



## Report to Buckinghamshire Council – (Central) Planning Committee

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<b>Application Number:</b>	24/03361/APP
<b>Proposal:</b>	Change of use from dwellinghouse (Use Class C3b) to a children's home (Use Class C2) including alteration of parking, installation of an Air Source Heat Pump to rear, solar panels on rear roof slope and an electric vehicle charging point attached to the front elevation of the property.
<b>Site location:</b>	24 Penrith Way, Aylesbury, Buckinghamshire, HP21 7JZ
<b>Applicant:</b>	Buckinghamshire Council
<b>Case Officer:</b>	Emily Kingswell
<b>Ward affected:</b>	AYLESBURY EAST
<b>Parish-Town Council:</b>	AYLESBURY
<b>Valid date:</b>	11 November 2024
<b>Determination date:</b>	06 January 2025
<b>Recommendation:</b>	APPROVAL, subject to conditions

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

- 1.1 This application seeks full planning permission for the change of use of a dwellinghouse to a small children's home. Associated with the change of use is the provision of parking and cycle storage and installation of an electric vehicle charging point on the side elevation of the existing garage, an air source heat pump contained within a wire mesh on the side elevation of the dwelling and solar panels to the rear roof slope. A window will also be installed on the side elevation of the garage and internal alterations are proposed.
- 1.2 The application has been evaluated against the Vale of Aylesbury Local Plan 2013-2033 (Adopted September 2021) and the relevant supplementary planning documents.
- 1.3 There are no concerns regarding an increase in the amount of traffic to or from the development proposed. The proposal would have a minimal impact on the existing character and appearance of the site and the surrounding area and would not impact upon the amenity of neighbours.
- 1.4 The application has been referred to the Central Area Planning Committee because the application site is owned and maintained 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.

1.5 The application is recommended for approval subject to conditions.

## **2.0 Description of Proposed Development**

### Site Location

2.1 The application site comprises a two-storey detached dwelling with an attached garage located on the corner of Penrith Way and Cumberland Close, Aylesbury. The property benefits from an existing driveway which is accessed via a dropped kerb from Cumberland Close and includes a brick boundary wall on the front side and rear garden boundary and fencing on the side elevation adjoining the neighbouring property. The surrounding area is residential in character.

### Site constraints

- Located within the Chiltern Beechwood Special Area of Conservation.
- Great Crested Newt Impact Risk Zone – Green

### Proposal

2.2 The proposal is for the change of use of the existing dwelling (C3b) into a residential home for children (C2).

2.3 The property would be used by up to three children and a responsible adult. The property has been designed to function like a family home.

2.4 It is proposed to amend hardstanding to the front of the property to create one parking space and one disabled parking space on the existing driveway, one electric vehicle charging point is to be installed. Cycle storage with deadbolt is to be in the rear garden. An air source heat pump (ASHP) with a wire mesh enclosure is to be installed along the side elevation of the property behind the existing garage. A 1.8 metre close board fencing along the side garden boundary adjoining the neighbouring property is to be erected and a gate on the front garden boundary, PV panels are to be installed on the roof.

2.5 Internal alterations to the existing dwelling include the single storey side extension being converted into an ancillary office and a utility room created behind the garage. There will be a new partition wall built between bedrooms 2 and 3.

2.6 The application is accompanied by:

7<sup>th</sup> November 2024

Application Form

Unnumbered – Location Plan

2189 PL01 P1 – Existing Plans and Elevations  
4456 – Cover Letter  
Unnumbered – Noise and Disturbance Management Plan

18<sup>th</sup> November 2024

2189 PL02 P4 – Proposed Plans and Elevations

### **3.0 Relevant Planning History**

Reference: 86/01473/APP

Development: STUDY AND PORCH EXTENSIONS

Decision: Approved                      Decision Date: 22 September 1986

Reference: 93/01683/APP

Development: CONSERVATORY

Decision: Approved                      Decision Date: 27 October 1993

### **4.0 Representations**

See Appendix A.

