



Report to Buckinghamshire Council – Central Area Planning Committee

Application Number:	23/02848/APP
Proposal:	Erection of 5 residential units
Site location:	Site Of The Former, 112 High Street, Aylesbury, Buckinghamshire,
Applicant:	Bhox Ltd
Case Officer:	Kirstie Elliot
Ward affected:	AYLESBURY NORTH
Parish-Town Council:	AYLESBURY
Valid date:	25 October 2023
Determination date:	10 May 2024
Recommendation:	Approve subject to conditions

1.0 Summary & Recommendation/Reason for committee referral

- 1.1 The application site was previously occupied (until 2018/2019) by a three-storey end of terrace building comprising commercial use on the ground floor and residential above. The building had been extended to the rear by several ad-hoc single storey extensions. The existing building (including extensions) were demolished by reason of safety (dangerous structures). The application proposes the construction of a replacement three storey end of terrace building which would contain two flats, and a two-storey detached building to the rear (south) comprising a terrace of three dwellinghouses. There would be a shared amenity space between the two buildings (to contain garden, bin store and cycle store).
- 1.2 The application site is located in the town centre of Aylesbury, the strategic focus of development for the Vale of Aylesbury by reason of its sustainability credentials. The proposed development is therefore acceptable in principle and would provide 5 dwellinghouses thereby contributing to the housing land supply. The quantum and design of development proposed is considered appropriate to the site and its setting. No concerns are raised with regards to unreasonable harm to existing residential amenity and whilst the dwellings would have a modest shared outdoor amenity

space, the site is located in proximity to (directly opposite) open space and public leisure facilities (Vale Park).

- 1.3 The site is located within Flood Zone 2 indicating a medium probability of flooding. The proposed development is non-major (in relation to flood risk) and has been subject to the sequential test, the results of which show that there are no reasonably available sites suitable for the proposed development in a lower risk area. In accordance with Annex 3 of the NPPF (Flood risk vulnerability classification), the development proposed is classed as 'more vulnerable' (buildings used for dwellinghouses). As per Table 2 of PPG 'Flood risk and coastal change', the development is not required to undergo the exception test. The application is accompanied by a flood risk assessment which includes details of measures to protect the site from flooding and reduce the impacts of flooding
- 1.4 The proposed development accords with the policies of the development plan and it is therefore recommended that the application is APPROVED subject to conditions.
- 1.5 The application is referred to the planning committee for determination by reason of the Council's interest in the application site. Following the demolition of the previous building, scaffolding had to be erected to prop up the adjoining building to the west (no.110) to prevent its collapse. This was done at expense to the Council as the owner/developer declared bankruptcy. The land is currently owned by the crown as a result of that process. The Council is and has been covering the cost for this scaffolding support No.110 and this cost has been registered as a charge against the property so the expenditure may be reclaimed when the site is sold in the future.

2.0 Description of Site/ Proposed Development

Site

- 2.1 The application site is located within Aylesbury Town Centre, on the south side of High Street approximately 80 metres from the junction with Exchange Street. The site previously contained a three-storey frontage building used as workshop on the ground floor with residential above which formed the end of a terrace of 5 buildings. To the rear of the building were a mix of single/two storey structures/extensions. However, the building and rear structures were demolished in 2018/2019 as the building was in a dangerous condition. There is currently scaffolding in place supporting the east elevation of the neighbouring building (no.110).
- 2.2 The site is subject of the following constraints/designations:
 - Within mineral safeguarding area (alluvium)
 - Within amber great crested newt impact risk zone

2.3 There are no listed buildings in proximity to the site and no trees protected by tree preservation order. The site is not within a conservation area.

Proposed development

2.4 The application proposes:

- (i) the construction of a three-storey building, with part single/part two storey rear projections, fronting High Street and adjoining the neighbouring building to the west (no. 110) This building would comprise 2 residential flats (x1 bedroom flat on the ground floor and a 2 bedroom flat over floors 1 and 2).
- (ii) the construction of a terrace of 3 houses, two storeys in height, located to the rear (s/w) of the properties fronting High Street. Each house would have 2 bedrooms.

2.5 The x5 residential units would have access to a shared, external amenity space located between the frontage building and the terrace of three dwellings. The site would have an on-site waste/recycling storage area and cycle storage area. No on-site motor vehicle parking is proposed.

2.6 The application is accompanied by:

- a) *Ecology and Trees Checklist*
- b) *Design and Access Statement*
- c) *Biodiversity Net Gain/Loss Report (Ecology and Land Management, August 2023) and Metric*
- d) *Planning Statement – including Sequential Test (Bhox)*
- e) *Energy Statement (Base Energy, August 2023)*
- f) *Flood Risk Assessment and Surface Water Drainage Strategy (Sevenoaks Environmental Consultancy Ltd, Rev B)*
- g) *Full set of location, site, proposed plans and elevations.*

3.0 Relevant Planning History

Reference: 14/02815/APP

Development: Demolition of existing single storey buildings to the rear and the erection of a single building comprising four one-bedroom flats, single storey rear extension to existing frontage building, conversion of ground floor to one-bedroom flat including external alterations and internal alterations to existing flat at first and second floor level together with parking and amenity space

Decision: Not-determined

Decision Date: 6 February 2015

Subsequent non-determination appeal dismissed.

Reference: 15/00233/APP

Development: Demolition of the existing buildings and the erection of a single building comprising four one-bedroom flats, single storey extension and alterations to existing building, conversion of ground floor to one-bedroom flat and internal alterations to existing flat at first and second floor level together with parking and amenity space.

Decision: Permission refused

Decision Date: 19 March 2015

Reference: 15/03203/APP

Development: Demolition of existing buildings and erection of a single building comprising four one-bedroom flats, single storey extension to existing building, conversion of ground floor to one-bedroom flat and internal alterations to existing flat at first and second floor level together with parking and amenity space.

