been depleted, contrary to the intention of this designation
  - Change of use may have a detrimental impact on the conservation area."
- 4.2 Comments from Cllr Lewin on 14.12.2023:  
"I would like this application called in for full discussion at committee. It was registered in the past as a community asset. I don't know why it was de registered. It is in the conservation area and residents are already concerned about the dilapidation of the premises. Haddenham, as a growing strategic settlement needs more facilities, not fewer."

**Haddenham Parish Council (Verbatim):**

- 4.3 Haddenham Parish Council comments received on 18.12.2023 as follows: "*The Parish Council objects: 1. The proposal is contrary to the National Planning Policy Framework (NPPF version 4 dated 2021) Chapter 6 'Supporting a prosperous rural economy' para 84(d): 'Planning policies and decisions should enable' the retention' of accessible and community facilities such as. 'public houses'*" 2. *The proposal is contrary to NPPF Chapter 8 'Promoting healthy and safe communities' para 92(a) 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which' promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other ' for example through'. active street frontages'. 3. The proposal is contrary to NPPF Chapter 8 'Promoting healthy and safe communities' para 93(a) 'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should' plan positively for the provision and use of shared spaces, community facilities (such as 'public houses') and other local services to enhance the sustainability of communities and residential environments'. 4. This proposal fails to achieve any of the above NPPF strategic community objectives. [The applicant's Planning Statement incorrectly states that NPPF5 was introduced in autumn 2023; it is expected later in December]. 5. The proposal is contrary to the Vale of Aylesbury Local Plan (VALP) Policy 13 'The Council will resist proposals for the change of use of community buildings and*

*facilities for which there is a demonstrable local need" 6. The proposal is contrary to the Haddenham Neighbourhood Plan (HNP) policy HWS2 'Protecting Community Amenities' which states 'The retention and enhancement of local services and community facilities including' pubs will be supported'. 7. Both the VALP and HNP include similar caveats relating to viability, stating that proposals involving the loss of facilities will not be permitted unless they are no longer financially viable, and that proposals to change the use of an asset must demonstrate that all reasonable steps have been taken to retain the present use as a viable concern. No viability assessment, business plan or any other information has been submitted. As with the recent 'Green Dragon' saga nearby, the impression is that the 'Rose & Thistle', was purchased in April 2020 and then left empty to deteriorate with the sole intention of realising the doubling of value which change of use would confer to the community's detriment. 8. The proposal undermines Haddenham's sustainability in the VALP as a 'strategic settlement'. The strategic settlements were assessed and designated on the basis of the presence of 'key facilities'. These included pubs. At the time of drafting the VALP, Haddenham had 5 pubs, of which 3 were at Church End. Since then, over 1000 homes have been approved in Haddenham, representing an additional population of about 2,500. But now only 2 pubs remain open in the village, with none at Church End. This proposal prejudices this community's ability to meet the challenge of absorbing growth and welcoming an enhanced community as envisaged in the NPPF policies cited above. 9. The proposal causes heritage harm to the Conservation Area. The Rose & Thistle is itself a 'Building of Local Note' designated in the 2008 Conservation Area review. Conservation is not only about conserving the buildings and physical fabric. It includes the activities within the Conservation Area, and the character, vibrancy and community cohesion which can derive from those activities: hence the reference to 'active street frontages' in the NPPF citation above. A change of use resulting in the loss of a community asset as significant as a pub causes residential 'desertification' to the detriment of the Conservation Area. 10. The Parish Council urges Buckinghamshire Council to pursue enforcement action against the use of the pub garden and car park for mobile homes and similar static temporary accommodation to the detriment of the property itself, a Building of Local Note, to the amenities of the immediate neighbours, the Conservation Area, and the setting of nearby listed buildings".*

4.4 A similar response was received on 04.01.2024, with the Council's comments updated to reflect the revised paragraphs in NPPF 2023. The full response is given in Appendix A.

4.5 Following publication of the Viability Appraisal further comments were received by Haddenham Parish -Clerk highlighting what the Parish considered to be factual errors relating to housing delivery and population/population

growth. The report makes a general statement around recent developments, the list in the report was not an exhaustive list, the Parish highlights this figure to be 1162 homes by their count. There is also a slight difference of position between the parties regarding population. The report highlights Haddenham having a 5606 population in 2021 census with the Parish Council highlighting 5725 within Haddenham Parish, the difference is not considered material. The population growth for the locality is described as 2.5% within the report, Parish believes this should be 27%. The 2.5% stated in the report should be read as a population increase of 2.5% per annum, therefore there is no significant discrepancy between the stated positions.

While differences of position are noted they do not go to the heart of the assessment, and the accuracy of the report is not in doubt.

## **5.0 Representations**

5.1 68 representations (including from the Haddenham Village Society) received at the time of writing, raising the following summarised issues:

- Viability of pub not tested, and no marketing evidence provided.
- Haddenham is a growing village and needs facilities. Several pubs lost in Church End in recent years.
- Building has been deliberately and cynically allowed to deteriorate.
- Heritage harm to the Conservation Area and Building of Local Note.
- Should be an Asset of Community Value.
- Loss of a vital social amenity that supports local economy.

*Officer's note: a more detailed summary is given in Appendix A.*

## **6.0 Policy Considerations and Evaluation**

- Vale of Aylesbury Local Plan (VALP) was adopted on 15th September 2021 and therefore has full weight.
- The Haddenham Neighbourhood Plan was 'made' in 2015. However, Chapter 6, relating to housing matters, was quashed by the High Court on 7th March 2016 following a legal challenge and cannot be given material weight in the determination of planning applications. However, those policies contained within the remaining chapters of the plan remain in force and attract full weighting.

Relevant policies include

- TGA1 which sets out the parking standards for new housing developments.
- SRL3 which seeks to enhance, protect and provide new Natural Environment, Habitats, Trees and Hedgerows.

- HWS2 which seeks to protect community amenities, including pubs, unless it can be demonstrated that they are no longer financially viable and that (in the case of the change of use of an asset) all reasonable steps have been taken to retain the present use and community value as a viable concern.
- National Planning Policy Framework (NPPF) 2023
- Planning Practice Guidance (PPG)
- Aylesbury Vale Design Guide SPD (adopted on 30 June 2023)
- Buckinghamshire Minerals and Waste Local Plan (July 2019) - Policy 1: Safeguarding Mineral Resources – not within a Mineral Safeguarding Area.
- Recycling and Waste: Advice note for developers 2015

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

### Sustainability of the location

- 7.1 The overall spatial strategy set out in policy S2 of VALP is to direct new development to the larger settlements, with moderate amounts of development in villages and very restricted development in the other settlements that are not defined as villages in the settlement hierarchy.
- 7.2 Haddenham is identified in Table 2 of VALP as a strategic settlement. These are the most sustainable towns and villages in Aylesbury Vale and the focus for the majority of development. These settlements act as service centres for other villages around them.
- 7.3 D3 of VALP supports small scale development within the built-up areas of strategic settlements, larger and medium villages, including infilling and development that consolidates existing development patterns.
- 7.4 The proposal, if implemented, would result in the addition of a marketable unit of residential accommodation. At present the residential element of the building is ancillary to the use as a pub.
- 7.5 The site is within the built up part of the village, enclosed by built development on all sides. Therefore, in broad sustainability terms, the site is in principle a sustainable location for limited small-scale development.

### Principle of development (loss of public house)

- 7.6 VALP policy I3 states that the council will resist proposals for the change of use of community buildings and facilities for which there is a demonstrable local need, unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. It adds that in considering applications for alternative development or uses, the council will consider the viability of the

existing use, that the site/use has been marketed for a minimum period of 12 months at a price commensurate with its use together with proof there has been no viable interest, marketing of the building or facility at a price commensurate with its use, the presence of alternative local facilities and the community benefits of the proposed use.

- 7.7 Policy D7 of VALP states that local and village centres will be encouraged to grow and loss of essential facilities and businesses such as local shops, pubs and post offices will not be supported.
- 7.8 Policy HWS2 (Protecting Community Assets) of HNP states that the retention and enhancement of local services and community facilities, including pubs, will be supported. It adds that that proposals involving the loss of facilities will not be permitted unless it can be demonstrated that they are no longer financially viable whilst proposals to change the use of an asset must demonstrate that all reasonable steps have been taken to retain its present use and community value as a viable concern.
- 7.9 Paragraphs 88 and 97 of the NPPF seek (amongst other things) the retention of pubs in accessible locations.
- 7.10 According to the applicant, the public house closed in the summer of 2019 and has remained closed since then. The site was put forward as an Asset of Community Value in 2015, but it was decided not to list it. Reasons for it not being listed are unknown.
- 7.11 The Council's Economic Development officer does not welcome the proposed change of use from pub (281 sq. m of Sui Generis) into C3 use. The ED officer noted that no marketing report has been submitted with the pub being advertised at a reasonable price for 12 months. He added that public houses can help with the vibrancy of a community if there is a perceived need. No evidence has been provided that the facility is not a need for the facility. He added that another owner may be able to make the pub profitable.
- 7.12 Several objectors have stated that the Rose and Thistle public house was (and could still be) a valued community facility for the residents of Haddenham. They have stated that the Church End part of Haddenham cannot afford to lose another public house, following the loss of Red Lion and The Green Dragon in recent years. There is considerable concern over the loss of the facility on the community spirit and well-being, especially as a large number of new dwellings have been permitted and built in Haddenham in recent years.
- 7.13 Several local residents have raised concerns that the applicant has failed to provide any market evidence to show that there is no need for such a facility

and that viability evidence should be submitted in support of the application and professionally reviewed.

- 7.14 The Council acknowledges comments that no viability or marketing evidence was submitted with the application. The agent argues that the Inspector who dealt with the appeal for a similar proposal at the nearby Green Dragon public house at 8 Churchway concluded (in 2021) that there was no evidence of a need for a public house in this location, and that given the close proximity of alternative pubs, the same conclusions apply here.
- 7.15 In the case of the Green Dragon application, the applicant produced at each submission a viability report which the Council verified using an independent valuer. The Council acknowledges that each site is different, and the situation may have changed since this appeal decision in 2019, with one less public house in the area as well as the continued growth of the settlement – just because one public house is found unviable, does not necessarily mean that all in the area will suffer the same fate. During the course of the application, the applicant agreed to cover the cost of an independent viability assessment. The Council instructed Savills to provide an independent opinion of the long term viability of the property as a licenced premises, informed by an objective evaluation of business viability. The applicant has played no part in the approval of this document, it is a document instructed by and for the Council to further the assessment of this property.
- 7.16 The Viability Assessment acknowledges that the planning application did not provide a viability study, a marketing report nor any financial information about the business past, present or proposed.
- 7.17 Savills stated that the Property is not in derelict condition but requires significant investment to bring it up to a standard required by customers. As a result, re-opening the business would require significant initial outlay. Savills reviewed many of the public comments submitted as part of the application and in response to the points made about new housing and therefore potential new business, highlighted that such a scenario was reliant on disposable income. The report acknowledges that discretionary leisure spend is under pressure and with less trips to the pub or restaurant, a business needs lots of customers to be profitable. This is not a local trend but a national issue with pressure on pubs being well known across the country. Savills raised concerns over the location of the garden which is cut off from the pub which makes it difficult to manage.
- 7.18 With regards to alternative provision, whilst there are other pubs in Haddenham, the property is somewhat isolated, meaning that it is not part of a circuit, which can be detrimental to trade. Savills noted that the Green Dragon was extensively marketed and there was no interest from operators,

while an assumption, it is considered likely that the same would be true for this property.

