



Buckinghamshire Council

Central Buckinghamshire Area Planning Committee

Agenda

Date: Thursday 29 April 2021

Time: 3.30 pm – please note the change to start time

Venue: Virtual Meeting via MS Teams

Membership: P Strachan (Chairman), C Paternoster (Vice-Chairman), M Bateman, J Bloom, J Brandis, P Cooper, B Foster, R Khan, R Newcombe, B Russel, J Ward and M Winn

Agenda Item	Time	Page No
1 APOLOGIES		
2 TEMPORARY CHANGES TO MEMBERSHIP Any changes will be reported at the meeting.		
3 MINUTES To approve as a correct record the Minutes of the meeting held on 10 December 2020, copy attached.		3 - 4
4 DECLARATIONS OF INTEREST Members to declare any interest.		
APPLICATIONS		
5 20/02431/APP - OLD COUNTY OFFICES, WALTON STREET, AYLESBURY Conversion and extension of existing former Council offices to provide forty six apartments with associated landscaping and car parking. Contact Officer: Nina Hewitt-Jones nina.hewitt-jones@buckinghamshire.gov.uk		5 - 36
6 SITE VISIT ARRANGEMENTS		
7 HUMAN RIGHTS ACT		37 - 38

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



Agenda Item 3
Buckinghamshire Council
Central Buckinghamshire Area
Planning Committee

Minutes

MINUTES OF THE MEETING OF THE CENTRAL BUCKINGHAMSHIRE AREA PLANNING COMMITTEE HELD ON THURSDAY 10 DECEMBER 2020 VIA VIDEO CONFERENCE: ACCESSIBLE TO MEMBERS OF THE PUBLIC AT [HTTPS://BUCKINGHAMSHIRE.PUBLICI.TV/CORE/PORTAL/HOME](https://BUCKINGHAMSHIRE.PUBLICI.TV/CORE/PORTAL/HOME), COMMENCING AT 2:30PM AND CONCLUDING AT 3:25PM.

MEMBERS PRESENT

C Paternoster (Vice-Chairman, in the Chair), M Bateman, J Brandis, P Cooper, B Foster, S Lambert, R Newcombe and M Winn

Agenda Item

1 APOLOGIES

Members heard apologies from Councillors J Bloom, R Khan, B Russel, P Strachan (Chairman), and J Ward.

2 TEMPORARY CHANGES TO MEMBERSHIP

Councillor S Lambert sat as the nominated substitute for Councillor R Khan.

3 MINUTES

Resolved: -

That the minutes of the meeting held on 17th September, 2020 be approved as a correct record.

4 DECLARATIONS OF INTEREST

Councillor S Lambert declared a personal interest as the Leader and member of the same political group as the applicant, Councillor R Khan.

5 20/03388/APP - SITE OF THE FORMER 54 CASTLE STREET, AYLESBURY

Variation of Condition 13 (approved plans - added under non-material amendment approval 16/B0472/NON) of planning permission 16/00472/APP to allow for changes to the design of plots 3 and 4, changes to slab levels, removal of external steps, revised paths and retaining walls. (Revised Description) at Site of the Former 54 Castle Street, Aylesbury.

Speakers

Agent: Mr Paul Swart (Statement Read by DSO)

Resolved: -

That the application be deferred and delegated to the Director, Planning and Environment for approval subject to the receipt of outstanding consultee comments as set out in the report and subject to any conditions considered appropriate.



Report to Central Area Planning Committee

Application Number:	20/02431/APP
Proposal:	Conversion and extension of existing former Council offices to provide forty six apartments with associated landscaping and car parking.
Site Location:	Old County Offices, Walton Street, Aylesbury, Buckinghamshire, HP20 1UA
Applicant:	Buckinghamshire Council
Case Officer:	Nina Hewitt-Jones
Ward(s) affected:	Aylesbury North
Parish-Town Council:	Aylesbury Town Council
Date valid application received:	11th August 2020
Statutory determination date:	10th November 2020
Recommendation	Defer and delegate for approval subject to conditions and satisfactory completion of a s106

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application seeks full planning permission for the change of use, conversion and extension of the existing former Buckinghamshire County Council (BCC) offices in Walton Street to provide forty six apartments with associated landscaping and car parking.
- 1.2 This application is being reported to the Central Buckinghamshire Area Planning Committee because Buckinghamshire Council are the applicant, and also due to the scheme being considered unviable if policy compliant affordable housing or other financial contributions were to be provided.
- 1.1 In summary, the viability of the scheme has been independently assessed by the Senior Surveyor at the Government's Valuation Office Agency who has advised officers that the case has been demonstrated that no affordable housing or other financial contributions can be provided. The proposal would not harm the level of available office accommodation within the area and would ensure the vitality of the Aylesbury Town Centre. The scheme would enable the acceptable re-use and retention of an existing vacant building which is a non-designated heritage asset within a Conservation Area (CA). However, the details of the proposal would result in

less than substantial harm to the heritage assets, albeit at the lower end of the less than substantial spectrum, and this harm falls to be weighed against the public benefits of the scheme. This report sets out why on balance the scheme is acceptable. The proposal would not result in a material increase in traffic when compared to the lawful office use, notwithstanding this the site is in a highly sustainable location with excellent access to services, facilities and public transport hubs. It is the officers opinion that clarifying information/minor amended plans are to be sought in relation to waste collection and drainage, however neither of these issues are material to the acceptability of the scheme.

- 1.2 Recommendation: It is recommended that the application be **DEFERRED AND DELEGATED** to Officers for approval subject to the satisfactory submission and consideration of amended plans relating to the siting of the proposed bin stores and clarifying drainage information, also the completion of a legal agreement to secure the Travel Plan and comprehensive maintenance plan for the proposed surface water drainage scheme, and subject to those conditions as considered appropriate by Officers, or if the amended plans or s106 are not satisfactorily achieved for the application to be refused for reasons as considered appropriate by Officers in consultation with the Head of Service.

2.0 Description of Proposed Development

- 2.1 The Old County Office (OCO) building is located on Walton Street, within the Aylesbury Town Conservation Area. It is an important landmark building which although not statutory listed is considered to be a non designated heritage asset and part of the towns civic heritage. It has been empty for a number of years with its primary role having been taken over by the more modern offices of the former BCC and its use diminishing in the years which followed, it does however maintain a lawful office use.
- 2.2 The proposal seeks to find a viable future for this important building in a much changed landscape for both local government and the role of town centres. The applicant believes this would be best achieved with a scheme for the sensitive conversion and extension of the building to residential use.
- 2.3 The proposal seeks full planning permission for the conversion and extension of the existing building, which is currently unoccupied, having previously been used as offices for Buckinghamshire County Council, to provide a total of 46 residential units, comprising a mix of 1 x studio, 27 x 1 bed units, and 18 x 2 bed units.
- 2.4 The proposal includes 15 off-street car parking spaces for the new apartments, of these, 2 spaces are marked as accessible spaces and designed to comply with Part M4(3) requirements. Wheelchair accessible parking is located to be easily accessible from the wheelchair user dwellings, with level access from parking space to entrance door.