Decision: Conditional permission granted

Decision Date: 10 May 2016

Reference: 17/00212/APP

Development: Demolition of existing buildings and erection of a single building comprising six one-bedroom flats, two storey extension to existing building, conversion of ground floor to one-bedroom flat and internal alterations to existing flat at first and second floor level together with parking and amenity space.

Decision: Permission refused

Decision Date: 30 July 2019

Reference: 19/03231/APP

Development: Creation of 6 residential units and a commercial unit

Decision: Permission refused

Decision Date: 23 February 2021

Reason(s) for refusal:

1. The development site includes areas which are classified as Flood Zone 2 by the Environment Agency's Flood Map for Planning. The proposal would include built development on these areas of Flood Zone 2 and therefore in accordance with the National Planning Policy Framework and the Environment Agency Standing Advice on flood risk the proposal is required to demonstrate that it passes the sequential test. A sequential test has not been submitted in support of the application and it has not therefore been demonstrated that the sequential test can be passed. In addition, insufficient information has been submitted to show how surface water runoff would be managed so as to prevent the increase of surface water flooding on the site and within the locality. On this basis the proposal is contrary to the Environment Agency Standing Advice on flood risk, emerging Vale of Aylesbury Local Plan Policy I4 and the National Planning Policy Framework.

2. *By virtue of the scale of two storey development proposed at the rear of Block A and the limited separation distances involved, the proposal will result in an oppressive outlook and loss of light for residents of the existing first floor accommodation at 110 High Street. By virtue of the scale of development proposed and the positioning of first storey windows and balconies, Block B will result in a significant degree of actual and perceived overlooking of 10 Brookside Terrace and 24 Albion Street, resulting in harm to the level of residential amenity currently enjoyed by these properties. On this basis the proposal is contrary to the aims of AVDLP Policy GP8, emerging VALP Policy BE3 and the NPPF by failing to safeguard the residential amenity of existing residents.*

3. *Owing to inadequate separation distances between the two blocks of development proposed and the positioning and scale of Block B relative to its setting, the proposal results in a poor outlook and poor quality internal space for future residents of the proposed dwellings. This is further compounded by poor quality external space. On this basis, as a result of overdevelopment of the site, the proposal fails to provide an adequate level of residential amenity for future residents contrary to the aims of AVDLP Policy GP8, emerging VALP Policy BE3 and the NPPF.*

4. *Had the above reasons for refusal not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a S106 Agreement to secure financial contributions towards off site sport and leisure provision. In the absence of such provisions, the proposal is contrary to the requirements of Aylesbury Vale District Local Plan policies GP86, 87, 88, 94, emerging Vale of Aylesbury Local Plan policies T5, I1, I2 and I4 and the National Planning Policy Framework.*

4.0 Representations

4.1 See Appendix A

5.0 Policy Context

5.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the application site comprises the following documents:

Vale of Aylesbury Local Plan (adopted September 2021) 'VALP'

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

Policy 1 – Mineral Safeguarding (*Officer note: site is located within a mineral safeguarding area (alluvium). However, it is exempt from consultation and developer requirements under Box 1, criteria (b) and no minerals assessment is required.*)

5.2 There is no Made or emerging neighbourhood plan for Aylesbury.

5.3 The following documents are also material to the consideration of the proposed development:

- National Planning Policy Framework (2023) 'NPPF'
- National Design Guide (2021) 'NDG'
- Planning Practice Guidance 'PPG', including:
 - Flood Risk and Coastal Change (published 06/03/2014, last updated 25/08/2022)
 - Review individual flood risk assessments: standing advice for local planning authorities (published 15/04/2015, last updated 08/02/2022)
 - Preparing a flood risk assessment: standing advice (published 01/04/2021, last updated 08/02/2022)
- Vale of Aylesbury Design SPD
- Buckinghamshire Biodiversity Net Gain SPD
- Aylesbury Vale District Council – Level 1 Strategic Flood Risk Assessment Final Report (May 2017)

6.0 Policy Considerations and Evaluation

6.1 The main planning considerations are (i) principle of development (ii) impact on flooding and water resources (iii) impact on site, setting and landscape (iv) housing mix and accessibility (v) impact on residential amenity (vi) impact on highway safety/parking (vii) impact on ecology (viii) renewable energy/sustainable construction (ix) provision of infrastructure.

Principle of development

VALP policies S1, S2, S3, S5, S7, D3, D10, I4

NPPF para's 165 - 173

6.2 Policy S1 of the VALP sets out the sustainable development vision for the area and requires that all development should be sustainable to improve the economic, social and environmental conditions in the area. The policy sets out 10 considerations (a – j) that will be applied to a proposal. Policy S2 sets out the spatial strategy for development and the settlement hierarchy based on the identified sustainability of the settlements and outlines that development should be accommodated in the most sustainable settlements (the level of sustainability of settlements being ranked taking into account population size, connectivity, access to range of services, facilities and employment opportunities). The primary focus of strategic growth is Aylesbury and policy S2(a) continues that the new housing in Aylesbury will be complemented by smaller scale development within the existing urban area. Policy S3 states that the scale and distribution of development should accord with the settlement hierarchy of Table 2. Policy D3 supports small scale development infilling in the strategic settlement of Aylesbury to small areas of land within the built up area subject to compliance with either criteria (a) – infilling of small gaps in developed frontages or (b) – consolidates the existing settlement pattern. Policy D10 provides in principle

support for housing in Aylesbury town centre that will continue and enhance the role of the town centre providing opportunities for social interaction and in locations specified in parts (a) to (c) of the policy.