- 7.19 Savills are of the opinion that the business is not viable as even without the Day 1 repair costs required, the potential business is too small to make a decent living. The previous business hardly made a profit on an annual basis, but this was before any Property costs of rent or freehold value is taken into account. The Viability Report concludes that on the balance of probabilities, the Rose & Thistle is not financially or commercially viable now and in the longer term.
- 7.20 The lack of any marketing evidence from the applicant is regrettable and is contrary to Policies I3 of VALP and HWS2 of HNP. However, Savills noted that the Green Dragon pub was extensively marketed and did not attract any interest from operators. There is clearly a strong desire from many members of the local community to retain the building as a public house. However, Savills have concluded that the public house would not be viable now or in the future. The Council is very aware that there is public interest in this application, some 60+ letters of objection have been received. However, that does not translate into 60+ customers nor does it indicate future spend potential. While, the Council acknowledges the accusations of the property being deliberately run down, there is no evidence of this. The Viability Report has looked at the soundness of a future business despite existing state of the building. While it is acknowledged that there has been no marketing, given the experience of the Green Dragon, it is the officers view that to force the applicant into marketing the property for 12 months, simply to meet policy would be a futile exercise and one that is not going to change the conclusion before Councillors today, and that is that in expert opinion the pub is inherently unviable, the Council have to be reasonable in its approach to such matters, a refusal based on a lack of marketing is not considered to be sustainable if challenged at appeal given the evidence. On the basis of the available evidence, including Savills independent assessment, it is concluded that the property cannot be properly considered financially viable as a public house and so the principle of the development is supported.
- 7.21 While it has been expressed that the building is a community asset, it has not been formally adopted as such, and it is noted that an application for its adoption in 2015 was not taken forward. No weight can therefore be attributed to this matter. While it is acknowledged that communities like to have a local pub, seldom are communities prepared to get together to operate and bear the costs of running the pub themselves. There has been no interest from CAMRA and while 60+ letters of contribution are noted, this is a small percentage of the Haddenham population that the Parish highlighted.



### Housing land supply

- 7.22 Turning to housing land supply, the latest Five-Year Housing Land Supply Position Statement (September 2023) for the Aylesbury Vale area is 4.5 years' supply of deliverable housing sites for the 2023-28 period. The proposal would not contribute to housing land supply by reason that there is already a dwelling on site ancillary to the public house. This proposal would have a nil contribution to housing supply. The application would alter the housing type offered to one more suitable for family accommodation.
- 7.23 The proposal would, therefore, comply with policies D7 of VALP, HWS2 of HNP and the NPPF.

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

#### SPD – Affordable Housing

#### VALP policies H1 Affordable Housing and H6a Housing Mix

- 7.24 Policy H1 of VALP states that developments of 11 or more dwellings gross or sites of 0.3ha or more will be required to provide a minimum of 25% affordable homes on site. Policy H6a expects that new residential development provide a mix of homes, with the housing mix negotiated having regard to the council's most up-to-date evidence on housing need.
- 7.25 This proposal would not meet the threshold for requiring affordable housing contributions to be made.
- 7.26 Given the scale of the proposal, the provision of one 6 bedroom dwelling would be acceptable and, in this instance, does not require a mix of sizes. This would accord with VALP Policy H6a of VALP. This issue is afforded neutral weight in the planning balance.

### **Transport matters and parking**

VALP policies T5 (Delivering transport in new development) and T6 (Vehicle parking), T8 (Electric vehicle parking), Appendix B (Parking Standards)

HNP policies TGA1 (Car and Cycle Parking Standards) and TGA2 (On-site Walking and Cycling)

- 7.27 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.

- 7.28 The Council's Highways Officer was consulted and stated that Station Road is an unclassified road subject to a speed limit of 30mph.
- 7.29 The real-world surveys on the TRICS database demonstrate that a public house will generate significantly more vehicular movements than a single dwelling. Therefore, the Highways Officer considers that the proposal is acceptable in principle.
- 7.30 Turning to 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. For a 6 bedroom dwelling, 3 spaces are required. Policy T8 requires that a new house with a garage or driveway provide one electric vehicle charging point.
- 7.31 Policy TGA1 of the HNP seeks to ensure that proposals meet minimum parking standards through allocated on-site car parking spaces. For a dwelling with 3 bedrooms or more, as is proposed in this case, two parking spaces plus 2 cycle spaces are required as a minimum.
- 7.32 The proposed development includes four car parking spaces to serve the new dwelling. The Highways Officer is happy with the proposed parking provision, and considers it meets the criteria laid out in the VALP parking standards. Each parking space should be a minimum of 2.8m x 5m and he is satisfied that the parking spaces shown on the submitted plans are of adequate dimensions. The Highways Officer also confirms that the parking arrangement would allow for vehicles to park, turn and leave the site in a forward gear and that one EV charging point can be secured by condition.
- 7.33 Mindful of the above, there is no highways objection, subject to conditions and informatives.
- 7.34 It is therefore considered that the proposal would comply with Policies T6 and T8 of VALP, the Council's Parking Standards, policies TGA1 and TGA2 of HNP and the NPPF in this regard. This issue is afforded neutral weight in the planning balance.

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

VALP policy BE2 (Design of new development), NE4 (Landscape character and locally important landscape).

Vale of Aylesbury Design SPD (adopted 2023)

- 7.35 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.
- 7.36 The Vale of Aylesbury Design SPD, adopted in 2023, states that the re-use of existing buildings preserves their contribution to settlements and the countryside and is also more sustainable. However, the conversion must be done with great care in order to ensure that the essential character of the original building is not lost.
- 7.37 In this proposal, there would be no changes to the external appearance of the building, with the only alterations being to internal works at ground floor level and the reconfiguration of the parking area.
- 7.38 As such, the proposal would accord with Policy BE2 of the VALP, the adopted Design SPD and the guidance set out in the NPPF. This issue is afforded neutral weight in the planning balance.

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

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

- 7.39 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.
- 7.40 Policy BE3 of VALP seeks to protect the amenity of existing residents and achieve a satisfactory level of amenity for future residents.
- 7.41 The nearest dwellings to the proposed house are No.8 Station Road (Swizz Cottage) to the west, No.4 to the east, two dwellings known as Witchert and Capella to the north east and No.1 Station Road to the south.
- 7.42 As no material external works are proposed, it is appropriate in this instance to consider relevant factors resulting from the proposed change of use to a dwelling. However, it is reasonable to suggest that an operating public house would return a level of noise that is greater than could be expected compared with a single family dwellinghouse. Similarly, the number of traffic movements would be expected to be fewer resulting in less potential for traffic conflicts within the immediate locality. Noise levels within the premises and outside would be anticipated to be lower as a result of the change of use. As such, it is considered that the proposal would provide some benefits in terms of reduced noise and disturbances from the continued use as a public house for the immediately adjacent existing neighbouring properties.

- 7.43 Turning to the standard of living for future occupants, the Council's Environmental Health (EH) officer was consulted and raised no objection.
- 7.44 As a general rule, the Council expects to see a garden length of at least 10m for new dwellings to ensure adequate outdoor amenity space for the occupiers of the property. In this case, the rear garden would be about 35m in length (excluding parking area), with an area of about 680 sqm, which is more than adequate for a single dwelling. The agent notes in the Design and Access Statement that some parts of the garden are overlooked by neighbouring dwellings. However, this is largely unavoidable in an urban context and a refusal on this basis could not be sustained at appeal.
- 7.45 All habitable rooms in the proposed dwelling would have sufficient natural light and the dwelling would comfortably comply with the minimum nationally prescribed space standard for a five bedroom, eight person house over two floors of 128 sqm.
- 7.46 It is concluded therefore that the residential amenities of nearby dwellings and the occupiers of the new dwellings would not be materially affected and that this would accord with policy BE3 of VALP, and the NPPF. This issue is afforded neutral weight in the planning balance.

#### **Flooding and drainage**

##### VALP policy I4 (Flooding)

- 7.47 Paragraph 173 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere.
- 7.48 The site is within Flood Zone 1 and the development would therefore be at low risk of fluvial flooding. It is not in an area susceptible to surface water flooding. With regard to drainage, the application form states that surface water would be disposed of via the main sewer.
- 7.49 Therefore, the proposed development would be resilient to climate change and flooding, and it would not increase flood risk elsewhere in accordance with Policy I4 of Vale of Aylesbury Local Plan, and the National Planning Policy Framework. This issue is afforded neutral weight in the planning balance.

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

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

HNP - SRL3 (Enhancing, Protecting and Providing new Natural Environment Habitats, Trees and Hedgerows)

- 7.50 Policy NE4 of 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. The site lies with the built up part of the village with development on all sides. The site is currently a public house, and it is not considered that its conversion into a dwelling would have any wider landscape implications.
- 7.51 With regard to trees, Policy NE8 of VALP resists development that would result in the unacceptable loss of, or damage to, or threaten the continued well-being of any trees and hedgerows which make an important contribution to the character and amenities of the area. It adds that where trees within or adjacent to a site could be affected by development, a full tree survey and arboricultural impact assessment will be required as part of the planning application. Policy SRL3 of HNP states that proposals impacting on trees, other than those of poor quality, should be accompanied by a Tree and Hedgerow Survey.
- 7.52 There are a number of trees across the northern part of the site, associated with the beer garden, but none of these would be affected by the proposed development.
- 7.53 Therefore, it is considered that the proposal would accord with policy NE4 and NE8 of VALP, and the NPPF. This issue is afforded neutral weight in the planning balance.

## **Ecology**

VALP NE1 (Biodiversity and geodiversity)

HNP - SRL3 (Enhancing, Protecting and Providing new Natural Environment Habitats, Trees and Hedgerows).

- 7.54 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 also reflective of the NPPF in requiring all development to deliver a biodiversity net gain. SRL3 of the HNP states that whenever possible, all new buildings must provide integrated Swift nesting features.

7.55 The Council's Ecologist was consulted and raised no objections, stating that there is not a reasonable likelihood of protected species or priority habitats being affected by the application.

7.56 As such, the proposal would comply with VALP policy NE1, and relevant NPPF advice. This issue is afforded neutral weight in the planning balance.

### **Historic environment**

#### VALP policy BE1 (Heritage Assets)

7.57 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 195 identifies heritage assets as an irreplaceable resource which should be conserved in a manner appropriate to their significance.

7.58 Policy BE1 states that proposals will only be supported which do not cause harm to heritage assets.

7.59 The Rose and Thistle is a local building of note within the Conservation Area of Haddenham and is also a candidate Local Heritage List Asset. The site also falls within the Haddenham Conservation Area. It also contributes towards the setting of other nearby listed buildings (LBs), primarily 1 Station Road to the south and 8 Station Road to the west.

7.60 Some local residents and the parish council raised concerns over the impact of the proposed development on the setting of heritage asset and conservation area. The Parish Council argued that conservation is not just about conserving the buildings and physical fabric, it also includes the activities within the Conservation Area, and the character, vibrancy and community cohesion which can derive from those activities.

7.61 The Council's Heritage Officer was consulted and queried whether a viability report has been submitted with the above application. The officer stated that although the PH is not listed, it appears to have been a pub historically, therefore contributes to the character of Haddenham Conservation Area. The officer added that if the public house is no longer viable, there are no heritage objections as the external appearance will not be altered, thereby having a neutral impact on the conservation area and nearby listed buildings. Ideally the hanging sign should be retained to evidence its previous use as a public house. A condition has therefore been suggested to ensure this happens. While the Parish Council's comments are noted, a reason for refusal substantiated by the loss of the pub and its associated activity upon the Conservation Area would not be a sustainable objection at appeal.