- 2.5 Cycle storage provision is shown within the basement room, with space for approximately 75 bikes in a double tier arrangement.
- 2.6 Internal bin storage areas for the residents are proposed to be located at the east and west ends of the building.
- 2.7 The applicant states that the aims of the redevelopment are as follows:
- Convert the unused existing office accommodation to residential, retaining period features where possible and appropriate
 - Maximise density while improving the quality and diversity of the housing offer by providing a mix of unit types
 - Improve environmental standards and energy efficiency in order to deliver sustainable development, reduce running and management costs
 - Upgrading external areas, improving the relationship between the building and the wider public realm
 - Deliver a financial return that can be reinvested in public provision
- 2.8 The application is supported by the following documents:
- Design & Access Statement - Avanti Architects
 - Historical Survey Report - John Moore Heritage Services
 - Planning Noise Assessment - Anderson Acoustics
 - Preliminary Ecology Appraisal - GS Ecology
 - Transport Assessment - Campbell Reith
 - Draft Travel Plan - Campbell Reith
 - Energy & Sustainability Report - Elementa Consulting
 - FRA/Drainage Assessment - Campbell Reith
 - Soils Report - Campbell Reith
 - Viability Report – Turner Morum

3.0 Relevant Planning History

- 3.1 There is an extensive planning history, Officers consider the following applications to be of relevance:
- 3.2 14/00824/APP - The partial demolition of former Buckinghamshire County Council Offices, demolition of the Print Works (former police station, note - not the former police headquarters) and superintendent's house and creation of temporary surface car park providing (98) spaces with associated landscaping, access, signage and pay machines. – Approved

- 3.3 A number of applications relating to the discharge of condition on planning permission 14/00824/APP have been subsequent and determined.
- 3.4 14/01794/AOP - Outline application with access, layout and scale to be considered and all other matters reserved for the provision of 2 new public squares and adjoining public realm (4850sqm), residential floorspace up to 6750sqm, 97sqm of retail use (A1), 3115sqm food and beverage units (A3, A4 and A5), 192sqm commercial space, 700sqm of community use (D1) and car parking. – Approved
- 3.5 A number of applications relating to the discharge of condition on planning permission 14/01794/AOP have been subsequent and determined.
- 3.6 16/03811/ADC - Approval of reserved matters pursuant to outline permission 14/01794/AOP relating to appearance and landscaping of the public realm for Phase 1B. – Approved
- 3.7 18/00406/ADP - Approval of reserved matters pursuant to outline permission 14/01794/AOP for the appearance, layout and landscaping relating to the conversion of the old county office building to provide 32 dwellings and associated facilities (Phase 1E). (Revised Plans and Documents submitted 23/08/2018) - Pending decision

4.0 Representations

- 4.1 Aylesbury Town Council object to this application on the grounds that the proposed studio flat would not meet the minimum size regulations, the provision of no affordable housing provision, crime prevention concerns, and lack of local infrastructure and services provision in the area.
- 4.2 2 letters of neutral representation have been received from members of the public. The main issues relate to design and potential impact to neighbouring businesses during the construction period.
- 4.3 The Aylesbury Society neither objects nor supports the scheme but comment that they consider the design of the proposed development has no respect for the adjacent listed civic buildings, and question whether more flats are needed given the number of empty units on the market in the town centre.

5.0 Policy Considerations and Evaluation

Aylesbury Vale District Local Plan (AVDLP 2004): The report will identify where policies are not consistent with the NPPF and the weight to be afforded if not full weight.

Emerging Vale of Aylesbury Local Plan (VALP): This is now at an advanced stage and weight can be given to relevant policies in the plan in accordance with the NPPF. The overall approach is:

- **Limited weight**: if there is a new and untested policy introduced by a main modification and subject to consultation.
- **Moderate weight**: where there are objections and the Inspector has requested main modifications and therefore objections can be regarded as being “resolved”.

The context being that the Inspector has considered the proposed modifications and in agreeing them for consultation, has confirmed that he reasonably satisfied that they remedy the points of unsoundness identified in the examination process so far (as set out in Inspector's note ED185).

- **Considerable weight:** where there are objections but the Inspector has not requested main modifications (and as such, the policy will not be changed in a material way) and the objections can therefore be regarded as being "resolved".
- **Significant weight:** where there are no objections and no modifications. These policies are not going to be changed and the next step will be adoption and very significant weight.

The report will identify the weight to be given to the relevant emerging policies.

National Planning Policy Framework 2019

National Planning Practice Guidance

Principle and Location of Development

AVDLP policies

- AY1 Considerations for traffic-generating proposals
- AY31 Housing in the town centre
- GP17 Loss of employment

Emerging VALP policies

- S1 Sustainable development for Aylesbury Vale (carries considerable weight)
- S2 Spatial strategy for growth (carries moderate weight)
- S3 Settlement hierarchy and cohesive development (carries moderate weight)
- D10 Housing in Aylesbury Town Centre (carries considerable weight)
- E2 Other Employment Sites (carries moderate weight)
- 5.1 Within the Settlement Hierarchy Assessment (September 2017) which forms part of the supporting evidence for VALP, Aylesbury is considered to be a strategic settlement (population of over 58,740). Strategic settlements have substantially higher level of facilities. In particular there is a wide range of retail, leisure and sporting facilities in Aylesbury. This includes two shopping centres, several out of town retail parks, a swimming pool, cinema, theatre and sports centre. It also has 7 state secondary schools (including sixth form colleges) and 19 state primary schools. The University Campus Aylesbury Vale in Aylesbury opened in November 2015.
- 5.2 Aylesbury is a public transport interchange hub for the district where trains and buses connect with a regular service. Employment sites cover a large part of the town.

- 5.3 Aylesbury is recognised as being the primary settlement in Aylesbury Vale - a 'sub-regional strategic settlement'. As such, the site is considered to be locationally highly sustainable with excellent access to public transport and to the Town's facilities and amenities within the settlement boundary of Aylesbury Town. It is therefore considered that the application site is a highly sustainable location for development of this scale.
- 5.4 The site is located near to the junction of Exchange Street and Walton Street, in the centre of Aylesbury. The main features of the surrounding area are the shopping and leisure facilities within the town centre, including Friars Square Shopping Centre, Odeon Aylesbury cinema and a number of cafes, bars and restaurants nearby.
- 5.5 To the south east and east of the site, across Exchange Street, are Aylesbury Waterside Theatre and Buckinghamshire New University. The new County Council offices (now occupied by Buckinghamshire Council) including its large tower, sit across Walton Street to the south of the site. To the south west of the site is the library, with the bus station behind, and to the west is the Market Square and central shopping area. To the rear of the building (north) is a temporary public car parking area with bars, restaurants and the cinema beyond.
- 5.6 Whilst the site does not have a specific allocation within AVDLP or the emerging VALP, it sits within the defined town centre boundary and just outside the Primary shopping area.
- 5.7 The building has already received outline planning permission (Ref 14/01794/AOP) for a similar form of development as part of the comprehensive redevelopment in the wider Waterside North regeneration scheme, this therefore represents an established fallback position that carries material weight in the assessment of this application. This has subsequently seen the construction of the Exchange development and the associated public realm which has transformed this part of the town centre. However it is acknowledged that this is a standalone application with a different design approach.
- 5.8 As set out above, Aylesbury Town Centre is a highly sustainable location. Policy AY1 of the AVDLP seeks to ensure that new development is sustainably located. The NPPF and changes to the General Permitted Development Order (GPDO) support the reinvigoration of town centres with residential development. The NPPF advises (Section 7, para 85) planning policies and decisions should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites and promote the long-term vitality and viability of town centres by allowing a suitable mix of uses (including housing).
- 5.9 The AVDLP advises that more housing in the town centre is sustainable; it will provide greater choice, a better balance of uses, accommodation for those who wish to be less reliant on the motor car, and increased activity outside peak periods. It will help provide a more attractive and safer town centre environment and add positively to

the quality of the centre's urban fabric. Policy AY31 of the AVDLP acknowledges the value of residential development within town centres and states that the Council will seek provision of additional housing within Aylesbury Town Centre at upper floors above shops; conversion of older offices; or as subsidiary parts of redevelopment and larger development subject to compliance with other policies in this Plan.

