



Report to Buckinghamshire Council – (Central) Area Planning Committee

Application Number:	24/02489/APP
Proposal:	Change of use from dwellinghouse (Use Class C3b) to a children's home (Use Class C2)
Site location:	6 Main Street, Weston Turville, Buckinghamshire, HP22 5RR
Applicant:	Buckinghamshire Council
Case Officer:	Dayna Simmons
Ward affected:	ASTON CLINTON & BIERTON
Parish-Town Council:	WESTON TURVILLE
Valid date:	2 September 2024
Determination date:	28 October 2024
Recommendation:	APPROVAL subject to conditions

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 *This application seeks full planning permission for the change of use of a C3b dwellinghouse to C2 use children's home, provision of parking, installation of solar panels to side roof slope and air source heat pump to rear.*
- 1.2 *It has been evaluated against the Weston Turville Neighbourhood Plan 2013-2033 adopted Vale of Aylesbury Local Plan and the NPPF.*
- 1.3 *The application site is located on Main Street, Weston Turville and is a single storey, detached dwelling.*
- 1.4 *There are no concerns regarding an increase in the amount of traffic to or from the development proposed.*
- 1.5 *The proposal would have a minimal impact on the existing character and appearance of the site and the surrounding area.*
- 1.6 *The application has been referred to the Central Area Planning Committee because 6 Main Street is owned and maintained by Buckinghamshire Council with the application having been submitted by Buckinghamshire Council. In accordance with the Council's Constitution, such planning applications must be determined at the relevant Area Planning Committee to*

ensure openness and transparency.

1.7 *The application is recommended for approval subject to appropriate conditions.*

2.0 Description of Proposed Development

Site Location

- 2.1 The site comprises a single storey detached dwelling the southeast Main Street in Weston Turville close to its junction with Worlds End Lane. The property is set back within its plot and thus does not play a prominent role when viewed from the highway.
- 2.2 The property consists of 3 bedrooms, lounge, dining room, kitchen, office, conservatory, bathroom and WC.
- 2.3 The property benefits from both a front and rear garden together with off street parking in the form of hardstanding to the front of the dwelling.

Site Constraints

- 2.4 The site is located within a Red Impact Zone for Great Crested Newts.

Proposal

- 2.5 The proposal is for the change of use of the existing house (C3b) into a residential home (C2) for children.
- 2.6 The property would be used by up to 3 children and a responsible adult. The property has been designed to function like a normal family home with the children integrating fully in the area.
- 2.7 The proposal is also for installation of solar panels to the front roof slope and air source heat pump to rear. Two parking spaces would also be provided via hardstanding to the front of the dwelling.
- 2.8 The application is accompanied by:
 - Application Form received on 23rd August 2024
 - (Unnumbered) Location Plan received on 23rd August 2024
 - PL01 Rev P2 Existing Plans and Elevations received on 23rd August 2024
 - PL02 Rev P2 Proposed Plans and Elevations received on 23rd August 2024
 - Cover Letter received on 23rd August 2024
 - Management Plan received on 23rd August 2024
 - Ecology and Trees Checklist received on 23rd August 2024

3.0 Relevant Planning History

- 3.1 None

4.0 Representations

4.1 See appendix A for responses.

5.0 Policy Considerations and Evaluation

5.1 The Development Plan

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

- Policy S1 Sustainable development for Aylesbury Vale
- Policy BE2 Design of New Development
- Policy BE3 Protection of Amenity of Residents
- Policy NE1 Biodiversity and Geodiversity
- Policy T6 Vehicle Parking

5.2 Neighbourhood Plan

Weston Turville Neighbourhood Plan (2013-2033)

Relevant Policies:

T1 – Improvements to road safety and ease traffic congestion

T2 – Strategy for improving pedestrian and cycle connections within the Parish and to surrounding area

5.3 Design Advice Leaflets & Guidance Notes

Biodiversity Net Gain SPD

Buckinghamshire Minerals and Waste Local Plan 2016-2036

Vale of Aylesbury Design SPD

5.4 National Policy

National Planning Policy Framework 2023

5.5 Principle and Location of Development

Vale of Aylesbury District Local Plan (VALP): S1 (Sustainable development for Aylesbury Vale)

5.6 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).

5.7 Section 8 of the NPPF directs councils to make planning decisions that 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.