7.62 The site lies within the Haddenham Historic Core (archaeological notification area). The Council's Archaeologist was also consulted and stated that the

nature of the proposals are such that they are unlikely to substantially harm the archaeological significance of any assets. There is no objection to the proposed development, and it is not necessary to apply a condition to safeguard archaeological interest.

- 6.55 Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and to the statutory test of preserving the setting of the non-designated heritage asset under section 66 of the Act, which are accepted as a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area also protects the significance of the Non-Designated Heritage Asset and so the proposal accords with sections 66 & 72 of the Act. In addition, no harm would be caused to the significance of the heritage assets and as such the proposal accords with guidance contained within the NPPF.
- 7.63 In conclusion, the proposal accords with guidance contained within the NPPF and with the aims of policy BE1 of VALP. This issue is afforded neutral 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 lies within the built up part of a strategic settlement listed within VALP, and so the site is in principle a sustainable location for limited small-scale development.
- 8.3 The change of use would result in the loss of a community facility and business, but there is independent evidence that its retention as a pub would not be economically viable.
- 8.4 The conversion of the building and the occupation of the building for residential purposes would contribute, in a limited way, to the local economy.
- 8.5 Paragraph 11 of the recently updated version of the NPPF 2023 remains relevant and the presumption set out in paragraph 11d is triggered as the Council cannot currently demonstrate a 5 year supply of deliverable housing. This is because whilst the NPPF states at paragraph 76 that Council's that have an adopted local plan less than five years old that identified at least a five year supply at the time its examination concluded, which applies to VALP, are no longer required to demonstrate a rolling 5 year supply, this policy is subject to transitional arrangements (set out in footnote 79). This states that the policy in paragraph 76 should only be taken into account as a

material consideration when dealing with applications made on or after the date of publication of this NPPF.

- 8.6 The material planning consideration of the tilted balance being engaged weighs in favour of permission being granted. In addition, no harm would be caused to the significance of the heritage asset, and as such the proposal accords with guidance contained within the NPPF and with the aims of policies BE1 of VALP. This issue is afforded great weight in the planning balance.
- 8.7 The scheme has been considered acceptable in terms of its impact to housing mix, transport and parking, residential amenity, flooding and drainage, trees and landscape, and ecology. However, these do not represent benefits of the scheme but rather demonstrate an absence of harm.
- 8.8 Taking all the relevant factors into account, and having regard to the NPPF as a whole, all relevant policies of the VALP, HNP and NPPF, it is considered that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits and it is therefore recommended for approval.
- 8.9 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.
- 8.10 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 (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 instance, the applicant/agent was informed of the issues arising from the proposal and given the opportunity to submit additional information. This was 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:

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. Should it prove necessary to undertake any external works during the conversion of the property all materials are to be re-used and made good so as to match the existing building. If re-use is not possible materials are to be submitted to and approved in writing by the Local Planning Authority. External works are then to be carried out in the approved details only.

**Reason:** To ensure the appearance of the property is maintained within the Conservation Area.

3. The scheme for parking, and manoeuvring indicated on the submitted plans 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 vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction, and inconvenience to users of the adjoining highway and to comply with Policy T6 of the Vale of Aylesbury Local Plan, Policy TGA1 of the Haddenham Neighbourhood Plan and National Planning Policy Framework.

4. Prior to the occupation of the development, details of the provision of electric charging points shall be submitted to and approved in writing by the Local Planning Authority, and the electric charging points shall be implemented in accordance with the approved details and shall thereafter be retained as approved.

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

5. The development hereby permitted shall only be carried out in accordance with the details contained in the planning application hereby approved and the following drawing numbers P100, P102, 9873-112 and 9873-113 received by the Local

Planning Authority on 01.12.2023 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 of the development by the Local Planning Authority and to comply with the National Planning Policy Framework.

6. 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 enlargement of any dwelling nor the erection of any garage shall be carried out within the curtilage of any dwelling the subject of this permission, no windows, dormer windows, no buildings, structures or means of enclosure shall be erected on the site which is the subject of this permission other than those expressly authorised by this permission.

**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 enlargement of the dwellings or erection of a garage, windows, buildings, structures or means of enclosure having regard for the particular layout and design of the development, in accordance with policies BE1, BE2 and BE3 of Vale of Aylesbury Local Plan and National Planning Policy Framework.

7. The existing hanging sign attached to the front of the building shall be retained in situ and shall not otherwise be altered or re-sited without prior agreement in writing of the local planning authority.

**Reason:** To preserve the character and appearance of the listed building and to comply with the National Planning Policy Framework.

#### **Informatives:**

1. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
2. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
3. 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

### Councillor Comments

- Comments from Cllr Smith on 14.12.2023:  
*"I request that this application is called in for a full public discussion if officers are minded to approve this application.*  
*- The pub was registered as a community asset, de registered by AVDC for no apparent reason*  
*- there is considerable community support for the pub suggesting a high amenity asset and a change of use may therefore contravene the Neighbourhood Plan and the VALP.*  
*- As a designated Strategic Settlement this type of community resource has been depleted, contrary to the intention of this designation*  
*- Change of use may have a detrimental impact on the conservation area."*
- Comments from Cllr Lewin on 14.12.2023:  
*"I would like this application called in for full discussion at committee. It was registered in the past as a community asset. I don't know why it was de registered. It is in the conservation area and residents are already concerned about the dilapidation of the premises. Haddenham, as a growing strategic settlement needs more facilities, not fewer."*

### Haddenham Parish Council Comments received on 18.12.2023 (verbatim):

Haddenham Parish Council (Verbatim):

*"The Parish Council objects: 1. The proposal is contrary to the National Planning Policy Framework (NPPF version 4 dated 2021) Chapter 6 'Supporting a prosperous rural economy' para 84(d): 'Planning policies and decisions should enable' the retention' of accessible and community facilities such as. 'public houses' 2. The proposal is contrary to NPPF Chapter 8 'Promoting healthy and safe communities' para 92(a) 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which' promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other ' for example through'. active street frontages'.3. The proposal is contrary to NPPF Chapter 8 'Promoting healthy and safe communities' para 93(a) 'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should'. plan positively for the provision and use of shared spaces, community facilities (such as 'public houses') and other local services to enhance the sustainability of communities and residential environments'. 4. This proposal fails to achieve any of the above NPPF strategic community objectives. [The applicant's Planning Statement incorrectly states that NPPF5 was introduced in autumn 2023; it is expected later in December]. 5. The proposal is contrary to the Vale of Aylesbury Local Plan (VALP) Policy 13 'The Council will resist proposals for the change of use of community buildings and facilities for which there is a demonstrable local need' 6. The proposal is contrary to the Haddenham Neighbourhood Plan (HNP) policy HWS2 'Protecting Community Amenities' which states 'The retention and enhancement of local services and community facilities including' pubs' will be supported'. 7. Both the VALP and HNP include similar caveats relating to viability, stating that proposals involving the loss of facilities will not be permitted unless they are no longer financially viable, and that proposals to change the use of an asset must demonstrate that all reasonable steps have been taken to retain the present use as a viable concern. No viability assessment, business plan or any other information has been submitted. As with the recent 'Green Dragon'*

saga nearby, the impression is that the 'Rose & Thistle', was purchased in April 2020 and then left empty to deteriorate with the sole intention of realising the doubling of value which change of use would confer to the community's detriment. 8. The proposal undermines Haddenham's sustainability in the VALP as a 'strategic settlement'. The strategic settlements were assessed and designated on the basis of the presence of 'key facilities'. These included pubs. At the time of drafting the VALP, Haddenham had 5 pubs, of which 3 were at Church End. Since then, over 1000 homes have been approved in Haddenham, representing an additional population of about 2,500. But now only 2 pubs remain open in the village, with none at Church End. This proposal prejudices this community's ability to meet the challenge of absorbing growth and welcoming an enhanced community as envisaged in the NPPF policies cited above. 9. The proposal causes heritage harm to the Conservation Area. The Rose & Thistle is itself a 'Building of Local Note' designated in the 2008 Conservation Area review. Conservation is not only about conserving the buildings and physical fabric. It includes the activities within the Conservation Area, and the character, vibrancy and community cohesion which can derive from those activities: hence the reference to 'active street frontages' in the NPPF citation above. A change of use resulting in the loss of a community asset as significant as a pub causes residential 'desertification' to the detriment of the Conservation Area. 10. The Parish Council urges Buckinghamshire Council to pursue enforcement action against the use of the pub garden and car park for mobile homes and similar static temporary accommodation to the detriment of the property itself, a Building of Local Note, to the amenities of the immediate neighbours, the Conservation Area, and the setting of nearby listed buildings."

#### **Haddenham Parish Council Comments received on 04.01.2024 (verbatim):**

The Parish Council's comments have been updated to reflect the revised paragraphs and wording in NPPF 2023.

The Parish Council objects as follows:

1. The proposal is contrary to the National Planning Policy Framework (NPPF 2023) Chapter 6 "Supporting a prosperous rural economy" para 88(d): "Planning policies and decisions should enable... the retention....of accessible and community facilities such as....public houses..."
2. The proposal is contrary to NPPF Chapter 8 "Promoting healthy and safe communities" para 96(a) "Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which...promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other - for example through....active street frontages".
3. The proposal is contrary to NPPF Chapter 8 "Promoting healthy and safe communities" para 97: "To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
  - para 97(a): plan positively for the provision and use of shared spaces, community facilities (such as...public houses...) and other local services to enhance the sustainability of communities and residential environments;
  - para 97(c): guard against the unnecessary loss of valued facilities and services;
  - para 97(d): ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community."
4. The proposal is contrary to the Vale of Aylesbury Local Plan (VALP) Policy 13 "The Council will resist proposals for the change of use of community buildings and facilities for which there is a demonstrable local need..."
5. The proposal is contrary to the Haddenham Neighbourhood Plan (HNP) policy HWS2 "Protecting Community Amenities" which states "The retention and enhancement of local services and community facilities including... pubs...will be supported".
6. Both the VALP and HNP include similar caveats relating to viability, stating that proposals

*involving the loss of facilities will not be permitted unless they are no longer financially viable, and that proposals to change the use of an asset must demonstrate that all reasonable steps have been taken to retain the present use as a viable concern. No viability assessment, business plan or any other information has been submitted. As with the recent "Green Dragon" saga nearby, the impression is that the "Rose & Thistle", was purchased in April 2020 and left empty to deteriorate with the sole intention of realising the doubling of value which change of use would confer to the community's detriment.*

*7. The proposal undermines Haddenham's sustainability in the VALP as a "strategic settlement". The strategic settlements were assessed and designated on the basis of the presence of "key facilities". These included pubs. At the time of drafting VALP, Haddenham had 5 pubs, of which 3 were at Church End. Since then, over 1000 homes have been approved in Haddenham, representing an additional population of about 2,500. But now only 2 pubs remain open in the village, with none at Church End. This proposal prejudices this community's ability to meet the challenge of absorbing growth and welcoming a growing community as envisaged in the NPPF policies cited above.*

*8. The proposal causes heritage harm to the Conservation Area. The Rose & Thistle is itself a "Building of Local Note" designated in the 2008 Conservation Area review. Conservation is not only about conserving the buildings and physical fabric. It includes the activities within the Conservation Area, and the character, vibrancy and community cohesion which can derive from those activities: hence the reference to "active street frontages" in the NPPF citation at para 96(a) above. A change of use resulting in the loss of a community asset as significant as a pub causes residential "desertification" to the detriment of the Conservation Area. 9. The Parish Council urges Buckinghamshire Council to pursue enforcement action against the use of the pub garden and car park for mobile homes and similar static temporary accommodation to the detriment of the property itself, a Building of Local Note, and to the amenities of the immediate neighbours, while harming the Conservation Area and the setting of nearby listed buildings."*

### Consultation Responses

Highways:

- **13.12.2023** – No objection subject to condition and informatives.