- 5.10 Similarly emerging VALP policy D10 supports residential development within Aylesbury Town Centre by the conversion of vacant or underused employment buildings.
- 5.11 However, policy GP17 of the AVDLP, and policy E2 of the emerging VALP, are also relevant and advise that the Council will seek to retain existing employment sites and uses. Amongst other criteria the Local Plan advises that redevelopment of employment sites will only be permitted where there are appropriate employment opportunities either on other sites in the locality or as part of the proposed development. It is noted that this site is located within the defined Town Centre and is surrounded by other appropriate employment opportunities. In addition, the office accommodation is currently vacant, and in any case the GPDO supports conversion of offices to dwellings even where the property is occupied in office use, subject to the submission of a Prior Notification Application and the development meeting a number of strict criteria.
- 5.12 It is acknowledged that there would be economic and social benefits from the building works and the provision of additional housing units and increased population through the adaptive re-use of this existing vacant building.
- 5.13 Given the established fallback position, in combination with policy thrust of reusing vacant buildings in sustainable locations it is considered that the proposed development is acceptable in principle and would accord with AVDLP policies AY1, AY31 and GP17, emerging VALP policies D10 and E2, and the guidance set out in the NPPF.
- 5.14 Other pertinent matters including the provision of housing, developer contributions, impacts on transport, design, historic environment, residential amenity, archaeology, biodiversity and drainage are discussed below.

Affordable Housing and Housing Mix

AVDLP policies

GP2 Affordable Housing

Affordable Housing Interim Position Statement (November 2019)

Emerging VALP policies

H1 Affordable Housing (attracts moderate weight)

H6a Housing Mix (attracts moderate weight)

- 5.15 In relation to the proposed mix, the proposal seeks the re-use of an existing building to provide 1 x studio, 27 x 1-bed apartment, and 18 x 2-bed apartments, with 20 different apartment types proposed, ranging in floor area from 26.9 – 76.4 sqm. 15 units would have balconies and 6 with terraces. In addition 4 of 46 proposed homes would be designed to meet wheelchair user dwelling standards, that would be one apartment at each level of the building within the proposed rear in-fill extension.
- 5.16 It is considered that the proposed development would comply with emerging VALP policy H6a as the mix of smaller units proposed would provide a diversity of housing type and size.
- 5.17 With regard to affordable housing, Policy GP2 of the AVDLP has a threshold of 25 or more dwellings, or sites of one hectare or more in size. The threshold in Policy H1 of the VALP is 11 dwellings or 0.3 hectare. The proposed development would result in the creation of 46 residential units and as such the trigger for providing affordable housing is exceeded.
- 5.18 In accordance with AVDLP policy GP2 and the Council's affordable Housing Interim Position Statement (November 2019), relevant schemes are currently required to have a minimum of 30% affordable housing, unless it is determined. and agreed that such a contribution is unviable.
- 5.19 In addition it is acknowledged that the Vacant Building Credits (VBC) policy should be applied (para 63, NPPF), in this case the existing building Gross Internal Area (GIA) is 3,105 sqm and the proposed scheme GIA is 3,944 sqm; as such the proposed scheme would reflect a 839 sqm increase in floorspace.
- 5.20 Considering the existing offices are vacant, applying the VBC calculation the additional floorspace equates to 21% of the proposed. Therefore adopting the standard VBC methodology and taking the Council's current policy level of 30%, the following calculation (as illustrated in our Interim Position Statement 2019), would apply:
- Net change in floor space - $3944\text{sqm} - 3105\text{sqm} = 839\text{sqm}$
- Divided by proposed floor space - $839\text{sqm} / 3944\text{sqm} = 0.21$
- Multiplied by the affordable housing requirement - $0.21 \times 30\% = 6.4\%$
- 6.4% of 46 units = 2.93 (rounded to 3 units)
- 5.21 Officers are aware that in this scenario it may not be practical for a Registered Provider to take 3 somewhat isolated units in a private block of flats. The Council's Affordable Housing Officer therefore suggested the affordable units come forward as a shared equity model, and this could be secured via a s106 agreement.
- 5.22 A viability report prepared by a qualified expert was submitted by the Applicant which, notwithstanding the agreed application of the national VBC policy, concluded the proposal to be inherently unviable with the proposed scheme incurring a deficit

even when the affordable contributions are reduced to nil, thereby triggering the viability assessment criteria set out in adopted policy

- 5.23 As is standard practice in these situations, the submitted viability report was sent for an independent assessment by the Government's Valuation Office Agency. That assessment initially came back advising that the scheme is more viable than set out in the applicant's assessment report and as such could provide 3 shared ownership units.
- 5.24 The independent assessment disputed the estimated build costs in the original report provided by the applicant and found a cost saving. This disputed build cost figure impacted on the conclusions of the viability and other elements of the calculation such as improved revenues assumptions and reduction on fees.
- 5.25 The Planning Practice Guidance (PPG) on Viability states (para 008) that where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.
- 5.26 The Applicant, in response to the initial independent assessment conclusions provided further explanation and clarification. In addition the applicant pointed out that the VALP Viability Assessment (August 2017) supports 10% professional fees, and a 20% margin on Gross Development Value (GDV), and suggesting that as this scheme would be inherently more costly and complex than the vast majority considered in the Local Plan assessment – a minimum 10% should be adopted.
- 5.27 In response to these further representations from the Applicant, the independent assessor reconsidered their position relating to the estimated cost of the building works and profit.
- 5.28 In relation to the costs of the proposed construction and conversion works, having had further discussions with a Quantity Surveyor internal to the agency, the independent assessor considers that it would not be unreasonable to apply BCIS Upper Quartile Rate, rather than Median/Upper as provided for in his previous assessment, considering the nature of the proposed works and the fact that the property is of local note and is a non-designated heritage asset. Also in respect of the level of Profit to be allowed, it is considered that an allowance of 20% of GDV could be justified taking into account the type of scheme, as opposed to 18.5% of GDV as provided for in the assessor initial assessment.
- 5.29 By amending the allowance to provide for BCIS Upper Quartile Rate, this has the result of deriving a negative Residual Land Value (RLV) on a Policy-Compliant basis, therefore indicating that the scheme cannot support an affordable housing provision and also be viable.
- 5.30 In addition the assessor has undertaken sensitivity testing by way of an additional appraisal to establish what level of affordable housing contribution the scheme could afford. This appraisal has been undertaken on the basis that no amount of affordable

housing provision is provided, and the output of the appraisal is a RLV of less than the Benchmark Land Value (BLV) detailed in the Report. It is therefore concluded that the scheme cannot afford the provision of any amount of affordable housing, either by way of on-site provision or off-site financial contribution.

- 5.31 The Applicant's estimated build cost has been clarified by and signed off by the Council's Head of Property as being an honest and realistic representation of those costs expected. The independent assessor is also content that the costs applied are within reasonable parameters. No further assessment is considered necessary and the figures are considered to stand up to robust scrutiny.
- 5.32 In cases such as this, where the developer advises that a proposal would be unviable in light of the affordable housing policy requirement, policy GP2 of the AVDLP and policy H1 of the emerging VALP allow for the independent assessment of an open book financial assessment – this has been undertaken as set out above.
- 5.33 Overall, whilst the proposed development would not provide any affordable housing, in accordance with Local Plan policy and NPPF guidance, this has been independently assessed and it is agreed that the proposal would cease to be viable if affordable units were provided, in this circumstance this factor is afforded neutral weight in the overall planning balance.
- 5.34 It is acknowledged that the proposal would make a positive contribution towards the supply of deliverable housing land in the District, and this matter is afforded positive weight in the overall planning balance.