Flood risk:

- 6.3 Para 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The application site is located within Flood Zone 2 meaning it has a medium probability of flooding. In accordance with the NPPF, PPG and VALP policy I4, the application is accompanied by a flood risk assessment and sequential test ('ST') by reason the scale and nature of the proposed development is 'non-major'. With regards to the application of the ST, para 4.3.1 of the SFRA guides that *for individual planning applications...local circumstances must be used to define the area of application of the Sequential Test (within which it is appropriate to identify reasonably available alternatives). The criteria used to determine the appropriate search area relate to the catchment area for the type of development being proposed. For some sites this may be clear, in other cases it may be identified by other Local Plan policies. A pragmatic approach should be taken when applying the Sequential Test.* Para 4.3.3 continues that *when assessing flood risk at windfall sites consideration must be given to the Local Plan policies and it must be demonstrated that the proposals are compliant with these higher level policies. This assessment should be included in the site specific FRA.*

Sequential Test:

- 6.4 The applicants have presented a ST with the application (within the Planning Statement). It is agreed that the most appropriate site area for the test is Aylesbury as the strategic focus for (housing) development on the Vale of Aylesbury area. It is agreed that the catchment for comparison is previously developed and derelict land requiring rejuvenation/regeneration. Appendix A of the Planning Statement tests 96 sites that are part of the Council 2017 HELAA identified as being potential alternatives (NB the application site was identified in the HELAA as site reference AYL117 as being a site suitable and available for housing development of 5 units). The result of the ST is that there are no reasonably available sites in areas of lower probability of flooding for the proposed development.

Managing and mitigating the Flood Risk:

- 6.5 The local planning authority must be satisfied that the proposed development will be safe throughout its lifetime and not lead to increased flooding elsewhere. Measures to achieve this are, by way of example, implementing Sustainable Drainage Systems (SuDS) and other measures to control and manage run-off. Also the design and implementation of measures so that the proposed development includes features that enables the infrastructure to adapt to the increased probability and severity of flooding whilst ensuring that new communities are safe and that the risk to others is

not increased. The proposals include such measures and these are considered in more detail in the 'Impact on flooding and water resources' section of this report.

Exception Test:

- 6.6 In accordance with Annex 3 of the NPPF (Flood risk vulnerability classification), the development proposed is classed as 'more vulnerable' (buildings used for dwellinghouses). As per Table 2 of PPG 'Flood risk and coastal change', the development proposed is not incompatible with Flood Zone 2 and is not required to undergo the exception test.

Conclusion on principle of development

- 6.7 The proposed development would provide 5 residential dwellings in the town centre of the most sustainable settlement in the Vale of Aylesbury area and wherein most development is encouraged to ensure the continued vitality and viability of the settlement and its town centre. The site is previously developed and derelict land which currently detracts from these overarching objectives. The sequential test is passed in that there are no reasonably available alternative sites in a lower flood risk area that are capable of accommodating the proposed development. The principle of development is therefore considered acceptable and this is afforded significant weight in favour of the proposal in the planning balance.

Impact on flooding and water resources

VALP policies 14, 15

- 6.8 The applicant has demonstrated that the sequential test is passed and has submitted a detailed Flood Risk Assessment and Surface Water Drainage Strategy (FRA). Regard has been had to the EA's standing advice for vulnerable developments with regards to floor levels and surface water management. The submitted FRA confirms that finished floor levels of the ground floor of the development would be raised above ordnance datum (AOD). The calculations provided take into account the 1 in 100 flood event plus climate change (40% central allowance) and the classification of residential development as a 'more vulnerable' development with a lifetime of 100 years. In accordance with the Standing Advice the ground floor finished floor levels should be a minimum of 300mm above AOD of 78.40 metres. This should be secured via condition as well as adherence to the resistance and resilience measures contained within the Flood Risk Assessment Standing Advice guidance (EA). In addition, the Environment Agency (EA) have advised that boundary treatments/means of enclosure should be permeable so that the development does not increase flood risk to nearby areas. This should also be secured by way of condition.

- 6.9 A surface water management scheme has been provided. Measures in the SuDS scheme include rainwater harvesting and geocellular storage. Further, sewer records obtained from Thames Water show both foul and surface water sewer running beneath the road adjacent to the site and the drainage strategy proposes an offsite connection to the surface water sewer and discharge to it. The FRA and drainage strategy information and plans have been considered by the LLFA who have advised that the information presented is sufficient and the measures are acceptable subject to the submission of further details prior to the commencement of development. In the event planning permission is recommended, it is considered reasonable and necessary to secure this by way of (pre-commencement) condition.
- 6.10 Given the measures identified and information provided in the supporting documents and subject to conditions, it is considered that the proposed development would not increase flood risk at the site or elsewhere or negatively impact water quality. There is sufficient capacity to deal with the demands of the proposed new homes. In this respect the development complies with the requirements of Policies I4 and I5 of the VALP and the NPPF. In accordance with Policy I5 a condition would be recommended to require that the new homes are built to not exceed the water consumption standard of 110 litres per person per day.
- 6.11 On balance, and subject to conditions to secure the measures proposed, it is considered that the proposed development will be safe throughout its lifetime and will not lead to increased flooding on the site or elsewhere or compromise water quality, in compliance with Policies I4 and I5. The absence of harm in this respect is afforded neutral weight in the planning balance.

Impact on site, setting and wider landscape

VALP policy BE2

- 6.12 As referred earlier in this report, the site is currently devoid of development as the buildings that previously occupied the site were demolished. In its current state, the site is detrimental to the character and appearance of the street scene and wider area, particularly given its high level of visibility, as well as constituting an impediment to users of the footway at this end of the High Street . The application proposes the replacement of the frontage building with a three-storey brick built building with hipped roof. The building would occupy the same footprint as the previous building and would match the height of the adjoining property.
- 6.13 The two-storey detached terrace of three dwellinghouses located to the rear would be screened to the public at large due to the existing development on High Street and the proposed frontage building. Notwithstanding this, it has been designed to reflect the character and appearance of the existing terraced dwellings to the south and east (Highbridge Walk/ Brookside Terrace/Albion Street). It should be noted that a similar building in this location was accepted under planning permission 15/03203/APP. Whilst this permission is no longer extant, and notwithstanding the

demolition that has occurred, in view of the proposed rebuilding of the frontage building it is not considered that the site circumstances have change significantly such that the buildings proposed are unacceptable.