Ecologist:

- **07.12.2023** – No objection. No further supporting information required.

Environment Health:

- **11.12.2023** – no objection or comments to make.

Heritage Officer:

- **21.12.2023** – If the public house is no longer viable, there are no heritage objections as the external appearance will not be altered. Ideally the hanging sign should be retained.

Archaeologist:

- **18.12.2023** – No objection and no condition necessary.

Economic Development Officer:

- **28.12.2023** – ED does not welcome this application to convert this pub into a residential dwelling. No evidence has been provided that it has been marketed for 12 months at a suitable price. No proof has been submitted that it is not needed. Another owner might make it more profitable.

### **Representations**

68 representation received, summarised as follows:

- A cynical attempt to circumvent Planning Regulations.
- Statements in Ecology & Trees checklist are conflicting. Haddenham Church Pond is within 250m of property. Haddenham Main River is within 20m of boundary wall.
- Commercial viability of the pub has not been tested in over five years.
- Haddenham has absorbed rapid growth in housing stock (approximately 1,000 new homes). Amenities needed for our growing population.
- Permanently removing this venue as a pub and public meeting place is contrary to VALP Policy I3 & Haddenham NP policy HWS2
- Community has already lost two other pubs in Church End in very recent years (Red Lion and The Green Dragon)
- Haddenham cannot afford to lose yet another vital amenity. It will revitalise this end of the village.
- Rose & Thistle was a much used asset to the village.
- There is an ample local market for a well-run good quality PH which would be a viable business.
- The village really needs a second PH.
- Rose and Thistle is part of the diminishing social infrastructure for the historic centre of the village.
- Losing this public house would mean losing a vital social hub that contributes to the overall well-being of the community.
- Public houses play a significant role in supporting the local economy.
- Rose & Thistle holds historical and cultural significance for our community.
- As population continues to grow, demand for public spaces, including public houses, is likely to increase.
- Owners have deliberately mothballed the pub for 4 years for private gain and left the property to fall into dis-repair.
- A lack of any community consultation regarding this proposed change.
- Application should be refused on the grounds that it is contrary to national planning policy.
- There is no reason why the Rose & Thistle cannot be commercially viable.

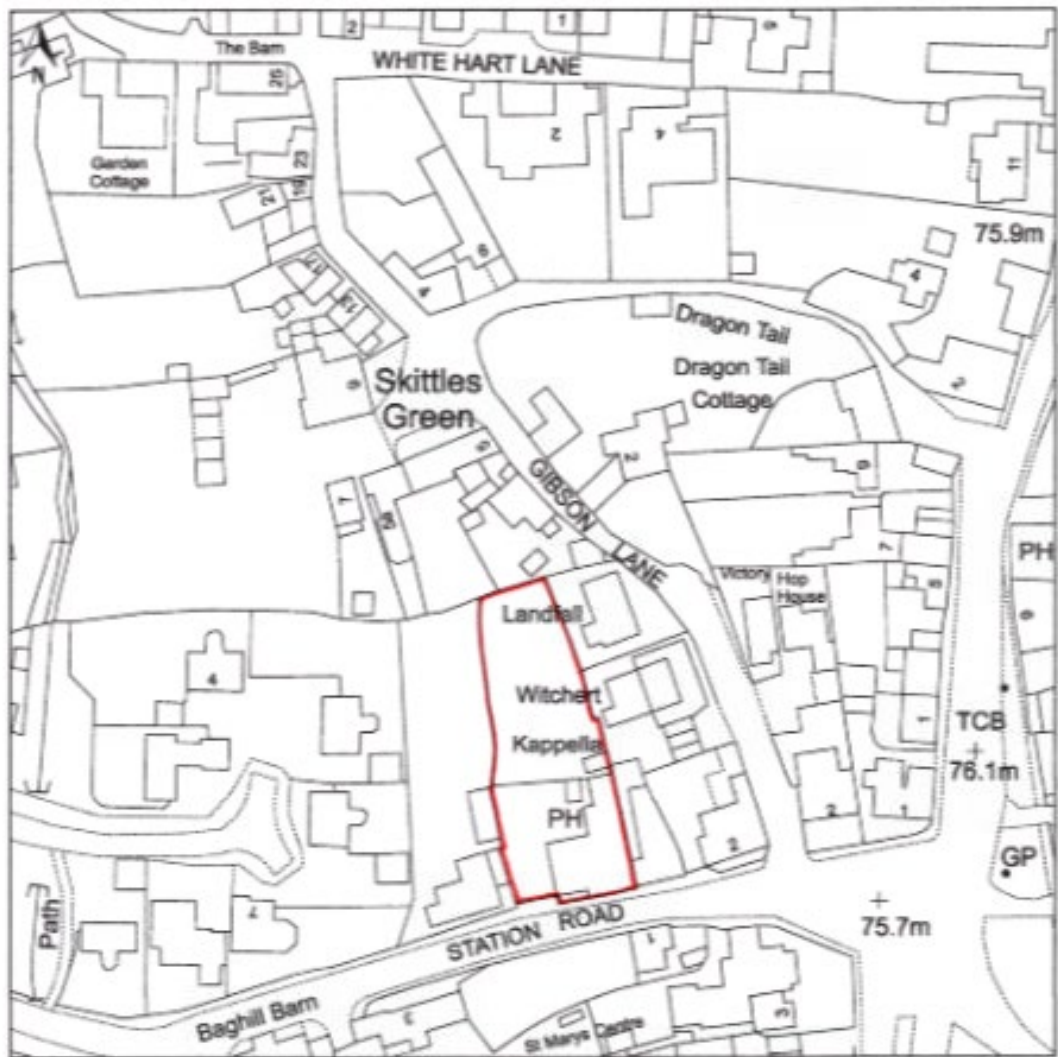
- No effort has been made to run the pub as a business.
- A village this size should have at least 2 pubs that do food particularly as it's growing so rapidly.
- Removing the last village pub from this area will have a detrimental effect on tourism to the village.
- The beating heart of Haddenham is being eroded by loss of facilities.
- There is a need for a further pub in the village due to the amount of residents now.
- Applicant has failed to provide any market evidence to show that there is no need for such a facility.
- Viability evidence should be submitted in support of the application and professionally reviewed.
- Proposal causes heritage harm to the Conservation Area. The Rose & Thistle is itself a Building of Local Note.
- Haddenham residents need more options of places to visit to eat and drink, especially in the evening or at weekends.
- This is a community asset for Haddenham and needs to remain a Public House.
- The car park and garden have been turned into a site for unsightly mobile home accommodation whilst the pub building is being allowed to fall into disrepair.
- Haddenham has built enough new houses to support another pub and/or restaurant.
- Haddenham is becoming a dormitory village.
- The case against viability as a pub has not been made.
- Anything would be better than the mess it is now.
- Reopening pub would help village become carbon neutral by enabling customers to walk to a high-end eating establishment instead of driving to surrounding villages or towns.
- Haddenham is an expanding village and needs more local amenities, not less.
- There is a desire from the local community for the site to be registered as an Asset of Community Value again.
- Rose & Thistle is a valued facility which could continue to meet the needs of the local community as a pub and restaurant.
- Once this last pub at Church End disappears there will be no opportunity for a new one to emerge.
- We are fast becoming a village of sprawling housing estates with few village amenities.
- This well loved and used local amenity should once again be available to the community as a public house.
- Application runs completely counter to the needs of a growing residential area.



- With the size of grounds available, there is significant opportunity to retain it as a public house for the village.
- The church end area of the village should be a hub for the community as it once was.
- The village is not in short supply of new housing - it does desperately need more community assets.
- There is a palpable sense of a community disappearing.
- the applicant has failed to provide evidence that the pub has been properly marketed at a suitable price nor provided any evidence that it is not needed.
- The Rose and Thistle was the only pub with a large garden and kids play area. It should therefore be left as a pub.
- Owners do not appear to have done any maintenance on the building in the years they have owned it and it has become very run down.
- Haddenham cannot afford to lose yet another public house.
- There is an overwhelming need for the Rose and Thistle to reopen as a pub restaurant.
- Contrary to NPPF paras 88d, 96a, 97a, 97c, VALP and HNP policy HWS2. Haddenham Village Society strongly objects to the proposed change of use.

## Appendix B: Site Location plan

ROSE & THISTLE, 6, STATION ROAD, HADDENHAM, BUCKINGHAMSHIRE, HP17 8AJ



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0100081673 Created using Plans by EmapSite

0m 20m 40m 60m 80m 100m

Scale: 1:1250

Paper Size: A4

Notes:



## Report to Buckinghamshire Council (Central) Planning Committee

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<b>Application Number:</b>	22/00316/APP
<b>Proposal:</b>	Variation of condition 1 (approved plans) and 2 (boundary treatment) to amend the height/ design of sections of the boundary fencing relating to application 20/01531/ADP (Reserved matters application pursuant to outline planning permission 17/03322/AOP access, appearance, landscaping, layout and scale; conditions 3 (submit reserved matters application) 6 (landscaping) 8 (acoustic assessment) 9 (biodiversity) 10 (ecological mitigation) 12 (vehicular visibility splays) and 14 (footway))
<b>Site Location:</b>	Land at and to the rear of 42 Worminghall Road, Ickford, Buckinghamshire
<b>Applicant:</b>	Deanfield Homes Ltd
<b>Case Officer:</b>	Philippa Jarvis
<b>Ward(s) affected:</b>	Bernwood
<b>Parish-Town Council:</b>	Ickford Parish
<b>Date valid application received:</b>	28 <sup>th</sup> January 2022
<b>Statutory determination date:</b>	29 <sup>th</sup> April 2022 (EoT agreed )
<b>Recommendation:</b>	Approve subject to conditions

### 1. Summary & Recommendation

1.1. This application seeks to vary the existing permission for the approved residential development of 66 dwellings which was originally granted on appeal in 2019. Reserved matters approval was granted in January 2021 and this current application which is made under S73 of the Town and Country Planning Act 1990 (as amended) seeks to vary 2 conditions imposed on that permission. A S73 application is a means of seeking a material amendment to a scheme by varying or removing conditions associated with the planning permission. In this instance the variation of the conditions seeks amendments to the approved boundary treatment for some of the plots to allow for an increased height of fencing to protect the privacy of existing properties which are considered to require additional privacy measures due to the difference in levels compared to the application site. The proposal also includes updated soft landscaping plans showing some amended details. These amendments are not considered to change or alter the operative part of

the planning permission including the description of development and falls within the limitations set out in S73 of the 1990 Act.