*N.B. The consultation period for 24/03361/APP closes on 11/12/2024. Any comments received post publication of the Committee Agenda will be reported at Planning Committee.*

### **5.0 Policy Context**

#### The Development Plan

Vale of Aylesbury Local Plan 2013-2033 (VALP), adopted 15<sup>th</sup> September 2021

- Policy S1 Sustainable development for Aylesbury Vale
- Policy BE2 Design of New Development
- Policy BE3 Protection of Amenity of Residents
- Policy C3 Renewable Energy
- Policy I4 Flooding
- Policy NE1 Biodiversity and Geodiversity
- Policy T1 Delivering the Sustainable Transport Vision
- Policy T4 Capacity of the Transport Network to Deliver Development
- Policy T5 Delivering Transport in New Development
- Policy T6 Vehicle Parking
- Policy T7 Footpaths and Cycle Routes
- Policy T8 Electric Vehicle Parking

#### Buckinghamshire Minerals and Waste Local Plan (July 2019)

Policy 1: Safeguarding Mineral Resources: The site is not within a mineral safeguarding area.

#### Neighbourhood Plan

The application site is not located within a draft or made Neighbourhood Plan area.

## Design Advice Leaflets & Guidance Notes

Biodiversity Net Gain SPD

Buckinghamshire Minerals and Waste Local Plan 2016-2036

Vale of Aylesbury Design SPD

## National Policy

National Planning Policy Framework 2023

National Design Guide – 2021 (NDG)

Planning Practice Guidance (PPG)

## **6.0 Policy Considerations and Evaluation**

### 6.1 Main issues:

- Principle of Development
- Transport matters and parking
- Design, character and appearance
- Amenity of existing and future residents
- Flooding and drainage
- Ecology
- Renewable energy

### **Principle and location of development**

VALP: Policy S1

- 6.2 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).
- 6.3 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.
- 6.4 The proposal is for the change of use of the existing house into a residential home for up to 3 children. The proposed use will function very similar to the existing use, having all the hallmarks of a family home.
- 6.5 In this instance a well-managed environment for care of children should be supported. There is significant pressure upon the authority to provide high quality care for children in safe environments, small council run care homes such as this reduce the financial pressure upon the Council who might otherwise have to rely upon the private sector for such care.

The similarities of the proposed use to the existing lawful dwelling ensure that there is no unacceptable harm to the area. 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 type and nature of care are not matters for this application and members cannot assess what is required/offered in terms of a child's care needs.

### **Transport matters and parking**

VALP: Policies T1, T4, T5, T6, T7 and T8

- 6.6 Policies T1, T4 and T5 of the VALP seek to ensure that development proposals are sustainable in regard to their links to public transport, traffic generation and general accessibility to all users of the highway. Policy T6 of the VALP requires proposals to have an appropriate level of parking, Policy T7 relates to cycle storage and Policy T8 refers to the installation of electric vehicle charging points.
- 6.7 Paragraph 115 of the NPPF (December 2023) highlights that development can be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.8 Appendix B of the VALP requires three parking spaces for a four-bedroom property. The existing garage would not meet minimum of 6m x 3m within Appendix B as it measures 5m x 5m and it is therefore excluded from the number of parking spaces.
- 6.9 The proposal includes amending the existing driveway to create one parking space and one disabled parking space at the property. As a result of the garage being substandard, there would be a parking shortfall of 1 space. Notwithstanding this, the application site is in a sustainable location with bus stops available on the A41 to Aylesbury, Dunstable, Hemel Hempstead, Luton and Pitstone and train stations being located 2.3 and 2.4 miles away in Aylesbury and Stoke Mandeville. Highway Authority colleagues raise no objection to the proposal. It is considered that a refusal on a lack of parking would not be sustainable if challenged, and thus 2 spaces for the proposed use is considered acceptable.
- 6.10 The care home would have a comparable level of vehicle movements to the existing residential dwelling and would see no net increase in trip generation. One member of staff would be on the site always looking after the children. There will be no adverse impact on the capacity of the local highway network. The proposal includes a cycle storage shed in the rear garden and an electric vehicle charging point which are acceptable.
- 6.11 There will be no change to the existing access arrangement and the Highways Officer has requested for a condition for the scheme for parking and manoeuvring at the application site to be laid out prior to first occupation which will be included as part of this permission.