- 6.14 The construction materials proposed would be red brick and natural slate which would be in keeping with the frontage building that originally existed, as well as neighbouring development. Window surround detailing is to be replicated as well as the installation of sliding sash windows in the terraced block and upper floor windows of the front elevation of the frontage building. In the event planning permission is granted, it is considered reasonable and necessary that details of the proposed external construction materials are secured before construction above ground level to ensure the development assimilates with its surroundings.
- 6.15 It is considered that the proposed development, subject to conditions, would respect and complement the site and its setting, in accordance with Policy BE2. The absence of harm in this respect is afforded neutral weight in the planning balance.

Housing mix and accessibility

VALP policies H6a, H6c

- 6.16 Policy H6a of the VALP explains that new residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities.
- 6.17 The findings of the Housing and Employment Development Needs Assessment (HEDNA) set out in the VALP indicates that, based on current figures and population growth, 3-bedroom houses are of the highest need.
- 6.18 The application seeks full planning permission for the erection of a one-bedroom flat, a two-bedroom flat and three two- bedroom houses. The proposal contributes to providing a mix of dwelling sizes within the Vale and the mix proposed is considered acceptable in this location having regard to Policy H6a of the Vale of Aylesbury Local Plan.
- 6.19 Policy H6c of the VALP advises that all development will be required to meet and maintain high standards of accessibility so all users can use them safely and easily. Development will need to meet at least category 2 accessible and adaptable dwellings standards unless it is unviable to do so which will need to be demonstrated by the applicant and independently assessed. Compliance with policy H6c will be secured via condition for the three dwellinghouses.
- 6.20 The development is not of a size/scale to trigger affordable housing provision on-site or via contributions (VALP policy H1).

Impact on residential amenity

VALP policy BE3, NE5

- 6.21 Policy BE3 seeks to protect the amenities of existing residential occupiers and ensure adequate provision for future occupiers. Policy NE5 seeks to protect residents from pollution, which includes pollution generated by noise, light air and contaminated land.

Amenities of existing residents:

Frontage building

- 6.22 The application site is located in proximity to residential and commercial uses on either side and to the rear. With regards to the proposed, three-storey frontage building, this would predominantly occupy the footprint of the former building. The neighbouring property to the west (No.110) comprises commercial use on the ground floor and residential on the floors above. The first floor would comprise a rear projection beyond the main rear building line of the terrace of which it forms a part. However, the submitted drawings demonstrate that a 45 degree visibility would be maintained from the centre of the rear first floor window of no.110 indicating that there would be no significant loss of light to the room which this window serves. The first floor rear projection is staggered and of limited depth such that it is not considered to significantly result in loss of outlook. There are no windows proposed in the west flank elevation and any future insertion can be controlled by way of condition. There would be windows on the east elevation of the building but these would be on the main frontage part (i.e. not on the rear projection part) and would look out onto the flank wall of no. 114 (which has no windows on its west flank).

Terrace to rear

- 6.23 This part of the development would predominantly occupy the footprint of a former part two-storey/ part-single storey building on the site. This part of the site is located in proximity to the dwellinghouses on Brookside Terrace and would be separated from them by an access which is approximately 5 metres in width. Brookside Terrace is located perpendicular to the front (south) of the proposed three dwellings. The single storey part of the former building had a max. height of approximately 4.2 metres, the two storey element was approximately 4.8 metres in height. The proposed building would have a dual pitched roof and would be a maximum 6.8 metres (to ridge) and 5.1 metres to eaves.
- 6.24 Whilst it is acknowledged that the proposed dwellings would be taller than the former structures, given the relationship between the proposed houses and that they would face onto the side end of Brookside Terrace it is not considered that the development would result in significant harm to amenity by reason of loss of outlook or as an overbearing form of development. The dwellings would have bedroom windows at first floor level in the southern elevation. The first floor southern windows in Houses 1 and 2 would look out onto the side elevation of number 10 Brookside Terrace and would not provide opportunity for direct outlook into windows or private garden areas. The windows of House 3 would be located level

with the rear gardens of Brookside Terrace, however, the outlook afforded from the windows would be at an oblique angle such that there would be no direct window to window view between House 3 and the dwellings in Brookside Terrace. Whilst there may be some views over the rear gardens of Brookside Terrace, this would not be significantly different from the outlook achieved over the rear gardens of the terrace from the rear windows of the existing dwellings in the terrace. It is also noted that the two-storey building that previously occupied the rear of the site had windows at first and ground floor levels in the south facing elevation. Furthermore, the relationship is not significantly different to the 2015 approval (ref: 15/03203/APP) wherein no objection was raised by reason of unacceptable impact on amenities.

- 6.25 24 Albion Terrace is located approximately 16 metres east of the proposed terrace of three and separated by Bear Brook. Proposed House 1 would have bedroom windows in its east side elevation at first floor level. However, this relationship is not materially different to that between No.24 and its neighbours to the east on Albion Street, and south on Highbridge Walk. Indeed the separation distance between proposed House 1 and No. 24 is greater than the separation distance between No.24 and No's 20 and 22 Albion Terrace. Furthermore, the relationship is not significantly different to the 2015 approval (ref: 15/03203/APP) wherein no objection was raised by reason of unacceptable impact on amenities on No.24 Albion Terrace.
- 6.26 The windows on the rear (north) facing elevation of the dwellings would serve bathrooms and are shown to be obscurely glazed and fixed shut below 1.7m above finished floor level. Conditions are considered reasonable and necessary to secure this given the relationship with the rear of the residences at first floor and above which are on the High Street.

Amenities of future occupiers:

- 6.27 For the reasons outlined above, it is also not considered that there would be unacceptable levels of overlooking for future occupiers of the proposed development or that the dwellings would have unsatisfactory levels of daylight/sunlight or substandard outlook. The development includes a shared amenity space, which although small is considered acceptable given the application site's close proximity to public open space (Vale Park is located opposite the site).
- 6.28 Overall, it is not considered that the relationship between the proposed dwellings and existing residential dwellings would be out of keeping with or unusual in this urban, built up area. Further the future occupiers of the proposed development would have an acceptable level of amenity consistent with a town centre location and in proximity to public open space. Accordingly, the development is considered to meet the requirements of Policy BE3 of the VALP. The absence of harm in this respect is afforded neutral weight in the planning balance.