- 1.2. The main changes are to replace the existing approved 1.8m boundary fence to rear of properties in Worminghall Road and Golders Close with a higher fence with trellis and for a new fence with hedge along the side boundary of 44 Worminghall Road which adjoins the new estate road serving the development. The new fence has already been installed along the boundary with the properties in Worminghall Road.
- 1.3. It is concluded that whilst the new fences are of a greater height than traditionally used, they are nevertheless sympathetic to the character and appearance of the area, do not harm the significance of nearby heritage assets and do not unacceptably harm the amenities of the occupiers of adjoining properties. It is noted that some occupiers of neighbouring properties have felt the need to introduce additional soft landscaping within their own gardens but notwithstanding this, the new higher fences are not considered to have an overbearing impact on the garden areas of the adjoining properties. The new boundary treatment does not entirely screen the first -floor windows of the new dwellings and some overlooking of the rear garden areas, at a distance, is possible. However, these views are screened to an extent by the tree planting in the rear gardens of the new properties, most of which has already been carried out. The distance between the rear elevations of the existing and new dwellings is such that no unacceptable loss of privacy has been introduced.
- 1.4. The removal of part of the boundary hedge has already occurred contrary to condition 2 of the reserved matters permission. The reasons for imposing the condition were to safeguard residential amenity and the character and appearance of the local area. In the officer's judgement there has not been a significantly harmful impact on the wider character and appearance of the site or its surroundings and the alternative boundary treatment maintains acceptable residential amenity. Furthermore, despite the loss of the hedge the overall development is still able to demonstrate net gain in biodiversity.
- 1.5. Overall, it is concluded that the development complies with the development plan and it is therefore recommended that permission be granted to vary the conditions. The effect of this permission is to grant a new planning permission, however it does not extend the time period. The new permission sits alongside the original permission, which remains intact and unamended. The conditions that were associated with the original permission other than those that the application seeks to vary have been updated, where relevant, and will be imposed

## **2. Description of Site and Proposed Development**

### *Site Description*

- 2.1. The application site comprises a new residential estate of 66 homes, originally granted on appeal, the majority of which is complete and occupied. Plots 44 to 66 in the southern

corner are still under construction. It lies on the northern edge of the village to the rear of properties on Worminghall Road and Golders Close, with a vehicular access off Worminghall Road between the Rising Sun public house and No. 44 Worminghall Road.

2.2. The site lies to the rear of properties fronting Worminghall Road which all lie within the Ickford Conservation Area, the boundary of which runs just to east of the dwellings themselves and encompasses the very front part of the new access road serving the estate. Nos. 50 and 64 Worminghall Road are Grade II listed buildings. The Rising Sun public house located to the south of the access to the site is also Grade II listed.

### 2.3. Proposed Development

2.4. This application is made under S73 to vary the condition specifying for a variation to conditions 1 (approved plans) and 2 (approved boundary features). Permission was granted in 2021 (ref. 20/0135ADP) for [reserved matters application pursuant to outline planning permission 17/03322/AOP (access, appearance, landscaping, layout and scale); conditions 3 (submit reserved matters application) 6 (landscaping) 8 (acoustic assessment) 9 (biodiversity) 10 (ecological mitigation) 12 (vehicular visibility splays) and 14 (footway)].

2.5. The application has been amended since first submitted, to seek approval for different boundary features around part of the external perimeter of the site and along the main access road. The changes the application seeks are as follows:

<b>Location</b>	<b>Approved treatment</b> (20/01531/ADP)	<b>Proposed treatment</b> (22/00316/APP)
North boundary of entrance road to estate / side boundary of No. 44 Worminghall Road	New hedge with tree planting along grass verge to front	1.8 close boarded fence on boundary of property with new 'instant' 1.8m hedge planted on the outside (roadside); tree planting along grass verge
Boundary to SuDs / POS area to front of plots 1&2 / rear boundary of nos. 44, 46 & 48 Worminghall Road	Existing hedge retained (and any means of enclosure within existing properties)	No change  NB original proposal was to replace hedge within the site with a 1.8m close board fence
Boundary to side of plot 2 and rear of plot 3 / rear boundary of 50 & 52 Worminghall Road	Existing hedge retained (and any means of enclosure within existing properties)	Hedge within plot 2 partially removed and replaced with 2.4m close board fence with 0.6m trellis above; hedge within plot 3 wholly removed and replaced with 2.4m close board fence with 0.6m trellis above  (NB hedge has already been removed)
Rear boundary to plots 4-7 / rear boundary of 54-62 Worminghall Road	1.8m close-boarded timber fence; 2 new trees in rear garden of plot 4 and 3 new trees in all rear gardens of plots 5, 6 and 7;	New 2.4m close board fence with 0.6m trellis above on boundary; 2 new trees in rear garden of plot 4 and 3 new trees in all rear gardens of plots 5, 6 and 7;
Side boundary of plot 55 and rear boundaries of plots 56-66 / rear boundaries of nos. 31, 33, 35a & 37 Golders Close	1.8m close board timber fence	2.4m close board fence with 0.6m trellis above  NB to be sited on the rear boundary, which is at the original ground level, around 1m below finished level of new properties

2.6. The above proposed details are shown on three separate sets of plans, one showing the boundaries & enclosures (i.e. fencing, (drawing no: 3574.P105 Rev. S), one showing soft landscaping (DEAN 22828-11J, sheets 1 to 4) and one showing hard landscaping (DEAN 22828-12L, sheets 1 to 4). These plans are accompanied by an updated Soft Landscape Management and Maintenance Plan (DEAN22828man Rev.B) which sets out how all landscaping is to be maintained which once transferred by the developer will be the

responsibility of the individual owners, Deanfield Homes and their appointed Management companies and the Council where areas form part of the adopted highway.

2.7. The applicant states that the proposed changes have been suggested at the request of and in consultation with the neighbouring properties affected. They are intended to provide a greater level of privacy due to the higher finished floor levels of the new dwellings relative to the existing dwellings. (The approved finished floor levels vary but are around 1.3 metres above the ground levels indicated along Worminghall Road).

2.8. This application is made under Section 73 of the Planning Act. Although often referred to as an application to vary or remove a condition an application under this section of the Act actually has no effect on the original permission as it is not an amendment to the earlier permission. It is a separate freestanding permission that the applicant is entitled to implement or ignore. This application must therefore be capable of being implemented in its own right and therefore all appropriate conditions and obligations must be imposed.

2.9. The merits of the condition(s) must be assessed against an up to date development plan. As any permission granted would in effect be a free-standing planning permission all conditions to which the planning permission should adhere must be reattached. Section 73 of the Town and Country Planning Act 1990 (as amended) states:

“Determination of applications to develop land without compliance with conditions previously attached.

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

### **3. Relevant Planning History**

- 3.1. **17/03322/AOP & Appeal ref: APP/J0405/A/18/3214024** – outline application for up to 66 dwellings with all matters reserved, allowed on appeal, 29/08/2019. Subsequently, discharge of condition applications were approved for materials (17/A3322/DIS) and construction management plan (17/B3322/DIS).
- 3.2. **20/01531/ADP** - reserved matters application pursuant to outline planning permission 17/03322/AOP (access, appearance, landscaping, layout and scale); conditions 3 (submit reserved matters application) 6 (landscaping) 8 (acoustic assessment) 9 (biodiversity) 10 (ecological mitigation) 12 (vehicular visibility splays) and 14 (footway), approved 26/01/2021.
- 3.3. **20/A1531/DIS** – approval of details pursuant to conditions 6, 8, 9 and 10 (disposal of foul drainage, slab levels, measures to facilitate the availability of high-speed broadband and redirected power cable) of reserved matters, approved 19/05/2021.
- 3.4. **20/C1531/DIS** – submission of details pursuant to condition 5 (charging points) approved
- 3.5. **20/D1531/DIS** – submission of details pursuant to condition 7 (confirmation that units 61 and 64 comply with part M), approved
- 3.6. **20/E1531/DIS** – submission of details pursuant to condition 11 (lighting) approved 31/03/22.
- 3.7. **20/A1531/NON** – proposed non-material amendment to RM application (relating to changes to the play equipment specification in the LEAP) approved 29/06/23.

### **4. Representations**

- 4.1. **Councillor Sue Lewin** expresses concern at the loss of the hedgerow to the rear of properties along Worminghall Road which provides visual screening and should be retained; has requested that the application be ‘called in’.
- 4.2. **Ickford Parish Council** has not commented.
- 4.3. 2 letters of support have been received and
- 4.4. 7 letters of objection have been received on the following summary grounds: –
  - new fence will be imposing,
  - additional tree planting required to replace those removed,



- removal of hedge contrary to legislation, not justified, nor in accordance with approved scheme and results in loss of privacy,
- existing fence should not be removed.
- Other matters relating to the wider scheme (drainage, flooding) also mentioned.

4.5. Full comments are provided in Appendix A.

## **5. Policy Considerations and Evaluation**

### **Introduction**

- 5.1. For the purposes of the determination of this application the development plan comprises the Vale of Aylesbury Local Plan 2021 (VALP) and the Ickford Neighbourhood Plan (2019-2033) (INP).
- 5.2. The principle of development and the subsequent details of access, appearance, layout, scale and landscaping have been assessed under the previous approved applications. Therefore, it is only the changes that need to be assessed. The proposal does not have any implications in terms of access, the layout of the built form, building appearance and scale including design and sustainability and associated parking and servicing, and the approved drainage strategy.
- 5.3. The VALP designates Ickford as a medium village being moderately sustainable for development. Policy S2 (spatial strategy for growth) states that at the medium villages there will be housing growth of a scale in keeping with the local character and setting. The application site is identified as an existing commitment with a further site off Turnfields identified as an allocation.
- 5.4. The site lies within the settlement boundary designated in the INP and is now part of the built-up area of the village. Policy ND3 requires all new housing development to deliver a well-designed scheme that links both visually and functionally with the village, setting out a number of issues that must be addressed. Policy ND2 which requires high quality design is also relevant; this seeks to ensure that development retains existing natural features and boundaries that contribute to visual amenity or are important for their ecological value and biodiversity and does not cause unacceptable harm to neighbouring properties.
- 5.5. The National Planning Policy Framework (NPPF) is an important material consideration the relevant policies of which seek high quality design that is sympathetic to the built and natural environment.
- 5.6. Given that there exists a permission for the residential development of the site, the main issues relevant to consider are the effect of the amended boundary treatment on the character and appearance of the area including nearby designated and non-designated

heritage assets, the impact on biodiversity and the effect on the amenity of the occupiers of adjoining properties having regard to the approved plans.

**Character and appearance, including effect on heritage assets**

VALP policies BE1 (Heritage assets), BE2 (Design of new development) and NE8 (Trees, hedges and woodlands)

INP policies BEH1 (Heritage Assets), BEH2 (Design in the Conservation Area), BEH3 (The Setting of the Conservation Area), BEH4 (Non-designated heritage assets), ND1 (Settlement boundary), ND2 (High quality design) and ND3 (New housing development)

- 5.7. The above policies seek to ensure that new development contributes to and does not adversely affect heritage values and local distinctiveness and respects the physical characteristics of the site and its surroundings and the natural qualities and features of the area. In respect of trees and hedgerows, development will be resisted that results in the unacceptable loss of or damage to their continued well-being where they make an important contribution to the character and amenities of the area. The unavoidable loss of species rich native hedgerow should be compensated for by planting of native species rich hedgerow. The policies of the INP expect proposals to retain and enhance natural features and boundaries, including hedgerows, which contribute to visual amenity or are important for ecological / biodiversity with substantial buffers retained or provided.
- 5.8. In allowing the original development at appeal, the Inspector noted that the boundary hedges would be protected and preserved and that this would go some way to mitigate the harm resulting from the loss of the former pastoral field and introduction of built development and would help to conserve the landscape. At that stage, the hedge along the boundary with the properties in Worminghall Road was shown to be retained, albeit within the residential curtilages of the proposed dwellings, rather than outside as suggested by the Inspector so as to minimise the risk of pressure to prune or remove by the residents.
- 5.9. However, it was at reserved matters stage that the detailed planting and boundary plans were approved and these form the 'baseline' position against which the proposed changes are to be assessed. As indicated in the table above, these show a mixture of hedge and fence for the Worminghall Road properties boundary and a fence along the common boundary with the properties in Golders Close. New tree planting was also indicated to take place within the rear garden areas of the new plots adjoining the affected properties in Worminghall Road and Golders Close. The boundary hedges are 'protected' through the relevant conditions and the approved Landscape Management Plan, the latter which allows for the trimming of established hedges to the desired height.
- 5.10. The proposed new boundary fencing would, in the main, replace the existing approved 1.8m close boarded timber fence with a higher one with trellis above. In respect of the boundary between plot 2 and No. 50 Worminghall Road, a lower 1.8m fence is retained but with a 0.6m trellis above. The amended boundary details are intended to provide an

additional level of privacy and screening given that the new houses are set at a higher level than the existing ones. Whilst the majority of the proposed new fencing is considerably higher than traditional fencing, it will be sited along the rear boundaries of both existing and new dwellings and in all cases this is at the lower level.