5.8 The proposal is for the change of use of the existing house (C3b) into a residential home (C2) for children, the proposed use is to function very similar to the existing use, having all

the hallmarks of a family home environment.

- 5.9 In this instance, the benefits outlined detailing a well-managed environment for care of children should be supported. The similarities of the proposed use functioning as a dwelling would propose no unacceptable harm to the area, and would not be noticeable within any public views. The scheme is considered to represent a sustainable development and would accord with the relevant policies within the development plan. The day-to-day management of the property in terms of care offering are not matters for this application and members cannot assess what is required/offered in terms of a child's care needs.

5.10 Transport matters and parking

Weston Turville Neighbourhood Plan policies T1 (Improvements to road safety and ease traffic congestion), T2 (Strategy for improving pedestrian and cycle connections within the Parish and to surrounding area), VALP policies T1 (Delivering the sustainable transport vision), T4 (Capacity of the transport network to deliver development), T6 (Vehicle parking), Appendix B (Parking Standards)

- 5.11 It is necessary to consider whether the proposed development is located where the need to travel will be minimised, the use of sustainable transport modes can be maximised, and that safe and suitable access can be achieved.
- 5.12 The proposed development includes two off street parking spaces (including 1 disabled parking space) via an updated area of hardstanding to the front of the dwelling.
- 5.13 The home would have a comparable level of vehicle movements to a standard residential dwelling and would see no net increase in trip generation. Three young people will be cared for on a long-term basis and will be under adult supervision. One member of staff would be living on the site looking after the children at all times. There will be no discernible intensification in use of the site over and above the existing dwelling. The proposal is acceptable in terms of its highway impact. There will be no adverse impact on the capacity of the local highway network.
- 5.14 There will be no change to the existing access arrangement and the Highway Officer has raised no objections regarding the access for the proposal.
- 5.15 Taking the above into account, it is considered that the application accords with Policies T1, T2 of the Weston Turville Neighbourhood Plan, T4, T5, T6 and T7 of VALP and the NPPF.
- #### **5.16 Raising the quality of place making and design**
- VALP policy BE2 (Design of new development).
- 5.17 The building would remain as a single planning unit and would not be broken up into separate "planning units" on a per room basis. The general layout and room use of the existing dwelling house would remain largely the same, the proposed use would contain all the

normal facilities for day-to-day living and sleeping activities associated with use as a dwellinghouse.

5.18 The installation of solar panels to the side roof slope and air source heat pump to rear raise no concerns. The proposed heat pump would be located to the rear of the dwelling and as such would not be visible from the streetscene and the solar panels would not be considered to detract from the character of the dwelling and surrounding area.

5.19 The proposed changes would not appear incongruous and would accord with VALP policy BE2.

5.20 Amenity of existing and future residents

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

5.21 The NPPF at paragraph 130 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 Policy BE3 of VALP seeks to protect the amenity of existing residents and achieve a satisfactory level of amenity for future residents.

5.23 The home would accommodate three children with one member of staff always present. A management plan has been provided and given the small scale nature of the use, the level of movement to and from the property would be considered to be similar to that of a dwellinghouse and whilst there may be a small increase, it would not intensify the use to the extent that it would be incompatible in this residential area.

5.24 The proposed solar panels and air source heat pump would not result in a loss of privacy to neighbouring dwellings. Further the Council's Environmental Health Officer was consulted and whilst it is acknowledged that he has raised concerns regarding the potential for noise increase to neighbouring dwellings as a result of the ASHP, this can be addressed via a pre-commencement condition securing the submission and approval of a noise impact assessment and any required mitigation for the equipment.

5.25 It is considered that the proposed changes would not be significantly different from the existing dwellinghouse. The proposal would comply with policy BE3 of VALP and NPPF in this regard.

5.26 Flooding and drainage

VALP policy I4 (Flooding)

5.27 Paragraph 167 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere.

- 5.28 Policy I4 of VALP requires a site specific Flood Risk assessment (FRA) on sites of 1 hectare or more in size or where there is evidence of flooding.
- 5.29 The site lies within Flood Zone 1 and is not within an area susceptible to surface water flooding.
- 5.30 As the proposal is for a change of use of an existing building, it requires no new drainage infrastructure. The application form states that foul sewage and surface water would be disposed of via a sustainable drainage system.
- 5.31 Therefore, the proposed development would be resilient to climate change and flooding and it would not increase flood risk elsewhere in accordance with Policy I4 of Vale of Aylesbury Local Plan and National Planning Policy Framework.