Impact on highway safety/parking

VALP policies T1, T4, T5, T6

6.29 The VALP seeks to encourage a modal shift away from private car dependency as a means of transportation to assist in minimising environmental impact and to promote social inclusion. The application site is located in the most sustainable location in the Vale of Aylesbury within the town centres, with easy access to a range of services and facilities, including public transportation links. The development proposed is car-free, i.e. does not include any on-site parking and does include a shared cycle store area. Given the town centre location, close proximity to nearby public car parks and on-site cycle storage, no objections are raised in this respect and the proposal is in line with local and national policy which seek to promote walking, cycling and public transport use. This position is supported by the Council's Highways Team who has raised no objections. The absence of harm in this respect is afforded neutral weight in the planning balance. The site is located on a busy classified road in the town centre. The Highways Team has requested the submission of a construction traffic management plan (CTMP). Given the site circumstances, it is considered reasonable and necessary to secure a CTMP via condition (pre-commencement).

Impact on ecology

VALP policy NE1

6.30 The VALP seeks to conserve and enhance biodiversity in the Vale of Aylesbury through the protection and improvement of terrestrial and water environments, flora and fauna. Following the demolition of the former buildings, the site has become overgrown but was previously covered in hardcore/buildings. The applicants have submitted a Preliminary Ecological Assessment (PEA) and biodiversity net gain report and metric in support of the application which shows that through the proposed enhancement measures, an on-site net change of +10.54% habitat units can be achieved via a flowering lawn (within the shared amenity space) and brown sedum roofs on the frontage buildings. Ecological enhancements include bat boxes, bird nest boxes and insect nest boxes. There is no evidence that the proposed development would result in harm to wildlife, including protected species

6.31 The submissions have been reviewed by the Council's Ecology Team who have raised no objections subject to securing the enhancement recommendations in the PEA by condition and through a condition to secure the delivery and maintenance of the BNG by way of a Landscape and Ecological Management Plan (LEcMP). These conditions are considered reasonable and necessary to contribute to the objective of improving biodiversity in the development plan area.

6.32 The absence of harm to wildlife is afforded neutral weight in the planning balance, and the biodiversity net gains/enhancements are afforded moderate positive weight in favour of the development.

Renewable energy/sustainable construction

VALP policy S1, C3

- 6.33 The application is accompanied by an Energy Statement (ES) which details construction measures to incorporate energy efficient building fabric in compliance with Part L1 of the Building Regulations (e.g. low energy lighting, limiting air permeability, thermal bridging, thermal specification) and the inclusion of solar panels on the south facing roofslopes of both the frontage building and the rear terrace. The ES states that the measures would result in a 32% of energy requirement being met by renewable energy and 22% reduction in CO2 emissions through the building fabric measures. Given the scale of development, an ES was not necessarily required under Policy C3. Nonetheless, the ES is welcomed and adequately demonstrates the application of the energy hierarchy at criteria (h) to (k) of Policy C3.
- 6.34 The use of renewable energy technologies is supported in principle via VALP policy C3 and the NPPF. The proposed panels would be located on the south facing roofslopes and would therefore have limited visibility to the public at large. In the event planning permission is approved for the development, in the absence of a condition precluding renewable energy developments as 'permitted development' under Class A of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, such renewable technologies could be installed on the development without express planning permission. It is not considered reasonable or necessary to impose such a condition given the site circumstances and indeed, the inclusion of the renewable technology is afforded moderate positive weight in respect of the proposals. Accordingly, it is considered reasonable and necessary to secure the measures in the ES in accordance with Policy C3 and that the proposed solar PV equipment is installed in compliance with the applicable conditions of Class A of Part 14.

Provision of infrastructure

VALP policy S5

BMWLP policy 10

- 6.35 The building that was on site has been removed. As referred earlier in this report, the ES indicates sustainable construction methods commensurate with the scale of development. The application site includes an adequate on-site waste and recycling storage area that would be shared by the future occupiers. It is considered reasonable and necessary to secure the provision and retention of this area by condition in the event the application is approved. The application is not of a scale that triggers any other infrastructure provision (relative to policies I1, I2 and I3). The proposal is considered to accord with Policy S5 of the VALP and 10 of the BMWLP. The absence of harm in this respect is afforded neutral weight in the planning balance.

7.0 *Weighing and balancing of issues/Overall Assessment*

- 7.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 7.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 7.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.4 The current application was received prior to the December 2023 changes to the NPPF. However, the site is located in an area identified as at medium risk of flooding (Flood Zone 2) and therefore the tilted balance relative to housing policies (D3, D10) would not be engaged as per Footnote 7. However, for the reasons outlined in this report, the proposed development is considered to pass the sequential test for flooding as there is no reasonably available comparable site in a lower flood risk area. The proposed development is compliant with the development policies in all respects. The proposal would contribute towards the housing need for the Vale of Aylesbury area and in the most sustainable location wherein most development is directed. The development would significantly improve the character and appearance of the site and its setting (environmental arm of sustainable development), would contribute to the vision for the town centre to be inclusive (social arm of sustainable development) and would contribute to the economy through the construction phase and also in the longer term through the spending power of future occupiers and their support of local services and facilities (economic arm of sustainable development) Sufficient measures can be secured by condition

make the development resistant and resilient to flooding, to secure the sustainable construction and renewable energies proposed and the biodiversity net gain and enhancements.

Human Rights Act 1998

- 7.5 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.

Equalities Act 2010

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

8.0 Working with applicant/agent

- 8.1 In accordance with paragraph 38 of the NPPF (2023) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 8.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 8.3 Since the refusal of planning permission in 2021 (reference 19/03231/APP) the applicant has twice engaged with the Council via its pre-application service to find ways to overcome and address those reasons for refusal to find the most appropriate way to re-develop this brownfield site given its constraints and designations. The applicant was also provided with the opportunity to make minor amendments/provide further information during the course of the application assessment in response to consultee comments.