- 5.11. Notwithstanding its greater height, the fencing is / would not be particularly intrusive within the wider area given that it marks a private 'internal' boundary between the properties on the new development and the existing properties along Worminghall Road and Golders Close. In addition, the retained planting and new planting provide some screening effect which assist in softening the appearance of the fence. As noted above, the occupiers of some of the properties along Worminghall Road have undertaken additional planting within their own gardens themselves. The gardens to all adjoining properties are of reasonably generous size and depth and, overall, it is not considered that the proposed fence would be overbearing or intrusive.
- 5.12. The loss of the length of hedgerow which marked the boundary of the gardens of plots 2 & 3 (understood to have been removed by the occupants of those properties) is regrettable and contrary to conditions 1 and 2 of the reserved matters application (20/01531/ADP). The reason for condition 2 was to safeguard residential amenity and the character and appearance of the local area. However, the officer considers that in their judgement this has not had a significantly harmful impact on the wider character and appearance of the site or its surroundings, which as noted above, is now clearly part of the built up area of the village, albeit one which has very much a rural character and appearance. The impact of the removal of the hedge in terms of the impact on residential amenity is considered in the next section.
- 5.13. The hedge that borders part of the public open space at the front of the site containing the SUDS attenuation area is now shown to be fully retained thus ensuring that the soft 'green' edge to this public area is retained. The original hedgerow around the perimeter of the larger site remains and provides a softening feature as noted by the Inspector in the original appeal decision.
- 5.14. In terms of the site entrance, whilst a new fence is proposed to mark the boundary with the adjoining property, this will be screened in public views along the entrance by the proposed new 'instant' hedge with tree planting retained along the roadside verge. This will retain a soft approach to the development and ensure that the proposal complements the rural character of the village. The front part of the new fence will be visible in approaches from the north along Worminghall Road, but this will be seen within the context of the existing planted front garden of the property. Furthermore, it replaces an existing albeit lower fence.
- 5.15. A number of local residents have commented that the original scheme and later marketing documents indicated that a brick wall would be provided along this boundary, but this was never part of the formally approved details. In any event, it is considered that a softer

boundary is more appropriate given the semi-rural character of this edge of village location.

- 5.16. The boundary with the properties in Golders Close would be changed from a 1.8m close boarded fence to a 2.4 m fence with 0.6m trellis above. Whilst this would be a fairly significant change in terms of height, the rear gardens of the properties affected are of generous depth, generally with established planting within them along the common boundary. The new boundary treatment will allow for some planting to grow along the trellis providing a softening of its upper section. Furthermore, the fencing will not be readily visible within the wider area and overall would fit in with the local context and character.
- 5.17. The significance of nearby heritage assets, which include the conservation area, the boundary of which lies close to the rear elevations of the properties along Worminghall Road and which includes a small part of the site entrance, would not be adversely affected and their character and appearance would be preserved. This would also be the case with the nearby listed buildings and non-designated heritage assets along Worminghall Road.
- 5.18. Overall, it is concluded that the boundary alterations have not, nor will those elements yet to be undertaken result in any significant harm to the character and appearance of the area and the significance of nearby heritage assets and there is no conflict with the above development plan policies in this regard.

#### **Environment and Amenity of Existing Residents**

VALP policy BE3 (Protection of the amenity of residents)

INP policy ND3 (New Housing Development)

- 5.19. Policy BE3 states that sites should achieve a reasonable level of visual privacy for those on the site itself and those living nearby. ND3 has similar aims and seeks landscape buffers to boundaries and management plans to ensure long term maintenance. Condition 2 of 20/01531/ADP was imposed in part to protect residential amenity.
- 5.20. This application seeks to overcome concerns relating to any potential loss of privacy for adjoining residents as a result of the new dwellings being constructed some 1.3 -1.5 metres above the original ground levels on the site. This means that the typical height of a garden fence (1.8m) as previously approved (along the common boundary with the Golders Close properties), will not provide an adequate boundary as it would not prevent overlooking. In respect of the boundary with the properties in Worminghall Road, no new fencing was proposed / approved, therefore relying on the boundary hedge and existing means of enclosure within the curtilage of these adjoining properties to mitigate the impact. Therefore, the current application includes the higher boundary treatments (overall 3 metres in height consisting of 2.4m close-boarded fence with trellis above).
- 5.21. Thus, a higher feature has been / would be introduced and in the case of the Worminghall Road properties, there is some loss of amenity through the removal of the hedge which

provided a more natural boundary. However, it is noted that the approved management plan would have allowed the hedge to be trimmed and potentially, it may not have provided a totally robust or effective means of enclosure in respect of privacy.

- 5.22. The new higher fence prevents any overlooking from ground floor windows but does not fully screen views from first floor windows. However, this is not an unusual relationship and the distances between the existing and new dwellings is relatively generous, being a minimum of 35 metres; in addition, it is of note that the dwellings in Golders Close are set at an angle such that elevations are not 'face to face'. There would be views at a distance of parts of the adjoining garden areas but again this is not an unusual relationship and would have been the case if the dwellings had been built at the original ground levels. It is noted that some of the adjoining residents have undertaken additional planting in their back gardens to reduce the impact, but nevertheless, it is considered that the higher fencing has not resulted in an unacceptable impact on the amenity of the residents. The alternative boundary treatment being sought achieves the requirements for imposing condition 2 that is to safeguard residential amenity.
- 5.23. Overall, it is considered that the scheme is in accordance with the above policies BE3 and ND3 and provides an acceptable living environment for existing and new residents.

### **Biodiversity**

VALP policy NE1 (Biodiversity and geodiversity)

INP policies NE2 (Green Infrastructure and Biodiversity) and ND3 (New housing development)

- 5.24. The above policies require, amongst other things, a measurable net gain to be achieved through the protection, management, enhancement and extension of existing biodiversity resources and by creating new resources. INP policy NE2 seeks a minimum 10% BNG.
- 5.25. The removal of part of the boundary hedge previously shown to be retained has resulted in the loss of approximately 30 metres of hedgerow. This comprises all of the hedgerow previously indicated to be retained along the rear boundary of Plot 3 (adjoining no. 52 Worminghall Road) and part of the hedge within plot 2 (along the boundary with No. 50 Worminghall Road).
- 5.26. The Applicant has provided an updated Biodiversity Net Gain metric which shows that notwithstanding the length of hedgerow that has been removed, the overall development will still achieve a net gain overall of 31.32% in hedgerow units and 15.90% habitat units. It is noted that the hedge did not continue northwards into the adjoining plots therefore it

was not part of an existing wildlife 'corridor' though the rear gardens of the properties will continue to provide some limited value in this respect.

- 5.27. Overall, the loss of hedgerow, whilst regrettable, has not had any significant impacts on the overall biodiversity value of the site and significant net gains are still achieved, in accordance with local and national policy.

### **Other Matters**

- 5.28. Concern has been raised by a number of residents regarding the 'unauthorised' removal of the hedge and that this is contrary to one of the original justifications for the development of the site, i.e. that natural features would be retained as far as possible. Whilst the loss of part of the hedgerow has diminished its value in this respect, the development remains sympathetic to the rural character and appearance of area through the retention of the majority of the boundary hedges, particularly along the northern and eastern boundaries where it adjoins open countryside and within the site itself where the original hedge remains adjacent to part of the open space.
- 5.29. Further concerns note that the 'unauthorised' removal of the hedge represents a breach of the relevant legislation i.e. it is contrary to conditions imposed on the outline and reserved matters applications. Contravention of a condition constitutes a breach of planning control but it not an offence and enforcement action is a discretionary power of the Local Planning Authority. When considering enforcement action the LPA should act proportionately. In this case the reasons for imposition of these conditions have been considered and the impact of the removal of the hedge has been assessed. It is the judgement of officer's that the removal of the hedge has not resulted in any significant planning harm. Therefore, taking into consideration the alternative boundary treatment that has been proposed, it is unlikely to be expedient to take any action having regard to the development plan and other material considerations. However, this is matter for the Planning Enforcement Team to consider having regard to the facts.
- 5.30. A number of residents have referred to wider issues, including ongoing drainage & flooding concerns but these are matters which are not relevant to consider as part of this application. The previous reserved matters application approved a detailed Drainage Strategy and if permission is granted it will be appropriate to attach a condition to refer to that document to ensure that it remains relevant and can be enforced in respect of this application. Any outstanding concerns of the residents in this regard can then be investigated and dealt with appropriately, including through any enforcement action if found to be expedient.

## **6. Weighing and balancing of issues / overall assessment**

- 6.1. In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. 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

- 6.2. For the reasons set out above, the proposal is considered to accord with the development plan. There is not considered to be any conflict with the NPPF. The comments of the third parties have been taken into account and are addressed in the report; it is considered that there are no other material considerations that indicate a decision otherwise. It is noted that the Council is now unable to demonstrate a five year supply of housing, but this only adds positive weight to the balance in favour of a grant of permission.
- 6.3. It should be noted that in allowing this development, a new and separate reserved matters permission is created and any conditions imposed on the previous reserved matters approval that remain relevant should be attached to the new permission. These include the relevant approved plans and documents (as set out in condition 1 of the previous reserved matters permission), except insofar as they are replaced by the plans submitted under this application, and plans approved under discharge of conditions applications or non-material amendment. Conditions to ensure compliance with the approved details in respect of tree protection and impacts, hard and soft landscaping, construction management plans, ecology design strategy and landscape management, noise assessment, street lighting, provision & retention of parking, and removal of PD rights remain relevant and should be imposed.
- 6.4. It is therefore recommended that the application be approved subject to the conditions set out below.
- 6.5. The application would constitute an approval of reserved matters pursuant to the original outline permission and the conditions imposed on that decision also apply insofar as they remain relevant, as does the related S106 planning obligation agreement which secures matters relating to affordable housing, provision and future maintenance of public open space (including LEAP), provision and future maintenance of SuDS, and financial contributions towards sport & leisure, sustainable transport and education.

## **7. Working with the applicant / agent**

- 7.1. In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2. The Council works 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
  - During the course of the consideration of the application, there has been a dialogue with the applicant's agent with a view to seek to resolve issues as they arose.
  - The applicant was provided the opportunity to submit amendments to the scheme/address issues arising.