5.32 Ecology

VALP policy NE1 (Biodiversity and geodiversity)

- 5.33 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.
- 5.34 Policy NE1 of the VALP is reflective of the NPPF in requiring all development to deliver a biodiversity net gain.
- 5.35 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 may be present. However, given the small scale nature of the proposal, it is considered that there is not a reasonable likelihood of protected species or priority habitats being affected by the proposed change of use. The development is exempt from BNG legislation.
- 5.36 The proposed works are therefore considered to comply with policy NE1 of the VALP and guidance within the NPPF. An informative has also been added in relation to Great Crested Newts.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 6.2 In determining the planning application, section 38(6) of the Planning and Compulsory

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

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

6.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.4 In this instance, the benefits outlined above are sufficient in this case and that the proposal would not result in any unacceptable harm to the area. On balance, the scheme can be considered as sustainable development and accord with the relevant policies within the development plan.

6.5 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

6.6 **Human Rights**

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.

6.7 **Equality Act 2020**

Due regard, where relevant, has been had to the Buckinghamshire Council's equality duty as contained within the Equality Act 2010.

7.0 Working with the applicant / agent

In accordance with paragraph 38 of the NPPF (2023) Buckinghamshire Council takes a positive and proactive approach to development proposals and is focused on seeking

solutions where possible and appropriate. Buckinghamshire Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this instance, in this case, the application was considered to be acceptable as submitted and no further assistance was required.

8.0 Recommendation

- 8.1 The recommendation is that permission be granted, subject to the following conditions and reasons:

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 development shall be carried out in accordance with the details contained in the planning application hereby approved and plans:
 - (Unnumbered) Location Plan received on 23rd August 2024
 - PL02 Rev P2 Proposed Plans and Elevations received on 23rd August 2024

And in accordance with any other conditions imposed by this planning permission.

Reason: For avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the guidance within the National Planning Policy Framework 2023.

3. The scheme for parking, 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.

4. Prior to the occupation of the development, an electric vehicle charging point shall be installed in accordance with manufacturer guidelines and retained thereafter.

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

5. Prior to the Air Source Heat Pump being installed, a noise management plan including noise specification of the chosen equipment shall be submitted to and approved in writing by the Local Planning Authority. This plan shall specify any measures required to control noise associated with the ASHP in order to ensure neighbour residents, staff, and visitors are not unduly impacted. Thereafter, the equipment shall be always operated in full compliance with the approved plan.

Reason: To ensure the proposed use does not introduce unacceptable noise and disturbance to neighbours in accordance with Policy BE3 of the Vale of Aylesbury Local Plan.

6. At no time shall the use hereby permitted provide care for more than 3 children. The proposed use shall operate in accordance the Management Plan dated August 2024 received on 23rd August 2024 at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: To provide certainty as to what is being approved and what has been considered and to ensure amenity of neighbours is maintained in accordance with Policy BE3 of VALP.

Informatives:

1. 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.
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 attention of the applicant is drawn to the requirements of section 60 of the control of pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61of the Act, for prior consent to the works, can be made to the Environmental Health. The applicant shall have due regard to the construction guidelines times as stated on the website: https://www.buckinghamshire.gov.uk/environment/environmental-health-and-nuisance/noise-light_smoke-and-smells/noise-from-a-construction-site/

List of approved plans:

<i>Received</i>	<i>Plan Reference</i>
23 rd August 2024	(Unnumbered) Location Plan
23 rd August 2024	PL01 Rev P2 Existing Plans and Elevations
23 rd August 2024	PL02 Rev P2 Proposed Plans and Elevations

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Ward Councillor Comments (Aston Clinton and Berton Ward)

No comments received at the time this report was written.

Parish Council Comments (*verbatim*)

Weston Turville Parish Council: No comments received at time of writing this report.

Consultation Responses:

Economic Development

Comments: No objections.

Environmental Health

Comments: concerns raised regarding potential noise impact of the proposal, condition provided to address this through the provision of a noise impact assessment prior to the development being brought into use.

BC Transportation

Comments: No objections, subject to conditions.

Representations

Other Representations

At the time of writing this report, no public representations have been received.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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