9.0 Recommendation

- 9.1 It is recommended that the application be APPROVED subject to the following conditions, reasons and informatives:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby approved shall be implemented in accordance with the following approved plans received by the local planning authority on:

19/09/2023:

SK1052-MB-00-001 – Location and site plan

05/03/2024:

SK1052-MB-00-002 – Proposed Block Plan

02/10/2023:

SK1052-MB-00-100 – Proposed Ground Floor Plan

SK1052-MB-00-101 – Proposed First Floor Plan

SK1052-MB-00-102 – Proposed Second Floor Plan

SK1052-MB-00-103 – Proposed Roof Plan

SK1052-MB-04-100 – Proposed Flank Elevation

SK1052-MB-04-101 – Proposed Front and Rear Elevation Block B

SK1052-MB-04-102 – Proposed Rear Elevation Block A

SK1052-MB-04-103 – Proposed Front Elevations Block A

SK1052-MB-04-104 – Proposed Flank Elevation 2

SK1052-MB-06-100 – Proposed Sections A-A and B-B

and any other conditions imposed on this permission.

Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable and comply with the Adopted Vale of Aylesbury Local Plan (Adopted September 2021) and the NPPF (July 2023).

3. Prior to commencement of development, a surface water drainage scheme (SWDS) for the site, based on 5469 23 09 06 Rpt 01 Rev B and CIV01 P1 shall be submitted to and approved in writing by the Local Planning Authority. The SWDS shall also include:
- Evidence of existing connection to surface water sewer, or details of new connection.
 - Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components.
 - Flootation calculations based on groundwater levels encountered during winter monitoring (November-March) or based on the worst-case scenario of groundwater at surface level.

- Drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s), showing pipe numbers, gradients, and sizes, complete together with storage volumes of all SuDS component(s)
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction
- Details of maintenance tasks based on attenuation tank manufacturer's guidance.

Reason

Thereafter the SWDS shall be implemented in accordance with the approved details before the development is substantially completed.

Reason: The reason for this pre-start/construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Policy I4 of the Vale of Aylesbury Local Plan and Paragraph 173 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

4. Prior to commencement of development, including any ground works and works of vegetation clearance, a Landscape and Ecological Management Plan (LEcMP) shall be submitted to and approved in writing by the local planning authority. The content of the LEcMP shall include the following.
 - a. Description and evaluation of features to be managed.
 - b. Ecological trends and constraints on site that might influence management.
 - c. Aims and objectives of management which will (without limitation) include the provision of biodiversity net gain within the Site as shown within the Biodiversity Gain Metric dated November 2023 which details a 10.54% gain in habitat units.
 - d. Appropriate management options for achieving aims and objectives.
 - e. Prescriptions for management actions.
 - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period).
 - g. Details of the body or organization responsible for implementation of the plan.
 - h. Ongoing monitoring and remedial measures.

The LEcMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall be for no less than 30 years. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEcMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The LEcMP will be implemented in accordance with the approved details.

Reason: The reason for this pre-start condition is to ensure appropriate protection and enhancement of biodiversity, to make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and

aftercare, in accordance with Policy NE1 of the Vale of Aylesbury Local Plan (Adopted September 2021) and Section 15 of the NPPF.

5. No development shall take place to construct the terrace of three dwellinghouses (Houses 1 to 3 – ‘Block B’) hereby approved until details of the proposed slab levels of the three dwellinghouses in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority, with reference to a fixed datum point. The dwellinghouses shall thereafter be constructed in accordance with the approved slab levels.

Reason: To ensure the scale, massing and height of the development is commensurate with the site and its setting and in the interests of residential amenity, in accordance with Policies BE2 and BE3 of the Vale of Aylesbury Local Plan (adopted September 2021).

6. The eaves and ridge heights of the main roof of the three-storey building fronting High Street (referred to as ‘Block A’) hereby approved shall be commensurate with the height of the eaves and ridge of the adjoining building to the west (no.110 High Street) in accordance with approved drawing numbers SK1052-MB-04-103 and SK1052-MB-04-102 received by the local planning authority on 02/10/2023.

Reason: To ensure the scale, massing and height of the development is commensurate with the site and its setting and in the interests of residential amenity, in accordance with Policies BE2 and BE3 of the Vale of Aylesbury Local Plan (adopted September 2021).

7. Prior to construction above slab level, details of the materials to be used in the external construction of the buildings hereby approved shall be submitted to and approved in writing by the local planning authority. These details shall include external walls, roofs, windows and doors and the type and colour of materials to be used including any colour/staining/rendering to be applied and with reference to the manufacturer's and/or supplier's specifications. The buildings shall thereafter be constructed in accordance with the approved materials details.

Reason: To ensure a satisfactory external appearance of the development which assimilates with the site and its setting, in accordance with Policy BE2 of the Vale of Aylesbury Local Plan (Adopted September 2021).

8. The development shall be implemented in accordance with the recommendations of the Preliminary Ecological Appraisal from the consultant ecologist AWS Ecology Ltd, dated October 2023.

Reason: To ensure that measures are undertaken in accordance with submitted plans for the benefit of important wildlife, in accordance with Policy NE1 of the Vale of Aylesbury Local Plan (Adopted September 2021) and Section 15 of the NPPF.

9. The development shall be undertaken in accordance with the Low Carbon Design features detailed in Section 6 of the Energy Statement (Base Energy, August 2023) hereby approved. Thereafter the design features shall be retained for the lifetime of the development.

Reason: In the interests of achieving greater efficiency in the use of natural resources as part of meeting sustainable development goals, in accordance with Policies S1 and C3 of Vale of Aylesbury Local Plan (adopted September 2021).

10. The solar photovoltaic (PV) panels shall be installed in accordance with drawing numbers SK1052-MB-04-100, SK1052-MB-04-101, SK1052-MB-04-102, SK1052-MB-04-104 and the Low Carbon Technology Recommendations at Section 7 of the Energy Statement (Base Energy, August 2023) hereby approved prior to the first occupation of the dwelling to which they relate. The solar PV panels shall not protrude more than 0.2 metres beyond the plane of the roof slope on which they are located when measured from the perpendicular with the external surface of the pitched roof slope. Thereafter the solar PV panels shall be permanently retained and maintained to provide a renewable source of energy for the development hereby approved.