Developer Contributions

AVDLP policies

- GP86 Provision of Outdoor Playing Space
- GP87 Application of Open Space Policies
- GP88 Payment in lieu of providing Sports and Play Areas
- GP94 Provision of Community Facilities and Services

Emerging VALP policies

- I1 Green Infrastructure (carries moderate weight)
- I2 Sports and Recreation (carries moderate weight)
- I3 Community Facilities and Assets of Community Value (carries moderate weight)
- 5.35 Policies GP86-88 and GP94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities etc) and financial contributions would be required to meet the needs of the development.

- 5.36 Emerging policies I1, I2 and I3 of VALP all have moderate weight and given the scale of the proposed development are relevant to this application.
- 5.37 In the context of this application the development is in a category to which the Community Infrastructure Levy (CIL) Regulations 2010 regulations apply.
- 5.38 However, as discussed in the previous section of this report, a viability report has been submitted with this application and following the independent assessment of that report it is concluded that the scheme would be unviable if it were to provide any of the financial contributions required by Local Plan policy. In this circumstance this factor is afforded neutral weight in the overall planning balance.

Transport Matters and Parking

AVDLP policies

GP24 Car Parking Guidelines; SPG1 Parking Guidelines

AY21 Parking in urban area

Emerging VALP policies

- T1 Delivering the Sustainable Transport Vision (carries moderate weight)
- T4 Capacity of the Transport Network to Deliver Development (carries limited weight)
- T5 Delivering Transport in New Development (carries moderate weight)
- T6 Vehicle Parking; Appendix B Parking Standards (carries moderate weight)
- T8 Electric Vehicle Parking (carries moderate weight)

Access:

- 5.39 There would be no change to the existing access arrangement as a result of the proposal, and the Highway Authority are satisfied that the existing access which adjoins the highway Walton Street is of sufficient width to accommodate the vehicle movements associated with the proposed development. Additionally, visibility of 2.4m x 43m in line with guidance stated in Manual for Streets is achievable from the access.

Traffic generation:

- 5.40 In relation to the traffic generation resulting from the site, it is considered that the proposed change in use would result in a substantial reduction in vehicle movements when compared to the existing lawful office use and is therefore acceptable in principle.
- 5.41 The applicant has submitted a travel plan with the documentation, this and its annual monitoring will be secured as an obligation in a s106 agreement.

Parking:

- 5.42 AVDLP policy GP24 requires that new development accords with published parking guidelines. SPG 1 “Parking Guidelines” at Appendix 1 sets out the appropriate maximum parking requirement for various types of development. Also of relevance is policy T6 of the emerging VALP which sets out optimum standards for parking within its Appendix B.
- 5.43 The proposal comprises 1 x studio, 27 x 1-bedroom, and 18 x 2-bedroom apartments. The Council’s current adopted parking guidelines would require a maximum of 69 car parking spaces to be provided. The parking standards within the emerging VALP are slightly more generous, however until this policy is given greater weight, proposals are required to comply with the current standards in AVDLP as this is a saved policy which carries full weight. As this site is located within the urban area of Aylesbury policy AY21 of the AVDLP which sets out special parking principles is also relevant. Policy AY21 also carries full weight and acknowledges the highly sustainable location of the Aylesbury, advising that within the urban area sites that are well served by public transport will not be required to provide the maximum parking levels set out in the Council’s parking guidelines. It is further noted that there is an abundance of alternative parking opportunities in the local area in the form of public and private car parks for visitors. In considering application within the Aylesbury urban area a reduced parking standard applies that is consistent with the availability of public transport options.
- 5.44 This site is located within easy walking distance of the Aylesbury Bus Station (200m), and the Train Station (300m) with regular trains linking Aylesbury to London is also within walking distance.
- 5.45 Mindful of the highly sustainable location of the proposed development, its siting close to public transport interchange hubs and proximity to public car parks within the town centre, in applying policy AY21 the proposed level of parking (15 spaces) is considered acceptable.
- 5.46 In addition the proposal will provide secure storage for up to 75 bicycles.
- 5.47 The Highway Authority comment that due to the highly sustainable nature of the site it is considered that the reduced amount of parking available would not cause an issue with regards to highway safety, and confirm that the proposed parking spaces are of adequate dimensions and benefit from an adequate level of manoeuvring space.
- 5.48 It is noted that the 15 parking spaces at the front of the site are indicated to be unallocated, and due to the number of flats that the parking spaces would serve the Council would prefer to see these spaces allocated, however this is a detail which can be agreed and secured by way of planning condition to include details of measures such as signage and/or drop down bollards to guarantee use by the future occupiers of the apartments.

- 5.49 Policy T8 of the emerging VALP requires at least 10% of the proposed parking bays to be provided with dedicated electric vehicle charging points and all other parking spaces to be provided with passive wiring to allow for future charging point connection. This detail can also be secured by way of condition.
- 5.50 Overall, given the reasoning above, Officers are satisfied that the development would be in general accordance with policies AY21 and GP24 of the AVDLP, the Council's SPG Parking Guidelines, emerging policies T1, T4, T5, T6 and T8 of the VALP and guidance contained within the NPPF. These matters are attributed neutral weight.

Service vehicle and refuse collection:

- 5.51 The site is to be serviced on street which the Highway Authority consider acceptable in this location.
- 5.52 The submitted drawings show provision for refuse storage for the new apartments, within two rooms, one contained within the basement and one within the ground floor. The bins stores would offer a capacity of 10 x 1100L Eurobins, of which 6 would be for general waste and 4 for recycling which is in accordance with the recommendations set out in the Council's Recycling and Waste: Advice note for developers 2019.
- 5.53 The east bin store is to be located in the basement level, and accessed via the external yard. The existing level access would be utilised to bring the bins to the refuse pick up point on Walton Street. This is a distance of 12m and on balance is considered acceptable.
- 5.54 However, the west bin store which is to be located on the ground floor within the proposed rear extension, would be located further away from the Walton Street collection point (28 m) requiring a collection operative to pull the large 4 wheeled bins a distance significantly greater than the 10 metre distance allowance set out in the Advice Note. Furthermore, the application explains that it is proposed for the collection operative to use the existing ramp to the west side of the building to bring the bins up to the Walton Street collection point, where they would be picked up by the waiting refuse vehicle.
- 5.55 The Council's Recycling and Waste: Advice note for developers 2019 states that where flats are proposed, a communal recycling facility should be provided at a convenient location for both residents and collection operatives; where communal bins are proposed it is essential that any bin store is located immediately adjacent to the road the Waste Collection Vehicle will have access to; and bins can not be moved over a slope which exceeds 1:12.
- 5.56 Having regard to the above, the location and access arrangements to the proposed western bin store on the ground floor of the proposed rear extension would not accord with the Council's guidelines and as such amended plans are required to ensure that acceptable conditions for the collection operative and the future

occupants can be achieved. It is considered that this issue is not a matter of principle for which the scheme should be refused.

Design

AVDLP policies

GP35 Design of New Development Proposals

GP45 Secured by Design considerations

Emerging VALP policies

BE2 Design of New Development (attracts moderate weight)

5.57 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

5.58 Policy GP35 of the AVDLP and emerging policy BE2 of the VALP require development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines.