## 8. Recommendation

8.1. The recommendation is that the application be approved subject to the following conditions:

1. The development shall relate to / be in accordance with the following approved plans:

Reference:	Title:
3574.P.100 Rev A	Location Plan
3574.P.101 Rev O	Site Layout
3574.P.102 Rev J	Site Layout: Coloured
3574.P.200 Rev F	Plans & Elevations Plot 1
3574.P.247	Plans & Elevations Plot 2
3574.P.201 Rev C	Plans & Elevations Plot 3
3574.P.202 Rev E	Plans & Elevations Plot 4
3574.P.203 Rev C	Plans & Elevations Plot 5
3574.P.204 Rev E	Plans & Elevations Plot 6
3574.P.205 Rev C	Plans & Elevations Plot 7
3574.P.206 Rev D	Plans & Elevations Plot 8
3574.P.207 Rev F	Plans & Elevations Plot 9
3574.P.208 Rev D	Plans & Elevations Plots 10-11
3574.P.209 Rev D	Plans & Elevations Plot 12 & 14
3574.P.211 Rev D	Plans & Elevations Plot 13
3574.P.212 Rev E	Plans & Elevations Plot 15
3574.P.213 Rev D	Plans & Elevations Plot 16
3574.P.214 Rev D	Plans & Elevations Plots 17-18
3574.P.216 Rev E	Plans & Elevations Plots 19-20
3574.P.217 Rev C	Plans & Elevations Plots 21-22
3574.P.218 Rev C	Plans & Elevations Plots 23-24
3574.P.243 Rev A	Plans & Elevations Plot 25
3574.P.248	Plans & Elevations Plots 26-27
3574.P.220 Rev D	Plans & Elevations Plot 28
3574.P.222 Rev D	Plans & Elevations Plot 29
3574.P.221 Rev E	Plans & Elevations Plot 30
3574.P.223 Rev D	Plans & Elevations Plot 31
3574.P.242 Rev A	Plans & Elevations Plot 32
3574.P.224 Rev C	Plans & Elevations Plots 33-34
3574.P.225 Rev B	Plans & Elevations Plots 35-37 & 56-58
3574.P.226 Rev C	Plans & Elevations Plots 38-39 & 56-58
3574.P.227 Rev E	Plans & Elevations Plot 40
3574.P.228 Rev E	Plans & Elevations Plot 41
3574.P.239 Rev B	Plans & Elevations Plots 42-43
3574.P.229 Rev C	Plans & Elevations Plots 44-45
3574.P.249	Plans & Elevations Plots 46-47
3574.P.231 Rev C	Plans & Elevations Plots 48-49
3574.P.232 Rev C	Plans & Elevations Plot 50
3574.P.241	Plans & Elevations Plot 51
3574.P.240 Rev B	Plans & Elevations Plot 52
3574.P.238 Rev A	Plans & Elevations Plot 53
3574.P.233 Rev C	Plans & Elevations Plot 54
3574.P.244	Plans & Elevations Plot 55

<b>3574.P.245 Rev B</b>	<b>Plans &amp; Elevations Plots61-64</b>
<b>3574.P.236 Rev D</b>	<b>Plans &amp; Elevations Plots 65-66</b>
<b>3574.P.237 Rev B</b>	<b>Garage Plans &amp; Elevations</b>
<b>3574.P.107 Rev G</b>	<b>Context Sections</b>
<b>3574.P.246 Rev D</b>	<b>Context Sections 2</b>
<b>3574.P.109 Rev A</b>	<b>Off-Site Context Sections</b>
<b>3574.P.108 Rev F</b>	<b>Site Layout: Materials Overlay</b>
<b>3574.P.103 Rev O</b>	<b>Site Layout: Adoptions Plan</b>
3574.P.105 Rev S	Site Layout: Boundaries & Enclosures
<b>3574.P.110 Rev E</b>	<b>Site Layout: Affordable Homes</b>
<b>3574.P.111</b>	<b>Site Layout: Entrance Plan</b>
<b>3574.P.18693-ICK-5-661 Rev C</b>	<b>Fire Appliance: Vehicle Tracking Layout</b>
<b>18693-ICKF-5-610 Rev B</b>	<b>Section 278 Agreement: Construction Layout</b>
<b>18693-ICKF-5-500 Rev B</b>	<b>Section 278 Agreement: General Arrangement</b>
<b>18693-ICKF-5-660 Rev A</b>	<b>278 Agreement: Refuse Vehicle Swept Path</b>
<b>18693-ICKF-5-661 Rev B</b>	<b>Section 38 Agreement: Refuse Vehicle Swept Path</b>
<b>18693-ICKF-5-900 Rev A</b>	<b>Section 278 Agreement: Typical Road Details</b>
DEAN22828spec, Date:01/05/2020	Soft Landscape Specification
DEAN22828man Rev B Date:26/10/2023	Soft Landscape Management & Maintenance Plan
DEAN22828-11J Sheet 1 of 4	Soft Landscape Proposals
DEAN22828-11J Sheet 2 of 4	Soft Landscape Proposals
DEAN22828-11J Sheet 3 of 4	Soft Landscape Proposals
DEAN22828-11J Sheet 4 of 4	Soft Landscape Proposals
DEAN22828-12L Sheet 1 of 4	Hard Landscape Proposals
DEAN22828-12L Sheet 2 of 4	Hard Landscape Proposals
DEAN22828-12L Sheet 3 of 4	Hard Landscape Proposals
DEAN22828-12L Sheet 4 of 4	Hard Landscape Proposals
<b>DEAN22828-ts Date:07/04/2020</b>	<b>Tree Survey</b>
<b>DEAN22828-01 Date:07/04/2020</b>	<b>Tree Survey Plan</b>
<b>DEAN22828-03B Date:27/04/2020</b>	<b>Tree Protection Plan</b>
<b>DEAN22828-ala amsA RevB Date:25/09/2020</b>	<b>Arboricultural Impact Assessment &amp; Method Statement</b>
<b>Email dated ?? / Indexed 14/01/2021</b>	<b>Ickford – Private gas ‘compound’ area</b>
<b>3574.P.301 Rev A</b>	<b>Existing &amp; Proposed Illustrative Street Views (46-44 Worminghall Road)</b>
<b>3574.P.302 Rev A</b>	<b>Existing &amp; Proposed Illustrative Street Views (46-44 Worminghall Road)</b>
<b>3574.P.303 Rev A</b>	<b>Existing &amp; Proposed Illustrative Street Views (54-52 Worminghall Road)</b>
<b>3574.P.304</b>	<b>Existing &amp; Proposed Illustrative Street Views (54-52 Worminghall Road)</b>
<b>3574.P.305</b>	<b>Existing &amp; Proposed Illustrative Street Views (64-62 Worminghall Road)</b>
<b>3574.P.306 Rev A</b>	<b>Existing &amp; Proposed Illustrative Street Views (60 Worminghall Road)</b>
<b>3574.P.307</b>	<b>Existing &amp; Proposed Illustrative Street Views (View from Worminghall Road looking south)</b>
<b>DEAN@2828 15D</b>	<b>LEAP Proposals (as amended by plan ref: Q7689 relating to play equipment below)</b>

<b>Dated:22/09/2020</b>	<b>RoSPA Playground Plans Review</b>
Index date: 23/11/23	Biodiversity Metric
<b>Issue: VI, Date October 2020</b>	<b>Construction Environmental Management Plan</b>
<b>Issue: V1, Project: Ickford ETH20-111, dated: October 2020</b>	<b>Ecological Design Strategy</b>
<b>Ref: P19-458-R02 dated 07/04/2020</b>	<b>Noise Assessment provided by Hepworth Acoustics</b>
<b>Ref: South East / 34122439/450115 Dated 09/02/2021</b>	<b>Utility Networks Quotation prepared by GTC (High Speed Broadband)</b>
<b>18693-ICKFB-5-200 Rev D dated April 2020</b>	<b>Indicative Drainage &amp; Levels Strategy, prepared by Woods Hardwick</b>
<b>Plan Ref: 8500155706 Proposed CAF, dated 14/09/2020</b>	<b>Mains Cable Plan, prepared by UK Power Networks</b>
<b>Letter Ref: 8500155706/QID 3500094394 dated 14/09/2020</b>	<b>Quotation letter from UK Power Networks</b>
<b>Drawing No: T.108.20.301</b>	<b>EV Charge Points (passive wiring / future charging points only)</b>
<b>Project No: 21-0557 dated 07/01/2022</b>	<b>Horizontal Illuminance (lux) Calculation Drawing, Results Grid 1</b>
<b>Project No: 21-0557 dated 07/01/22</b>	<b>Outdoor Lighting Report, prepared by DW Windsor</b>
<b>Cover letter dated 12/01/2022</b>	<b>Prepared by Strutt &amp; Parker</b>
	<b>IES Compare Report: Report Format: Dark Sky</b>
<b>Drawing no: MDL-1356-AFF-W260</b>	<b>Part M Compliance – plots 61-64</b>
<b>Q7689 received 29/06/2023</b>	<b>Worminghall Ickford Plan</b>
<b>Q7689</b>	<b>Specification Document (only in relation to play equipment)</b>
<b>Document dated 23/05/2023</b>	<b>RoSPA Playground Plans Review (only in relation to play equipment)</b>

**NB: The above plans / documents in bold are those approved under refs: 20/01531/ADP, 20/A1531/DIS, 20/C1531/DIS, 20/D1531/DIS, 20/E1531/DIS and 20/A1531/NON.**

Reason: For the avoidance of doubt and to ensure the details of the development comply with local and national policy.

- The approved boundary treatment for each dwelling shall be constructed/ erected in accordance with drawing no. 3574.P.105 Rev S (titled: Site Layout: Boundaries and Enclosures). The boundary treatment shall thereafter be retained.

Reason: In order to safeguard residential amenity and the character and appearance of the local area in accordance with policies NE1, NE2, ND1 & ND2 of the Ickford Neighbourhood Plan, policies BE2, BE3 & NE4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

- Each dwelling shall be provided with cycle storage in accordance with the approved drawings and permanently maintained for this purpose thereafter.

Reason: To encourage the reduction of car usage and to promote the availability of cycling opportunities and to comply with policy T7 of the Vale of Aylesbury Local Plan and to accord with the advice within the National Planning Policy Framework.

4. 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 enlargement of any dwelling nor the erection of any garage shall be carried out within the curtilage of any dwelling the subject of this permission, no windows, dormer windows, no buildings, structures or means of enclosure shall be erected on the site which is the subject of this permission other than those expressly authorised by this permission.

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 enlargement of the dwelling or erection of a garage, windows, buildings, structures or means of enclosure having regard for the particular layout and design of the development, in accordance with policies NE1, NE2, ND1 & ND2 of the Ickford Neighbourhood Plan, policies BE2, BE3 & NE4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

5. The development shall be carried out in accordance with the approved details of EV charging points, that is at least one future charging point connection per dwelling shall be provided prior to occupation of that dwelling.

Reason: In order to future-proof the development, support government objectives for electric vehicles and reduce the pollution impacts associated with traffic, in accordance with emerging Vale of Aylesbury Local Plan Policy T8 and the advice within the National Planning Policy Framework.

6. Plots 61 & 64 shall provide for fully accessible dwellings as indicated on the approved plans and thereafter remain compliant with the relevant section of Part M of the Building Regulations 2010.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policy H6c of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

7. The development shall be served by high-speed broadband as indicated on the approved plan / details which shall be provided prior to the occupation of any dwelling which it serves.

Reason: To ensure adequate internet connection is provided in accordance with policy E1 of the Ickford Neighbourhood Plan, policy I6 of the Vale of Aylesbury Plan and the National Planning Policy Framework.

