

Buckinghamshire Council

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Report to Buckinghamshire Council Central Area Planning Committee

Application Number: 23/03748/APP

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.

Site Location: 1 & 2 Croft House, Croft Road, Aylesbury,

Buckinghamshire, HP21 7RD

Applicant: Buckinghamshire Council

Case Officer: Bibi Motuel

Ward(s) affected: Aylesbury North

Parish-Town Council: Aylesbury

Date valid application received: 28.11.2023

Statutory determination date: 31.1.2024 (EOT agreed to 9.2.2024)

Recommendation Approve subject to conditions and informatives

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

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

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

2.0 Description of Site and Proposed Development

SITE

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

PROPOSED DEVELOPMENT

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

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

3.0 Relevant Planning History

3.1 No relevant planning history.

1.0 Parish Council and Ward Councillors

1.1 Ward Councillors:

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

1.2 Parish Council: (verbatim)

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

2.0 Representations

2.1 None received at the time writing this report.

3.0 CONSULTEE COMMENTS

3.1 **Social Services**

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

3.2 Highways

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

3.3 Ecology

Comments: No objections received on 1.12.2023.

3.4 Archaeology

Comments: No objection received on 13.12.2023.

3.5 **Economic Development**

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

3.6 Environmental Health

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

4.0 Policy Considerations and Evaluation

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 Vale of Aylesbury Local Plan (VALP) (2013-2033) was adopted on 15th September 2021 and therefore has full weight.
- 4.3 Aylesbury has no made neighbourhood plan.
- 4.4 Aylesbury Vale Design Guide SPD (adopted on 30 June 2023).
- 4.5 Buckinghamshire Minerals and Waste Local Plan (July 2019) Policy 1: Safeguarding Mineral Resources change of use within an urban area so exempt (Box 1).
- 4.6 The National Planning Policy Framework (NPPF) December 2023.
- 4.7 Planning Practice Guidance (PPG).

5.0 Principle of the Development

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

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

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

Transport matters and parking

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

Appendix B (Parking Standards)

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

Raising the quality of place making and design

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

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

Amenity of existing and future residents

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

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

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

Flooding and drainage

VALP policy I4 (Flooding)

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

Landscape and Tree Issues

VALP policy NE4 (Landscape character and locally important landscape)

VALP NE8 (Trees, hedgerows, and woodlands)

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

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

Ecology

VALP NE1 (Biodiversity and geodiversity)

- 5.37 Regard must be had as to how the proposed development contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. Policy NE1 of the VALP is reflective of the NPPF in requiring all development to deliver a biodiversity net gain.
- 5.38 The Council's Ecologist was consulted and commented that that there is not a reasonable likelihood of protected species and/or priority habitats being affected by this development, adding that no supporting ecological information is required and raising no objection towards this application.
- 5.39 It has been identified that the application site is set within a red impact zone for Great Crested Newt Habitats which means there is habitat suitability and Great Crested Newts (GCN) may be present. However, given the nature of the proposal, it is considered that there is no reasonable likelihood of protected species or priority habitats being affected by the proposed change of use proposed. An informative will be imposed, setting out the actions to take if a GCN is encountered during the development.
- 5.40 Therefore, the proposal accords with VALP policy NE1 and the advice contained within the NPPF.

Historic environment

VALP policy BE1 (Heritage Assets)

- 5.41 Policy BE1 of VALP which requires that all development shall contribute to heritage values and local distinctiveness is also relevant.
- 5.42 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration.
- 5.43 There are no listed buildings or conservation areas near the site. However, the site lies within an archaeological notification area (Walton historic core). The Council's Archaeologist was consulted and stated that despite the high potential for archaeological remains dating to the Anglo Saxon period, the nature of the proposals are such that they are unlikely to substantially harm the archaeological significance of any assets. The Archaeologist has no objection to the proposed development and does not consider it necessary to apply a condition to safeguard archaeological interest.
- 5.44 As such, the proposed development would cause no harm to any designated heritage assets. The proposal therefore accords with Policy BE1 of VALP and guidance in the NPPF.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 6.2 The scheme has been considered acceptable in principle and in terms of its impact on design, residential amenity, transport and parking, landscape, trees and hedgerows, ecology, flooding and the historic environment. However, these do not represent benefits of the scheme but rather demonstrate an absence of harm.
- 6.3 Taking all the relevant factors into account and having regard to all relevant policies of the VALP and NPPF, it is considered that the proposal would accord with an up to date development plan and is therefore recommended for approval.

Equalities Act 2010

6.4 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage persons sharing a protected characteristic disproportionately when compared to those not sharing that characteristic.

Human Rights Act 1998

6.5 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case

amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (December 2023) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this case, the application was acceptable as submitted, and no further assistance was required. The application has been determined without delay.

8.0 Recommendation

The Officer recommendation is that the application be **APPROVED** subject to the following conditions:

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

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

2. The materials to be used in the development shall be as specified on the submitted application form and approved plans unless otherwise approved in writing by the Local Planning Authority.

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

3. This permission shall only relate to the development as carried out and shown on the approved drawing number, 2133- PLO2 Rev B and unnumbered Location Plan, received on 30.11.2023 by the Local Planning Authority.

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

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

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

5. The landscaping works shown on Proposed Block Plan drawing 2133 - PLO2 B received on 30.11.2023 shall be carried out in accordance with the approved details before any part of the development is first occupied. Any tree or shrub which forms part of the landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season with others of similar size and species.

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

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

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

INFORMATIVES:

1. Noise, Odour and Dust from Construction/Demolition

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

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

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

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

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

Monday to Friday – 8 am until 6 pm

Saturday - 8 am until 1 pm

Sunday, Bank Holidays and Public Holidays – No noisy works

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

- 2. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
- 3. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site
- 4. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for an EPS mitigation licence from Natural England or the district licence distributed by Buckinghamshire Council. If a great crested newt is encountered during development, works must cease and advice should be sought from a suitably qualified ecologist.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

• None received at the time of writing this report.

Parish Council comments (Verbatim):

• Aylesbury Town Council have no objection to this application.

Consultation Responses

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

Representations

No received at the time of writing this report.

APPENDIX B: Site Location Plan