5.59 The proposed rear extension would be relatively large in height compared to the host building, although it is recognised that the extant outline permission for the re-development of the wider area (14/01794/AOP) included an approved parameter plan which sets appropriate maximum and minimum deviation heights for the extension of this building. Whilst this current application seeks a stand alone consent, the previously approved details remain a material consideration in the consideration of this proposal. This constrains the ability to secure a building scale that is more modest and therefore subordinate to the original building. It would likely be deemed unreasonable not to afford the previous consent material weight.

5.60 It is further noted that the site is located in the town centre and surrounded by existing commercial units; the tall and highly prominent Council tower offices sit directly opposite the site; to the south west of the site is the public library, and to the west is the central shopping area. To the rear of the building (north) is a temporary public car parking area with bars, restaurants and the modern cinema beyond. The buildings in the local context of the site are large scale and car parking dominates the external spaces.

5.61 The scale and design of the proposed extension would be viewed in this context. It is considered that the proposed extension would be read in relation to the public car park and the modern buildings within the Waterside North area, with the front of the existing building, facing Walton Street retaining its original features and character, an extension of the scale proposed would not look out of place.

- 5.62 During the course of the application officers have sought to work with the applicant regarding the overall design which enabled the design team to explain the proposals in greater detail and has allowed amendments to be discussed and agreed to the original submitted design. Officer's advised that the south eastern elevation required reconsideration in order to address issues with the legibility of that façade. Clarity was requested as to how the 'join' between old and new façade materials would be resolved. It was suggested that ground floor apartments on the north eastern elevation be afforded their own front doors and allocated, semi-private amenity space. Above ground floor apartments to have balconies (whether inset or external mounted), as this would help 'break down' this elevation and whilst it is recognised that there is no policy requirement for balconies, in a post COVID world this seems a sensible addition to the scheme as it would provide residents with access to private outdoor space and fresh air.
- 5.63 The Applicant has taken on board all comments and made appropriate amendments resulting in amended drawings being submitted. The tone of new and old brickwork has been adjusted to make it easier for everyone to understand the changes to the elevation whilst also allowing the new brick to closely match the old. The changes include a like for like replacement of the original sash windows and retention of the string course on the back end of the gable. The junction between new and old has also been articulated. It is considered that the amended gable end works better and is more legible. The selected brick (colour and texture/finish), mortar, bond, is to be approved and secured by condition.
- 5.64 Projecting balconies have been included and are a welcome feature. The plans show projecting balconies on the central section of the rear elevation. As the rear façade flattens towards each end, it is considered that introducing further balconies in these areas would work less well and make the façade cluttered and less legible.
- 5.65 Opportunities for landscaping within the application site are minimal however the proposed development does propose a betterment to the current appearance and functionality of the north side of the building which currently consists solely of car parking.
- 5.66 Despite Officer suggestions , the Applicant chose not to include single points of access to the ground floor units, although the amended plans show the rear communal garden split into a series of private spaces with steps up from each ground floor unit. This would allow the space to be used by the occupiers of the ground floor units offering activity and surveillance. The lack of single access points would not, in the officers opinion be a justifiable reason for refusal.
- 5.67 Information showing how the ground floor apartments would access this space, how these spaces would be detailed and the boundary treatments that would be used can be approved by condition.
- 5.68 The NPPF demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not

undermine the quality of life or community cohesion, and with the level of crime and anti-social behaviour.

- 5.69 Policy GP45 of the AVDLP is also relevant and advises that new development should incorporate measures to assist crime prevention.
- 5.70 The Crime Prevention Design Advisor (CPDA) raises concern regarding excessive permeability of the building as there are 4 entrances to serve 46 units. However, given the desire to retain the historic value of the building and to offer convenience to future occupants this is considered to be acceptable and not unusual in similar scenarios. This would not represent a justifiable reason for refusal.
- 5.71 The CPDA recommends that a full and robust 'Security and Access Control Strategy' (incorporating best practice guidance Secured by Design Homes 2019) is to be submitted to the LPA for approval and this can be secured by way of a condition.
- 5.72 Mail deliveries should be provided for either with external letter boxes or a secure lobby, although given the likely level of activity around the building external boxes may be inappropriate. Again such details can be provided by way of a condition.
- 5.73 Overall, it is considered that, given its relationship with the surrounding area, the amended design and appearance of the proposed development would not result in significant harm to the character and appearance of the original building or the local area. The proposal would accord with policies GP35 and GP45 of the AVDLP, emerging policy BE2 of the VALP, and the guidance contained within the NPPF. This factor is attributed neutral weight.

Historic Environment

AVDLP policies

GP53 New Development In and Adjacent to Conservation Areas (limited weight)

Emerging VALP policies

BE1 Heritage Assets (attracts moderate weight)

- 5.74 The site is located in the historic centre of Aylesbury and within the Aylesbury Town Conservation Area.
- 5.75 Designed in 1927 by the architect C H Riley in a neoclassical style, the building was principally used as the main county offices until it was vacated in 2015. Whilst not Statutorily listed, the building is a fine example of its type with distinctive internal and external features. It makes a positive contribution to the conservation area and is included in the Buildings of England: Buckinghamshire (Pevsner and Williamson 1994, 155). The building constitutes a non-designated heritage asset.
- 5.76 Following vacant possession, the building was significantly altered in 2016, with the removal of a substantial rear wing to make way for a new public car park (accessed

from Exchange Street). The fragmented remnants of the building's external fabric at the rear is now shrouded in a mesh camouflage screen.

- 5.77 The building sits within the setting of a number of Grade II listed properties including 23A Walton Street to the south east and the Swann Inn public house to the north west, and the County Hall, including the former town hall, the former county constabulary headquarters, and the judge's lodgings to the north which are Grade II* listed.
- 5.78 There is a need to pay special attention to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest it possesses as set out in Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCA Act 1990"). In terms of the Conservation Area, Section 72(1) of the same Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area. Furthermore, paragraph 193 of the Framework confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset. Paragraph 194 of the Framework also requires that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
- 5.79 Policy GP53 of the AVDLP, supports the provision of new development in and adjacent to a Conservation Area provided that the development proposals preserve or enhance the special characteristics. Whilst this policy cannot be given full weight because it is not entirely consistent with the 'language' of the NPPF, it is still a material conservation and can be given some weight.
- 5.80 Policy BE1 of the emerging VALP is also relevant, requiring that all development shall contribute to heritage values and local distinctiveness, and can at this time be afforded moderate weight.
- 5.81 The proposed apartment layouts aim to retain the existing features of historic value, and at the same time provide an internal arrangement of high quality that match current standards. External predominant features to the front of the building, such as large windows with stone balconies and architraves are shown to be retained.
- 5.82 Internal historic features of high heritage value are also to be retained; for example, rooms at the centre of the building above the main entrance feature ceremonial timber panelling and cornicing - these items will be retained and protected as much as possible in order to maintain the overall character of the Old County Offices, and these features have been taken into account when designing the proposed layout of the apartments. Similarly, the apartments proposed to be located in the existing rear wings of the building have been carefully planned to minimise the demolition of any existing fabric.
- 5.83 Following discussions between Officers and the Applicant amended plans have been submitted. The revised plans go some way to addressing the Council's concerns

raised regarding the interface between the original building and the proposed extension or the depth and treatment of the elevation, but it is considered that the proposal would result in less than substantial harm to the NDHA, CA and setting of the LB's albeit at the lower end of the less than substantial spectrum.