Reason: In the interests of achieving greater efficiency in the use of natural resources as part of meeting sustainable development goals, in accordance with Policies S1 and C3 of the Vale of Aylesbury Local Plan (adopted September 2021).

11. The ground floor finished floor level of the development hereby approved shall be set at a minimum of 300mm above 78.40m AOD in accordance with drawing number CIV01 Revision PO (which forms part of the Flood Risk Assessment Drainage Strategy) received by the local planning authority on 19/09/2023, and the resistance and resilience measures detailed in the 'Standing Advice for vulnerable developments' contained in the Guidance 'Preparing Flood Risk Assessment: Standing Advice' (published 01/04/2012). Thereafter the ground floor finished floor level shall not be lowered and the resistance and resilience measures shall be retained and maintained for the lifetime of the development.

Reason: In order to ensure, in so far as is practicable, the development is appropriately flood resistant, resilient and safe for its lifetime and does not increase flood risk on site or elsewhere, in accordance with Policy I4 of the Vale of Aylesbury Local Plan (adopted September 2021), Section 14 of the NPPF and planning practice guidance relating to flooding and climate change.

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

Reason: In the interests of the amenity of the site and its contribution to biodiversity and flood resistance, and in the interests of sustainable construction, in accordance with policies BE2, NE1, C3 and I4 of the Vale of Aylesbury Local Plan and the guidance within the NPPF.

13. No alterations shall be made at first or second floor levels to the rear (south) elevation of the building fronting High Street ('Block A') to provide access to or use of the flat roofs at first and second as outdoor amenity spaces.

Reason: To prevent damage to the sedum (living green) roofs and in the interests of protecting the amenities of neighbouring residents, in accordance with Policies BE2, BE3, NE1, C3 and I4 of the Vale of Aylesbury Local Plan and the guidance within the NPPF.

14. The first-floor windows in the north elevation of the three house terrace ('Block B') shall be fitted with obscure glass and fixed shut and non-opening at a height below 1.7 metres above the finished floor level of the room in which they are located. Thereafter the windows shall be permanently retained as such.

Reason: In the interests of the residential amenities of occupiers of the neighbouring dwellings to the west of the application site, in accordance with Policies BE3 of the Vale of Aylesbury Local Plan.

15. Other than shown on the plans hereby approved, no windows, doors or other openings shall be installed or inserted at any time at first floor level or above in any elevation of the development (Block A and Block B) hereby approved.

Reason: In the interests of the residential amenities of occupiers of the neighbouring dwellings to the west of the application site, in accordance with Policies BE3 of the Vale of Aylesbury Local Plan.

16. Prior to first occupation of any dwelling hereby permitted, the bin storage area shall be provided in accordance with the details shown on approved drawing number SK1052-MB-00-100 received by the LPA on 02/10/2023. Thereafter the bin storage area shall be permanently retained and only used for the storage of waste and recycling associated with the development hereby approved and for no other purpose.

Reason: To ensure appropriate infrastructure is provided to meet the needs of the development hereby approved and in the interests of residential amenity, in accordance with Policies S5 and BE3 of the Vale of Aylesbury Local Plan (Adopted September 2021), Policy 10 of the Buckinghamshire Minerals and Waste Local Plan (2019) and the National Planning Policy Framework.

17. Prior to first occupation of any dwelling hereby permitted, the cycle storage area shall be provided in accordance with the details shown on approved drawing number SK1052-MB-00-100 received by the LPA on 02/10/2023. Thereafter the cycle storage area shall be permanently retained and only used for the storage of cycles belonging to occupiers of the development hereby approved and for no other purpose.

Reason: To ensure appropriate cycle storage is provided to meet the needs of the development hereby approved and to assist with delivering a modal shift to more sustainable forms of transport, in accordance with Policies S1, BE3, T1 and T6 of the Vale of Aylesbury Local Plan (Adopted September 2021) and the National Planning Policy Framework.

18. Prior to first occupation of any dwelling hereby permitted, the soft landscape private amenity area shall be provided in accordance with the details shown on approved drawing number SK1052-MB-00-100 received by the LPA on 02/10/2023. Thereafter the soft landscape private amenity area shall be permanently retained and only used as an outdoor amenity space ancillary to the residential occupation of the development hereby approved and for no other purpose.

Reason: To ensure appropriate infrastructure is provided to meet the needs of the development hereby approved and in the interests of residential amenity, in accordance with Policies S5 and BE3 of the Vale of Aylesbury Local Plan (Adopted September 2021), Policy 10 of the Buckinghamshire Minerals and Waste Local Plan (2019) and the National Planning Policy Framework.

19. The dwellings hereby permitted shall be built and fitted out so as not to exceed the optional water consumption standard of 110 litres per person per day, as set out in Approved Document G of the Building Regulations 2010 (as amended).

Reason: To promote sustainability in water use in accordance with Policy I5 of the Vale of Aylesbury Local Plan 2021.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking or re-enacting that Order with or without modification, no development falling within Class B of Part 1 of Schedule 2 of the Order shall be undertaken at any of Houses 1 to 3 of the development hereby permitted.

Reason: In the interests of preventing the overdevelopment of the individual plots in the interest of visual amenity, and protecting the amenities of residents, in accordance with Policies BE2 and BE3 of the Vale of Aylesbury Local Plan (Adopted September 2021).