6.12 In view of the above, it is considered that the application accords with Policies T4, T5, T6 and T7 and T8 of the VALP and the relevant paragraphs within the NPPF.

### **Design, character and appearance**

VALP: Policy BE2

6.13 Policy BE2 of the VALP requires proposals to respect and complement the existing dwelling and the surrounding area.

6.14 The building would remain a single planning unit and would not be separated in "planning units" on a per room basis. The general layout and room use of the existing dwelling house would remain, the proposed use would contain all the normal facilities for day-to-day living and sleeping activities associated with a dwellinghouse. The installation of the window on the side elevation of the existing garage would not detract from the existing property given there are varying sizes of windows on the front elevation of the dwelling and the proposed materials would be the same as the existing.

6.15 The installation of solar panels, electric vehicle charging point to the front elevation and air source heat pump to the side elevation of the property would raise no concerns. The air source heat pump would not play a part in public vistas and the solar panels, the electric vehicle charging point would not detract from the character of the dwelling, noting both are common features in the locality.

6.16 The proposal accords with Policy BE2 of the VALP.

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

VALP: Policy BE3

6.17 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.

6.18 Policy BE3 of VALP seeks to protect the amenity of existing residents and achieve a satisfactory level of amenity for future residents.

6.19 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 like that of a dwellinghouse, noting that a dwelling house would not be subject to a management plan.

6.20 The proposed solar panels would have no impact upon neighbours. The Council's Environmental Health Officer was consulted regarding the Air Source Heat Pump. Given its proximity to the neighbouring property and the application not being supported by

noise details or technical specifications of the unit proposed it is considered sensible to impose a condition for details to be submitted prior to installation. If additional noise mitigation is found to be required, this would be dealt with under this planning condition.

6.21 The proposal would comply with Policy BE3 of VALP and NPPF in this regard.

### **Flooding and drainage**

VALP: Policy I4

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

6.23 Policy I4 of the VALP requires a site-specific Flood Risk Assessment on site of one hectare or more in size or where there is evidence of flooding.

6.24 The site lies within Flood Zone 1, and it is not within an area susceptible to surface water flooding.

6.25 Given the proposal is for a change of use to 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.

6.26 Therefore, the proposed development would be resilient to flooding and it would not increase flood risk elsewhere in accordance with Policy I4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

### **Ecology**

VALP: Policy NE1

6.27 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.

6.28 Policy NE1 of the VALP is reflective of the NPPF in requiring all development to deliver a biodiversity net gain.

6.29 The application site is within a Green Impact Risk Zone for a Great Crested Newt Habitats, meaning it is unlikely for newts being present on site. However, there is no evidence that the protected species or habitats would be affected because of the proposed works. Nonetheless, an informative has been added to this report advising the Applicant of the procedure that should be followed if a Great Crested Newt is encountered during construction.

- 6.30 The Ecology Officer raised no objection to the proposal and no biodiversity enhancement features were requested for the application site.
- 6.31 The application does not impact on site habitation being a change of use only and therefore enjoys an exemption from BNG regulations. The proposed works are therefore considered to comply with Policy NE1 of the VALP and the guidance within the NPPF. An informative has also been included in relation to Great Crested Newts.

### **Renewable Energy**

VALP: Policy C3

- 6.33 Policy C3 of the VALP requires development schemes to achieve greater efficiency in the use of natural resources subject to not having an adverse impact and meeting criteria a-g of the policy.
- 6.34 The proposal includes the installation of an air source heat pump, solar panels and an electric vehicle charging point to the property. All these enjoy support from Policy C3.
- 6.35 As previously highlighted The Environmental Health Officer requested for a datasheet for the ASHP, this is covered by condition.
- 6.36 It is noted that the Highways Officer requested for details of the proposed electric vehicle charging point via a pre-commencement condition. Officers consider this unreasonable and have instead utilised a compliance condition for the equipment to be installed in accordance with manufacturers guidelines.
- 6.37 The proposed renewable sources are welcomed and would comply with criteria a-g of Policy C3 of the Vale of Aylesbury Local Plan.

### **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 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.

7.5 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.

### **Human Rights**

7.6 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.