5.84 Special regard has been had to the statutory tests set out in sections 16(2), 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that less than substantial harm would arise. The harm which would be caused to the significance of the heritage assets as identified above must be weighed against the public benefits of the proposal in accordance with the guidance contained in the NPPF, and on this occasion, the public benefit of approval outweighs the identified harm.

5.85 This factor is attributed negative weight in the overall planning balance.

Amenity of existing and future residents

AVDLP policies

GP8 Protection of Amenity of Residents

GP95 Unneighbourly Uses

Emerging VALP policies

BE3 Protection of the Amenity of Residents (carries considerable weight)

5.86 Amongst other things, AVDLP policy GP8 requires regard to be had to the amenity of nearby residents when considering the impacts arising from a proposal. Paragraph 4.26 of the policy's supporting texts confirms that amenity can be harmed in a number of ways, for example by noise, fumes or odours, excessive or speeding traffic, loss of light, the overbearing nature of a new structure, disruptions to services, increased risk of injury, illness or damage to property. Emerging policy BE3 of the VALP echoes adopted planning policy and guidance concerning protecting residential amenities.

5.87 In an urban town centre location such as this, it is accepted there will often be a degree of overlooking between properties and some buildings will be closer to common boundaries than others.

5.88 Given the extant use of the building, the relationship and separation distances between this existing office building and the nearest neighbouring residential accommodation, it is considered that the living conditions of occupiers of those properties would be preserved in terms of privacy and outlook.

5.89 Turning to future occupiers of the proposal, from observations of the floor plans, it is considered that adequate daylight would enter all habitable space. Furthermore, the windows would afford outlook, albeit onto other town centre structures/commercial uses. As raised by the Town Council, it is noted that the one proposed studio would

be of a small scale (26.9 sqm floorspace), however, neither the AVDLP or the emerging VALP include planning policy relating to minimum internal space standards for proposed dwellings. While this unit does fall below National Housing Standards it is considered to be both usable and would represent a unit of suitable quality.

- 5.90 Similarly, the Local Plan does not require a minimum private outdoor amenity space. Balconies and terraces would be provided to units with openings in the proposed rear elevation, thus providing those units access to some private outdoor space. Whilst there would be a lack of private outdoor amenity space to the remaining proposed units, this is not unusual in urban living scenarios and there are areas of public open space within close proximity e.g. Market Square, Waterside North, the canal basin, and Aylesbury Park.
- 5.91 It is considered that future occupiers of the proposed flats would experience acceptable living conditions. It is also accepted that the occupiers of existing nearby properties would not experience exacerbated privacy issues as a result of this proposal. As such, the proposal would comply with AVDLP policies GP8 and GP95, emerging policy BE3 of the VALP and the amenity objectives of the NPPF. This matter is attributed neutral weight.

Flooding and drainage

Emerging VALP policies

I4 Flooding (carries moderate weight)

I5 Water resources and waste water infrastructure (carries moderate weight)

- 5.92 The application site is located in Flood Zone 1 and as such is at minimal risk of flooding. Nevertheless, paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Therefore, the Council has consulted with the Lead Local Flood Authority (LLFA) in respect of surface water drainage.

Flood Risk

- 5.93 The Flood Map for Surface Water provided by the Environment Agency shows that the site lies in an area of very low risk of surface water flooding. However it should be noted that there is a localised area on site that is at low risk of surface water flooding, meaning there is between 0.1% and 1% likelihood of flooding occurring in a given year.
- 5.94 The Infiltration SuDS Map indicates that the water table is anticipated to be within 3m of the ground surface. It is therefore considered that there is a high risk of groundwater flooding and this may have implications on both surface and sub-surface assets; as such, further investigations must be undertaken and suitable measures implemented where necessary.

Surface water drainage

- 5.95 Surface water runoff generated by the proposed development is to be managed using on site attenuation prior to connecting into the existing surface water drainage network that currently serves the development, with an ultimate outfall location of the Thames Water surface water sewer located within Walton Street.
- 5.96 Thames Water advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Although where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required and this can be controlled by condition.

Discharge Rates

- 5.97 The applicant has provided the existing greenfield and brownfield runoff rates for the site; however, the LLFA question the existing runoff rates provided. From the brownfield calculations provided with Appendix I of the Flood Risk Assessment (FRA), it is not clear where the brownfield rate of 87l/s has been derived from. A brownfield rate of 87l/s appears extremely high for a site of this size and as such the applicant is required to provide clarification as to the brownfield runoff rates for the site.
- 5.98 Whilst the proposed rate of 261/s provides a 30% reduction in existing brownfield rates, following clarification of the existing runoff rates for the site, the proposed rate of discharge may need to be revised accordingly. It is considered that this can be an issue deferred to Officers for agreement in consultation with the LLFA.

Ground investigations

- 5.99 Ground investigations have been undertaken on site; it has been identified that the site is underlain by a predominantly clay geology and that groundwater was identified at a minimum depth of 1.6m below ground level (bgl). It is noted that these investigations were undertaken during the winter period and that groundwater levels varied between 1.6m bgl and 2.4m bgl. Whilst infiltration rate testing has not been undertaken, from the identification of high groundwater levels and the impermeable nature of the underlying geology, the LLFA consider that infiltration would not be viable as a method of surface water management and as such further testing is not required.

Calculations

- 5.100 Appendix J of the FRA shows the manhole and pipeline calculations for the proposed surface water drainage scheme. However no storage calculations have been provided for the two attenuation tanks proposed and this detail is required. Section 4.3.7 of the Drainage Strategy and Maintenance Statement discusses that the surface water drainage system floods for the 1 in 100 year storm event +40% climate change allowance. Calculations have not been provided demonstrating that the system floods for this event and it is not clear what storm event the drainage system has been designed to accommodate. The applicant is required to provide calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm

event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus 40% climate change storm event should be safely contained on site.

5.101 The storage calculations must include details of critical storm durations, and demonstrate how the proposed system as a whole will function during different storm events. If any flooding occurs for the 1 in 100 year plus 40% climate change event, then details of where this flooding will occur and the volume of this flooding must be provided.

5.102 The Environment Agency updated the climate change allowances for peak rainfall intensity in 2016. When designing a surface water drainage system, the LLFA encourage that 40% climate change allowance is used. A climate change allowance of 20% will be accepted if the system has been sensitivity checked for the 1 in 100 plus 40% climate change allowance event.

Drainage Layout and SuDS incorporation

5.103 The application shows an indicative drainage layout for the proposed development and is inclusive of the connectivity between the proposed development and the full surface water drainage network, including existing and proposed features.

5.104 Although there would be no increase in impermeable area, the Council encourage the use of permeable paving for the car parking and footway areas within the site. Whilst it is noted that infiltration is not viable as a method of surface water management for the proposed development, the applicant should consider the use of Type C (tanked) permeable paving as this will provide additional storage and minimise the amount of impermeable hardstanding on site. As well as providing an additional form of attenuation, permeable paving can also provide an additional level of filtration, subsequently improving water quality.

5.105 In line with best practice guidance the incorporation of small above ground SuDS Components such as rain gardens within the surface water drainage scheme is encouraged.

Maintenance

5.106 A comprehensive maintenance plan for the proposed surface water drainage scheme has been provided and is to be appropriately secured within a s106 agreement.

Waste and water

5.107 Based on the information provided Thames Water do not raise an objection in relation to the waste water network or sewage treatment infrastructure capacity, nor with regard to water network and water treatment infrastructure capacity .

5.108 It is recommended that an informative be attached to any planning permission that explains Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes.