8. The street lighting shall be carried out in accordance with the approved details and at no time shall it exceed the standards for Environmental Zone 2 set in the Institute of Lighting Professionals Guidance Note 2011.

Reason: To conserve dark skies, a highly valued feature of the village, in accordance with policies NE1 and ND3 of the Ickford Neighbourhood Plan, policies BE2, NE4 and NE5 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

9. The development hereby permitted shall at all times be undertaken in accordance with approved drawing No. DEAN22828-03B, Titled: Tree Protection Plan have been protected by the erection of a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan. The protection measures referred to above shall be maintained during the whole period of site excavation and construction. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, in particular:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed unless these are elements of the agree tree protection plan.
4. No materials or waste shall be burnt; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

Reason: In order to minimise damage to the trees during building operations and to comply with policies NE1, ND2 and ND3 of the Ickford Neighbourhood Plan, policy NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

10. Minimum vehicular visibility splays of 42m to the south and 40m to the north from 2.4m back from the edge of the carriageway from both sides of the access onto Worminghall Road shall be maintained at all times in accordance with the approved plans and 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 in accordance with policies ND1 and TT1 of the Ickford Neighbourhood Plan, policy T5 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

11. The hard and soft landscaping works shown on the approved drawings shall be carried out as approved prior to the first occupation of the dwelling to which it relates so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

Reason: To ensure a satisfactory appearance to the development and to comply with policies NE1, NE2, ND1, ND2 & ND3 of the Ickford Neighbourhood Plan, policy BE2, NE4 and NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

### **Informative(s)**

1 Nothing herein contained shall be deemed to effect or vary the conditions imposed on outline permission ref: 17/03322/AOP dated 29<sup>th</sup> August 2019 which shall continue in full force and effect, save insofar as they are expressly approved or varied by any conditions imposed hereby. The development must also adhere to the planning obligations set out in the S106 agreement entered into in respect of this outline permission.

2 In accordance with paragraph 38 and 39 of 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. 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. In this instance, the applicant was provided the opportunity to submit amendments to the scheme/address issues.

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

## **Councillor Comments**

**Councillor Sue Lewin** – (original plans) – no comments received.

Amended plans - Compare the March and August boundary plans.

In March the hedgerow between 44 to 54 Worminghall Road and the new development is outlined with a solid black line.

By the August plans this hedge finishes behind 50 Worminghall Road and is replaced by a dashed line (behind 54 it has already been removed - illegally?)

The owners of the new house plot 3 want to remove the hedgerow between them and 52 Worminghall Road. This provides vital privacy screening for 52. Despite a 3m fence, the new houses are significantly raised.

I would like a condition that the hedgerow must remain.

Therefore I would like this called in.

## **Parish Council comments**

**Ickford Parish Council** – no comments received.

## **Representations**

2 letters of support have been received, one asking for conditions to be imposed to enable access to the existing post and rail fence and to ensure that there is no damage to the existing oak tree and the other noting that as the development has been raised by 1m+ the boundary treatment will give added privacy and security and therefore support the proposal.

7 individual letters of objection (3 from the same neighbour) have been received on the following grounds:

- The new fence will be very imposing for properties in Golders Close.
- Results from the whole development having to be raised by 1.3m to satisfy SUDS system requirements – this shows a failure of the planning system as it is now clear that the site was not suitable for residential development.
- 3 large trees were removed from the end of the garden, only 1 replacement is shown.
- Need more information about how flooding will be prevented for existing properties and what remedial work would be undertaken.
- Hedgerow removed without permission or consulting neighbour; this hedgerow was shown to be retained as part of the management agreement plan and was understood to be protected as within the conservation area; it contributed to the area and supported lots of nature – the neighbour is now very overlooked.
- The developer has been told by every neighbour to not touch/remove the existing post and rail fence which belongs to and was paid for by the residents and a reasonable gap should be retained to allow maintenance.
- The trees shown to be retained in the agreed management plan which were cut down should be replaced with similar mature trees.
- Has the drain that has been put in behind no. 58 been approved? And have the required bat and swallow bricks been installed and other wildlife mitigation features been provided and all planting been undertaken (particularly to rear of properties in Worminghall Road)?

- The latest plan once again shows 1.8m fence in place of hawthorn hedge that currently forms boundary between properties and SUDS area; this is contrary to previous discussions where a hedge shown on both sides – the removal of the hedge on the application site side would result in the loss of integrity of this important wildlife corridor; a fence is not necessary in this location and would lead to an increasing urban appearance.

### **Consultation Responses**

**Ecology** –a revised BNG calculation has been provided together with an updated Soft Landscape Management and Maintenance Plan (LMMP) which demonstrates that sufficient net gain can still be achieved; the habitats described in the BNG report are detailed further in the LMMP including preparation methods and management prescriptions, in line with expectations for the site and are considered acceptable. Sufficient detail is provided to accord with the requirements of condition 10 of the previous RM application (20/01531/ADP).

**Heritage** - no objection; the proposed amended boundary treatments would preserve the architectural / historic interest of the listed buildings and the character and appearance of the conservation area would be preserved.



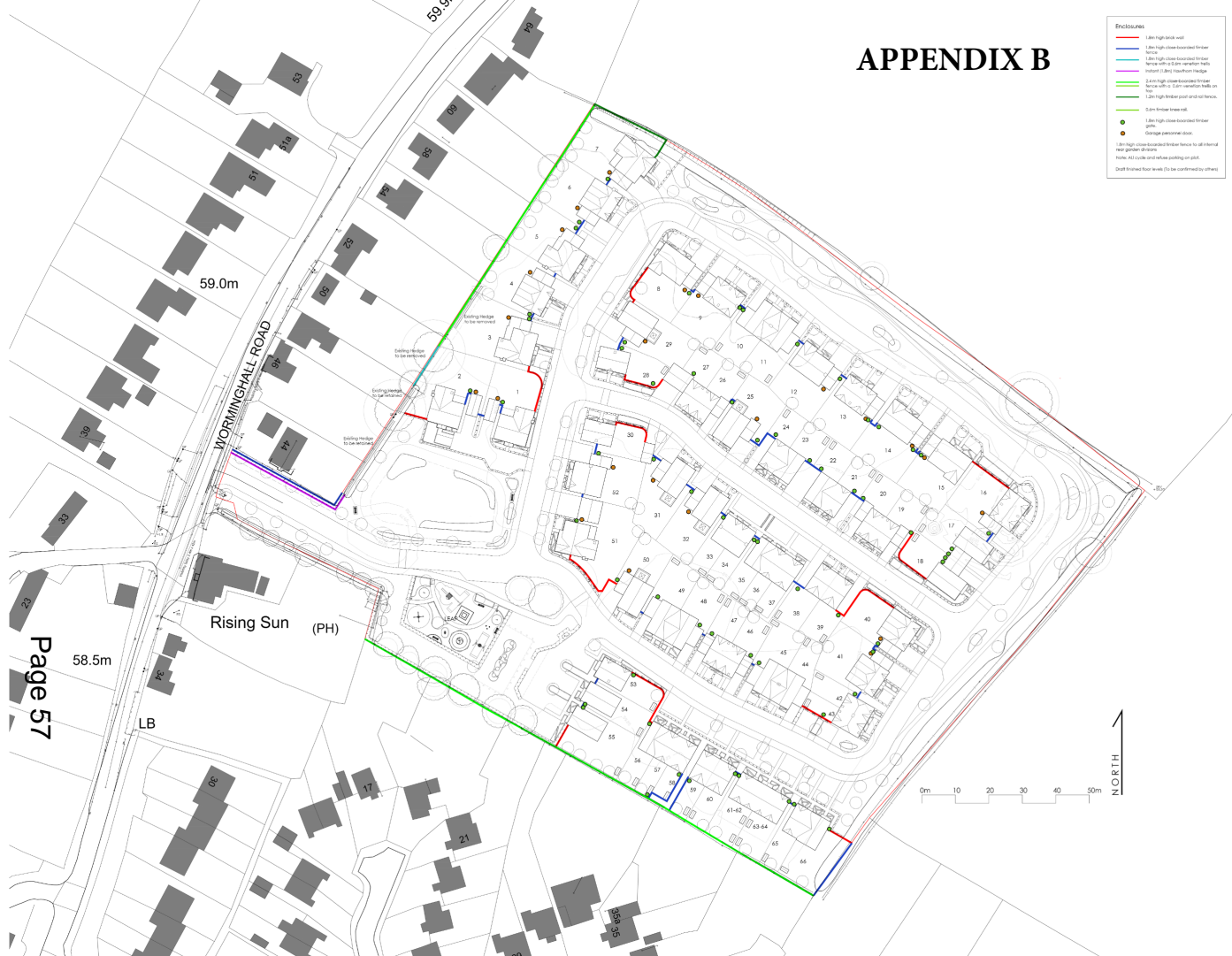
# APPENDIX B

Enclosures	
[Red line]	1.6m High brick wall
[Blue line]	1.8m High brick boundary fence
[Green line]	2.0m High brick boundary fence with 2.0m concrete base
[Orange line]	2.0m High brick boundary fence with 2.0m concrete base
[Yellow line]	2.0m High brick boundary fence with 2.0m concrete base
[Light Green line]	2.0m High brick boundary fence with 2.0m concrete base
[Dark Green line]	2.0m High brick boundary fence with 2.0m concrete base
[Purple line]	2.0m High brick boundary fence with 2.0m concrete base
[Light Blue line]	2.0m High brick boundary fence with 2.0m concrete base
[Dark Blue line]	2.0m High brick boundary fence with 2.0m concrete base
[Brown dot]	Gate
[Orange dot]	Change point
[Yellow dot]	Gate
[Green dot]	Gate
[Blue dot]	Gate
[Red dot]	Gate
[Purple dot]	Gate
[Light Green dot]	Gate
[Dark Green dot]	Gate
[Light Blue dot]	Gate
[Dark Blue dot]	Gate

NOTES	
1.	ALL DIMENSIONS ARE IN METERS UNLESS STATED OTHERWISE.
2.	ALL DIMENSIONS ARE TO FACE UNLESS STATED OTHERWISE.
3.	ALL DIMENSIONS ARE TO FACE UNLESS STATED OTHERWISE.
4.	ALL DIMENSIONS ARE TO FACE UNLESS STATED OTHERWISE.
5.	ALL DIMENSIONS ARE TO FACE UNLESS STATED OTHERWISE.

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REVISIONS		
Rev.	Date	Description
A	10/04/20	Site plan updated to client comments
B	07/03/20	Updated to client comments / Concept information updated
C	20/03/20	Site Plan Updated
D	01/02/20	Site Plan Updated
E	11/01/20	Landscaping information updated
F	14/01/20	Minor amendments
G	13/01/20	Minor amendments
H	17/01/20	Minor amendments
I	02/02/20	Minor amendments
J	02/02/20	Minor amendments
K	02/02/20	Minor amendments
L	02/02/20	Minor amendments
M	02/02/20	Minor amendments
N	02/02/20	Minor amendments
O	02/02/20	Minor amendments
P	02/02/20	Minor amendments
Q	02/02/20	Minor amendments
R	02/02/20	Minor amendments
S	02/02/20	Minor amendments
T	02/02/20	Minor amendments



Client :  
Deanfield Homes Ltd

Job :  
Worminghall Road,  
Ickford

Drawing Title:  
Site Layout:  
Boundaries &  
Enclosures

Scale:  
1:500 @ A1  
Date:  
April 20

Drawn By:  
ED  
Checked:  
\*\*\*

Drawing No:  
3574.P.105 S

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