### **Equality Act 2020**

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

## **8.0 Working with the applicant / agent**

8.1 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 following receiving amended plans, and no further assistance was required.

## 9.0 Recommendation

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

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:

7<sup>th</sup> November 2024

Unnumbered – Location Plan

Unnumbered – Noise and Disturbance Management Plan

18<sup>th</sup> November 2024

2189 PL02 P4 – Proposed Plans and Elevations

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 (December 2023).

3. The scheme for parking, and manoeuvring indicated on the submitted plans shall be laid out prior to 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 first occupation of the development hereby approved, an electric vehicle charging point shall be installed in accordance with manufacturer guidelines and retained in working order thereafter.

**Reason:** To ensure adequate provision is made for electric vehicles and to accord with the National Planning Policy Framework (December 2023) and Policies T6 and T8 of the Vale of Aylesbury Local Plan 2013-2033 (Adopted September 2021).

5. Prior to the Air Source Heat Pump being installed, technical details of the equipment including noise rating shall be submitted to and approved in writing by the Local Planning Authority. The submission shall specify any additional measures required to

control noise associated with the ASHP to ensure neighbours are not unduly impacted. Thereafter, the equipment shall be always operated in full compliance with manufactures guidelines and if noise mitigation is required it shall be retained in perpetuity.

**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 2013-2033 (Adopted September 2021).

6. The bike store as shown on approved plan reference 2189 PL02 P4 – Proposed Plans and Elevations received by the local planning authority on 18<sup>th</sup> November 2024 shall be provided prior to the first occupation of the development hereby approved and thereafter permanently retained to provide for the safe and secure storage of cycles associated with the use hereby permitted.

**Reason:** To ensure appropriate secure bicycle storage facilities are provided commensurate with the scale of the development in the interests of promoting sustainable travel options, in accordance with Policies T1 and T7 of the Vale of Aylesbury Local Plan 2013-2033 (Adopted September 2021) and the National Planning Policy Framework (December 2023).

7. The number of residents associated with the children's home hereby approved (Use Class C2) shall not exceed a total of 4 persons comprising 3 children and 1 adult carer without written authority from the Local Planning Authority.

**Reason:** In consideration of the living conditions of occupants of the site and the amenity of neighbouring residents and in taking into account the provision of suitable supporting infrastructure and parking provision, in accordance with Policies BE3, S5 and T6 of the Vale of Aylesbury Local Plan 2013-2033 (Adopted September 2021) and the National Planning Policy Framework (December 2023).

8. The use hereby permitted (Use Class C2) shall be operated in accordance with the Noise and Disturbance Management Plan received by the Local Planning Authority on 7th November 2024.

**Reason:** In the interests of maintaining residential amenity of neighbouring occupiers BE3 and NE5 of the Vale of Aylesbury Local Plan 2013-2033 (Adopted September 2021).

Informative(s):

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 61 of 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/](https://www.buckinghamshire.gov.uk/environment/environmental-health-and-nuisance/noise-light_smoke-and-smells/noise-from-a-construction-site/)
5. For the avoidance of doubt, in accordance with Schedule 14 of The Environment Act 2021, paragraph 13 (General Condition of Planning Permission) of the Act requires a condition securing the submission of a biodiversity net gain plan to be approved by the local planning authority on the grant of every planning permission. However, paragraph 17 (Exceptions) of this Act states paragraph 13 (General Condition of Planning Permission) does not apply in relation to development for which planning permission is granted by a development order; under section 293A (urgent Crown development); or development of such other description as the Secretary of State may by regulations specify. Consequently, this proposal is exempt from the mandatory minimum 10% Biodiversity Net Gain requirement which was introduced by The Environment Act 2021 which supplants local requirements as far as they relate to biodiversity.

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

**Appendix B: Site Location plan**

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

### Councillor Comments

No comments received at the time of writing the report.

### Town Council Comments

Aylesbury Town Council: Aylesbury Town Council support this application.

### Consultation Responses

Economic Development: No objection.

Ecology: No objection.

Environmental Health: No objection, subject to conditions.

Highways: No objection, subject to conditions.

### Representations

No comments received at the time of writing the report.

**APPENDIX B: Site Location Plan**



Do not scale – this map is indicative only

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