5.109 On the basis of the evidence before the Local Planning Authority, it is found that the proposal, taken as a whole, would not materially increase the flood risk on the site or in the wider locality. Accordingly, there would be no conflict with paragraph 163 which seeks to prevent the same. For the same reasons, it is considered that the proposal would accord with policies I4 and I5 of the emerging VALP. Notwithstanding this, it is considered appropriate to prevent commencement of the development until such a time as clarification of the existing (brownfield) and proposed discharge rates and volumes, and calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding, have been provided to and agreed in writing by the LPA.

Archaeology

AVDLP policies

GP59 Preservation of Archaeological Remains

Emerging VALP policies

BE1 Heritage Assets (carries moderate weight)

5.110 The application site is located within Aylesbury Town historic core. Policy GP59 of the AVDLP states in dealing with development proposals affect a site of archaeological importance the Council will protect, enhance and preserve the historic interest and its setting.

5.111 Buckinghamshire Council's Archaeological Service have been consulted on the application and they welcome the inclusion of the building recording report; and comment that an archaeological watching brief was undertaken when the car park behind the application site was put in. This watching brief recorded a medieval ditch and a 19th century culvert and drain. It is concluded from this evidence the proposed ground works are not likely to significantly harm the buried archaeological significance of any assets and therefore it is not necessary to apply a condition to safeguard archaeological interest.

5.112 The proposal is therefore considered to comply with policy GP59 of the AVDLP, emerging policy BE1 of the VALP, and the NPPF guidance in this regard. This matter is attributed neutral weight.

Ecology

Emerging VALP policies

NE1 Biodiversity (carries moderate weight)

5.113 In line with recognised good practice and government policy on biodiversity and sustainability, all practical opportunities should be taken to harmonise the built

development with the needs of wildlife. In this instance it is appropriate for artificial swift boxes to be incorporated into the development.

5.114 Due to the scale of the building it is considered appropriate for 10 swift boxes to be integrated into the building on a northerly aspect/orientation. Example specification includes the Manthrope 'GSWB' Swift Brick or the Vivara Pro Cambridge Brick Faced Swift Nest Box. The boxes should be located as high as possible into the building below the overhang of the verge and barge board or similar.

5.115 Other product specifications are available and may be appropriate, however it is imperative that the biodiversity features are integrated into suitable structures, rather than vulnerable, isolated and temporary boxes for example, in order to help ensure the success of such features.

5.116 A condition can be imposed to require the submission and approval of details and to secure biodiversity features within the proposed development. It is considered that the proposal can comply with policy NE1 of the emerging VALP and the guidance set out in the NPPF and this matter is attributed neutral weight.

Other Matters

5.117 Concern has been raised with regard to potential disruption during the construction phase. This is not a material planning consideration and can be controlled under separate regulations.

6.0 Weighing and balancing of issues / Overall assessment

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

6.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

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

6.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking, means approving development proposals that accord with an up- to- date development plan without delay; or where there are

no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of the policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 6.4 The proposed change of use and extension of this disused office building to for 46 dwellings would have an acceptable impact on the level of alternative office accommodation with the area and would promote the long-term vitality of the Town Centre. Furthermore, the site is within a highly sustainable location.
- 6.5 The proposal would deliver 46 new dwellings and have economic and social benefits in terms of building works to facilitate the development itself and the additional use of local services by future occupants, which are positive benefits of the scheme.
- 6.6 The scheme has also been considered acceptable in terms of impact on transport, parking, design, biodiversity, residential amenity, flooding and archaeology. However, these do not represent benefits to the scheme but rather demonstrate an absence of harm to which weight is attributed neutrally.
- 6.7 In relation to transport the proposal requires a Travel Plan to be set out as an obligation in a s106, and in relation to waste and recycling further work is required to re-site the proposed western bin store in order to comply with the Council's Advice Note, and clarifying information is required in relation to the drainage calculations.
- 6.8 The viability of the proposed scheme has been assessed and it is considered that no affordable housing or other financial contributions can be provided. This is a neutral factor in the balance.
- 6.9 It has been identified that the proposal would result in less than substantial harm to heritage assets. Whilst such harm would be at the lower level of the less than substantial spectrum, paragraph 196 of the NPPF states that where development will lead to less than substantial harm to the significance of the asset this should be weighed against the public benefits of the proposal. In this case such public benefits of the scheme comprise a contribution to the housing supply for the District including economic benefits as set out above, as well as the benefits of reuse and retention of the original building, and the contribution of the proposal to the vitality of the CA and these benefits are considered to outweigh the identified level of harm.
- 6.10 In terms of applying paragraph 11(c) of the Framework, it is concluded that the proposal accords with an up-to-date development plan and the negative impacts identified do not significantly or demonstrably outweigh the positive benefits of the scheme. As such the proposal should be approved following the satisfactory completion of a s106 to secure the Travel Plan and its yearly monitoring and a comprehensive maintenance plan for the proposed surface water drainage scheme,

and the submission of clarifying drainage information and the amended siting of the proposed western bin store.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this instance, the agent was informed of the issues arising from the proposal and given the opportunity to submit amendments in order to address those issues prior to determination. The agent responded by submitting amended plans/additional information which the local planning authority considers to be acceptable and therefore it is recommended permission is granted subject to appropriate conditions and a s106.

8.0 Recommendation

- 8.1 It is recommended that the application be **DEFERRED AND DELEGATED** to the Head of Service for approval subject to the satisfactory submission and consideration of amended plans relating to the siting of the proposed bin stores and clarification on drainage calculations, and the completion of a legal agreement to secure the Travel Plan, and subject to those conditions as considered appropriate by Officers, or if the amended plans or s106 are not satisfactorily achieved for the application to be refused for reasons as considered appropriate by Officers.

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Parish/Town Council Comments – Aylesbury Town Council:

“Aylesbury Town Council Aylesbury Town Council OBJECT to this application on the following grounds:

- 1) the studio flat on the ground floor is smaller than the minimum size stipulated in regulations,*
- 2) no affordable housing allocation, this is in contravention of GP2/3 of the AVDLP*
- 3) the comments of the Crime Prevention Design Advisor pointing out the shortcomings of the application are fully supported by the Town Council, this is in contravention of GP45 of the AVDLP*
- 4) failure to address the defined lack of local infrastructure and services provision in the area.”*

Consultation Responses

LLFA:

Objects to the proposed development and requests further information in support of the proposed surface water drainage scheme.

Outstanding Details

- Clarification of the existing (brownfield) and proposed discharge rates and volumes
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.

BC Transportation:

No objection to the proposed development subject to the appropriate conditions/informatives.

Heritage Officer:

The revised scheme has not fully addressed the concerns raised regarding the interface between the OCO and the extension or the depth and treatment of the elevation which would likely result in less than substantial harm to the NDHA, CA and setting of the LB’s albeit at the lower end of the less than substantial spectrum. As you will appreciate, this

level of harm does not preclude due weight being given to the planning balance and public benefits secured through the development. Also, the condition of the existing site is noted, benefits of reuse to the NDHA, the contribution to vitality of the CA and the wider vision for the re-stitching of the area.

BC Education:

No comment

Town Centre Manager:

No comment.

Urban design:

Following a meeting the applicant has taken on board the comments made and of the illustrations Presented.

The amended gable end works better and is more legible. The applicant's concerns about this are noted but it is felt that this comes down to how well this is resolved at a detailed design level, i.e. the shadow gap the applicant refers to, as well as the selected brick (colour and texture/finish), mortar, bond, restoration of original windows etc. Ahead of any determination it would be a good idea for us to get some assurance on brick and brick bond as I'd be concerned about leaving this to a condition as the cost implications of the right solution need to identified prior to determination.