21. Notwithstanding the details shown on the approved plans, prior to the first occupation of any dwelling hereby approved or the substantial completion of the development hereby approved whichever is the sooner, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include; means of enclosure within and around the application site and hard surfacing materials. The means of enclosure shall be permeable to flood water and the hard surfacing materials shall be consistent with the Flood Risk Assessment and Surface Water Drainage Strategy Report (RefL 5469 23 09 06 Rpt 01 Rev B RC PBF) and the details approved under condition 3 of this permission. For soft landscape works, these details shall include written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The soft landscaping works shall have regard to the recommendations of the Preliminary Ecological Appraisal (ASW Ecology) dated October 2023 and received by the LPA on 25/10/2023 and details approved under condition 4 of this permission. The landscaping works shall be carried out as approved prior to the first occupation of any dwelling hereby permitted in so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of any of any dwelling or the substantial completion of the development whichever is the sooner.

Reason: To ensure a satisfactory appearance to the development, to ensure the development does not increase flood risk to nearby areas, to provide an appropriate area of outdoor amenity space for future residents and to contribute to achieving a net gain in biodiversity in accordance with Policies BE2, BE3, NE1 and I4 of the Vale of Aylesbury Local Plan (adopted September 2021) and the National Planning Policy Framework.

22. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification, no fences, gates or walls or other means of enclosure shall be erected, constructed or altered within or along the boundaries of the application site, except in accordance with the boundary treatment/means of enclosure details approved under Condition 21 of this permission.

Reason: In the interests of the visual amenities of the locality and to ensure the development does not increase flood risk to nearby areas, in accordance with Policies BE2 and I4 of the Vale of Aylesbury Local Plan (Adopted September 2021).

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

- The routing of construction vehicles.
- Construction access details, temporary or otherwise.

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

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

Reason: The reason for this pre-commencement condition is in order to minimise danger, obstruction and inconvenience to users of the highway and of the development site given the existing access arrangements to the site and its location on a classified road within the town centre, in accordance with Policies T1, T4 and T5 of the Vale of Aylesbury Local Plan (adopted September 2021).

24. The residential dwellings House 1, House 2 and House 3 hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' as a minimum prior to the first occupation of each dwelling. Such provision shall be maintained for the lifetime of the development.

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

25. Prior to first occupation of either House 1, 2 or 3; House 4 as shown on plan SK1052-MB-00-002 shall be constructed so as to be considered substantially complete by the Local Planning Authority.

Reason: To ensure the structural integrity of No.110 is provided in addition to the removal of scaffolding on the highway which is detrimental to users of said highway.

Informative(s):

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

be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

3. With regards to condition 21, walls and fences can have a significant impact on the flow and storage of flood water, especially if they are constructed across a flood flow route. This can lead to higher levels of flood water on the upstream side of the fence or wall which will potentially increase the flood risk to nearby areas. Therefore walls and fences should be permeable to flood water. We recommend the use of post and rail fencing, hit and miss fencing (vertical slats fixed alternately on each side of horizontal posts) or hedging. If a solid wall is proposed there must be openings below the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change to allow the movement of flood water. The openings should be at least 1 metre wide by the depth of flooding and there should be one opening in every 5-metre length of wall.
4. Environmental permit - advice to applicant. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permissionFor further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.
5. Other Consents – advice to. As you are aware we also have a regulatory role in issuing legally required consents, permits or licences for various activities. We have not assessed whether consent will be required under our regulatory role and therefore this letter does not indicate that permission will be given by the Environment Agency as a regulatory body. The applicant should contact 03708 506 506 or consult our website to establish if consent will be required for the works they are proposing. Please see <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>
6. Protection of breeding birds and their nests - The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to

remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Barns such as this may contain nesting birds between 1st March and 31st August inclusive, therefore removal of the barn during this period could lead to an offence under the Act. Likely nesting habitat must not be removed during the nesting period unless a survey has been undertaken by a competent ecologist, immediately prior to the works commencing and it has been established that bird nesting is not taking place.

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Councillor Comments

None received at time of drafting report.

Parish/Town Council Comments

Aylesbury Town Council – has no objection to this application but does have concerns regarding the parking available and the impact this will have on surrounding area.

Consultation Responses (Summaries)

LLFA (SUDs):

08/11/2023 – objection due to insufficient information regarding the proposed surface water drainage

14/02/2024 (following consideration of further submissions) No objection subject to condition (submission and approval of surface water drainage scheme prior to commencement of development)

Highways Team:

01/11/2023 – High Street is A-class road subject to 30mph speed limit. Near the site parking and waiting restrictions are in force. Footways are on either side of the road. Site would be subject to intensification in used of approx. 20 vehicle movements (two-way) per day (TRICS analysis 3 trips AM and 2 trips PM). The development is proposed to be car-free (no parking or vehicle access provided within site) – acceptable given Aylesbury Town Centre is highly sustainable with plethora of nearby amenities and services, good footway provision and good public transport links. Residents would not be overly dependent on private car in this location and there are public car parks/resident permit holder spaces in streets in vicinity. 8 cycle spaces inside site welcomed. Given proximity to A41 CTMP to be submitted for approval to ensure construction works would not affect operation of road network (to be secured via condition).

Ecology Team:

08/11/2023 – holding objection, insufficient information provided. Further information required: biodiversity net gain information

15/12/2023 –(following submission and review of further information) (i)Secure ecological mitigation measure through conditioning the Ecology Assessment recommendations (ii) secure BNG through LEMP

Archaeology Team:

10/12/2023 – proposed works are not likely to significantly harm the archaeological significance of any assets. No objections and no conditions necessary.

CPDA (TVP):

14/11/2023 – ensure access into the development is provided with an appropriate level of physical security. Applicant encouraged to secure all aspects of crime prevention through environmental design (reference Guidance in Secure by Design document).

Environment Agency:

26/02/2024 – Site in Flood Zone 2 with medium probability of flooding. Please refer to Flood Risk Standing Advice when assessing this proposal. Undertake Sequential Test and Exception Test (EA comments only relate to safety of development, not wider sustainability benefits to community).

Advice to applicant – (i) boundary treatments (walls/fences) should be permeable to flood water) (ii) Environment Agency permits/exemptions may also be required. Applicant to make contact separately with the EA in this respect.

Representations

Two third party letters of representation have been received, the contents of which are summarised as follows:

- Windows of the development look directly into garden

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only