Projecting balconies are a welcome feature; note applicants comments re: single points of access but don't understand what impact the car park has on the provision of these. Reducing the number of people using communal areas has to be a good thing in a post-Covid world and also helps enliven the edge of the building. It would be helpful to see information showing how ground floor apartments would access spaces, how these spaces would be detailed (it would not be appropriate to turf these spaces as occupants won't have space to store lawn mowers) and the boundary treatments that will be used.

What are the semi-transparent boxes on the roof?

CPDA:

Raises concerns in relation to the following issues in terms of the potential for crime and anti-social behaviour:

Excessive permeability

It is suggested that the secondary side entrances should be fire egress only, with no external door furniture present to allow access at these points. This would provide two well used communal entrances producing a level of legitimate activity able to deter those

who may be intent on crime and anti-social behaviour. Both would have clear sightlines which are reduced on the secondary side accesses due to neighbouring properties, as well providing clear wayfinding into the building for visitors. The side elevation cores would then become fire egress only, allowing access into the core but only exiting out to the public realm at ground level. This would remove the excessive permeability and free circular movement created by the merged cores and additional entrances.

Cycle stores

Occupants who will have to navigate the stairs or lift to the bike store in the basement, may choose to leave bikes within the communal corridors instead, especially those residents located on the ground floor. This could leave a large room relatively unused and vulnerable to being used for unauthorised activities and potentially a store for unwanted items etc.

Access controls and visitor entry system

Electronic fob access and visitor entry systems should be present on the initial communal doors entering the building and again to enter the communal corridors either side on each floor. No trades button or timed released mechanism should be present as they fundamentally undermine any physical security provided.

Access controls should be extended to the bin stores being often targeted by offenders for ASB (drug usage, rough sleeping and urination). Again this would be particularly appropriate due to the level of activity and movement located close to these stores making them easily accessible and would allow self-closing and locking systems to be installed preventing them from being left insecure.

Postal Services

Mail deliveries should not be allowed unrestricted access to the development. Delivering parcels or mail is an ideal excuse for anyone intent on unauthorised activities to be found within the building.

Mail deliveries should be provided for either with external letter boxes or a secure lobby. I have concerns that the level of activity around the building would make it inappropriate for external boxes.

Parks and Recreation:

As per the submitted bedroom per dwelling mix (28 x 1bed & 18 x 2bed) and in accordance with our Ready Reckoner a £83,050 sport and leisure contribution is required.

Archaeology:

No objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest.

Affordable Housing:

Affordable units should be reflective of the overall housing mix whilst also taking in to account the local needs of the district. Generally a tenure mix of 75% rented and 25% shared ownership.

The affordable units should be indistinguishable from market housing.

It has been noted that the applicant considers that the site would qualify for Vacant Building Credit. If the Planning Officer concurs then applying the current policy level of 30%, 3 units would be required

It may not be practical for a Registered Provider to take 3 units in a private block of flats. We would therefore suggest these could come forward as a shared equity model. That is sold to an eligible purchaser at a discount of 30% which would then be held as a charge against the property payable to the council on first sale at full open market value. This would then be recycled into the provision of further affordable housing.

If, however, Vacant Building Credit does not apply, we would expect to see 14 affordable units and would welcome further discussions on deliverability and tenures.

An Affordable Housing Plan illustrating the number, mix and tenure of the units will need to be provided.

Recycling And Waste:

Collection crews should not have to push/pull 2 wheeled bins or carry individual waste bins for more than 15 metres. Residents should not have to pull/push bins or carry waste for more than 25 metres.

Buckingham & River Ouzel Internal Drainage Board:

This site is outside the Boards district, in this instance the Board has no comment to make.

Thames Water:

Waste Comments - with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, no objection, based on the information provided.

There are public sewers crossing or close to your development. The applicant is advised to read our guide working near or diverting our pipes.

With regard to SURFACE WATER drainage, if the developer follows the sequential approach to the disposal of surface water there is no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Water Comments – subject to an informative there are no objections to the proposal

Ecology:

No Objection subject to condition securing biodiversity features within the proposed development

Public Representations

2 neutral representations have been received from the public:

- *Whilst I'm in favour of the project on the whole I think the rear façade looks rather plain and uninteresting compared with the front. It reminds me of certain 1970s and '80s office blocks in the town. It's like most of the money is being spent on the interior to convert the building and less attention has been given to the façade. This is going to be seen by lots of people and given its proximity with the former Judges Lodgings - a Victorian building with lots of character, I feel the former Old County Offices should reflect this. Instead what we seem to be getting is a reflection of the cinema complex opposite. I would suggest redesigning the window surrounds to make them look more imposing like the ones at the front. Also the horizontal stonework could be continued all the way round. This way the new build will look like it belongs. At the moment it just looks like a separate entity.*
- *My business is directly next door to the site on Walton Street. The Craft yard gin bar has only been operating for two years, therefore we are still new to the town and establishing ourselves in the community. Although I support the renovation project and appreciate that the building is a fantastic opportunity to house people within the centre of Aylesbury, I would hope that consideration is given to how my business operates and the noise, dust, and disruption this will cause, especially to my large garden area at the rear. The garden is an extremely desirable area for our customers to enjoy, from 5pm onwards & weekends in particular. I cannot afford to lose additional revenue if the project affects and disrupts our customers enjoyment when using our outside space. The hospitality industry is under challenging and difficult times currently therefore my recovery strategy next year will already be extremely challenging. The government has urged businesses to use outside space to secure Covid safety measure, which for us has proved extremely successful and safe. The majority of our customers reserve tables in the garden to avoid additional contact with other users. It is imperative that project managers & Aylesbury council are aware and conscious of the negative and catastrophic impact this project could have on us within our operating hours of business. I would hope that my comments are taken seriously and full transparency and engagement is given to enable us to discuss and prepare for potential disruption moving forward. I am very approachable to discuss my concerns. I would appreciate all necessary work stops at suitable considerate times avoiding weekends. I would appreciate that support and arrangements are made to manage unavoidable inevitable mess caused to us by the build.*

The following comments have been received from the Aylesbury Society:

- *The design of the proposed development has no respect for the adjacent listed civic buildings. The design and the large bulk of the building does not fit well in an important conservation area. We think that it is one story too high. We also question car parking provision and wonder whether more flats are needed given the number of empty units on the market in the town centre.*

APPENDIX B: Site Location Plan



**THE FOLLOWING ADDITIONAL ISSUES HAVE BEEN TAKEN INTO ACCOUNT IN
PREPARING THE REPORTS ON THIS AGENDA**

DETERMINATION OF PLANNING APPLICATIONS

The Council is required in all cases where the Development Plan is relevant, to determine planning applications in accordance with policies in the Development Plan unless material considerations indicate otherwise.

HUMAN RIGHTS ACT 1998

The determination of the applications which are the subject of these reports is considered to involve the following human rights:-

1. Article 8: Right to respect for private and family life; and
2. Article 1 of the First Protocol: Protection of Property

The evaluation section of each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the Convention rights referred to above, it is considered that the recommendations in the reports are in accordance with the law, proportionate and balances the needs of the Applicant with the protection of the rights and freedoms of others in the public interest.

SECTION 17 CRIME AND DISORDER ACT 1998

In reaching the recommendations set out in each report, due regard has been given to the duty imposed upon the Council under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area.

EQUALITY ACT 2010

In dealing with planning applications on this agenda and in reaching the recommendations set out in each report, proper consideration has been given to the duty imposed on the Council under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Act are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief.

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