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APPLICATION BY RICHMOND ASSETS LTD FOR FULL PLANNING PERMISSION FOR A MIXED USE DEVELOPMENT INCLUDING THE DEMOLITION, EXTENSION, ALTERATION AND CONVERSION OF 19/20 FORT END, HADDENHAM COMPRISING AN A3 UNIT WITH FIVE DWELLINGS TOGETHER WITH PARKING AND AMENITY SPACE.

**PLANNING, HERITAGE AND DESIGN AND
ACCESS STATEMENT**

JULY 2018

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1.0 Introduction

1.1 This Planning, Heritage and Design and Access Statement accompanies an application submitted to Aylesbury Vale District Council for full planning permission for a mixed use development including the demolition, extension, alteration and conversion of 19/20 Fort End, Haddenham and comprising an A3 unit with five dwellings, together with parking and amenity space.

1.2 The Statement is structured to consider the Planning, Heritage and Design and Access related issues raised by the proposals, covering in detail the planning issues in the context of the planning history of the site together with national and local planning policy and advice. Accordingly, the Statement is structured as follows:

- Section 2 – The Site and Surrounding Area
- Section 3 - Planning History
- Section 4 - The Proposal
- Section 5 - Planning Policy Background
- Section 6 - Planning Considerations
- Section 7 - Conclusions

2.0 The Site and Surrounding Area

- 2.1 The application site is located on the north side of Fort End, on the 'S' bend that runs east to west through the village (Tacks Lane/Fort End/Banks Road) and comprises an irregular shaped plot that extends to an area of approximately 0.09 hectares. The site, which rises gradually from south to north and east to west, contains a two-storey white painted render building under a pitched, clay tile roof with deep raking roof to the rear (north). The application property, which turns the corner to Tacks Lane and continues in a similar, albeit slightly lower form to the west, currently comprises an A3 use across the majority of the building, with a smaller, mixed use unit at the north-western end.
- 2.2 A single access off Banks Road is provided to the east of the building, leading to an area of open parking to the side and rear, within which is a single storey brick built garage building. Along the northern and eastern edges, the site is bounded by a combination of walls and fences.
- 2.3 The site is adjoined to the east by 21 Fort End, a Grade II Listed detached thatched cottage with, to the north, a recent development of four detached two-storey dwellings. A single residential unit adjoins the northern flank of the building, fronting on to Tacks Lane and with garden area to the rear (east). Fort End itself comprises a mixture of commercial uses together with residential properties.
- 2.4 The extent of the application site is shown outlined in red on the site location plan accompanying the application and, for planning policy purposes, falls within the designated Haddenham Conservation Area. Whilst this building itself is not listed, it is identified in the Haddenham Conservation Area Character Appraisal as a building of note.

3.0 Planning History

- 3.1 The most material planning history on the site relates to an application (15/00980/APP) submitted in March 2015 for the demolition, extension, alteration and conversion of the existing buildings to provide seven dwellings together with parking and amenity space. That application was refused in March 2016 on the basis (i) that the proposals would result in the loss of a community facility, (ii) the failure to provide a financial contribution towards Sport and Recreation, and (iii) the failure to provide a financial contribution towards Education provision.
- 3.2 An appeal was subsequently submitted against the refusal of planning permission, albeit by that stage issues (ii) and (iii) had 'fallen away' due to changes in Government Advice. That appeal was heard at an Informal Hearing on 01 March 2017, with the Inspectors decision issued on 29 March 2017. The appeal was dismissed with the Inspector concluding that, whilst the evidence demonstrated that the business, as it stood, was no longer financially viable, the process of marketing the premises did not sufficiently demonstrate that all reasonable steps had been taken to retain the present use and its community value. That being the case, the Inspector concluded that the proposals were in conflict with the terms of Policy HWS2 of the made Haddenham Neighbourhood Plan. A copy of the appeal decision is attached at **Document 1**.

4.0 The Proposals

4.1 The application seeks full planning permission for a mixed use development including the demolition, extension, alteration and conversion of 19/20 Fort End, Haddenham and comprising an A3 unit with five dwellings, together with parking and amenity space. Full details of the proposal are set out in the following:

- P100 Site Location Plan (1:1250)
- 1522/01A Existing Floor Plans (1:100)
- 1522/02 Existing Elevations (1:100)
- 18-047 01 Proposed Site Plan and Floor Plans (1:100)
- 18-047 02 Proposed Elevations (1:100)

4.2 As shown in the submitted plans, the proposal involves a range of works including the following:

- Removal of elements of the fabric of the existing building (to the rear) and the erection of a lean-to extension, incorporating a cat-slide roof with dormer window openings to the rear and rendered external walls at ground floor level;
- Demolition of existing single storey extension projecting from the east elevation of the building, exposing the existing stone gable (to be re-pointed with lime mortar);
- Removal and replacement of existing front porch;
- Provision of additional window openings in the west elevation of the building;
- Alterations to window and door openings in the south-west elevation, including provision of conservation-style rooflights;
- Consolidation of existing A3 unit in to the eastern section of the ground floor of the building, and the conversion of the remainder to provide five residential units including a single three-bedroom unit, two 2-bedroom units and two 1-bedroom units.

4.3 In addition, the existing parking area would be altered to provide eleven parking spaces, with areas of amenity space also provided to the rear of the site for occupiers of the proposed residential units.

5.0 Planning Policy Background

5.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, there is a statutory obligation to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. Given such, and having regard to the planning designations affecting the site, this section of the Statement outlines the thrust of related National Planning Policy advice before going on to summarise the relevant Development Plan policies in the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004.

National Planning Policy Framework (NPPF)

5.2 The NPPF was published on 27 March 2012 and, with immediate effect, replaced a raft of advice and guidance contained in various Planning Policy Guidance notes (PPGs), and Planning Policy Statements (PPSs).

5.4 Sustainable development is at the heart of the NPPF, with paragraph 6 confirming that the '*purpose of the planning system is to contribute to the achievement of sustainable development*'. Paragraph 7 advises that there are three dimensions to sustainable development:

- Economic - contributing to the creation of a strong, responsive and competitive economy.
- Social - supporting strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations.
- Environmental - contributing to protecting and enhancing our natural, built and historic environment.

5.5 Within this context, advice and guidance on delivering sustainable development is set out in paragraphs 18 to 219 of the NPPF – all of which should be read as a whole. This advice is contained in a series of sub-headings relating to –

- Building a strong competitive economy;
- Promoting sustainable transport;
- Delivering a wide choice of quality homes;
- Requiring good design;
- Promoting health communities;
- Conserving and enhancing the natural environment;
- Conserving and enhancing the historic environment; and

- Meeting the challenge of climate change and flooding.

5.6 Whilst sustainable development underpins the advice in the NPPF, decision-making should also have regard to 12 core planning principles set out in paragraph 17 of the NPPF, namely that planning should, *inter alia* -

- Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units that the country needs;
- Ensure high quality design and a good standard of amenity for existing and future occupants of land and buildings;
- Take account of the different roles and character of different areas;
- Conserve heritage assets in a manner appropriate to their significance;
- Contribute to the conservation and enhancement of the natural environment;
- Manage patterns of growth to make the fullest possible use of public transport, cycling and walking; and
- Take account of, and support, local strategies to improve health, social and cultural well-being.

5.7 Within this context, the NPPF sets a presumption (in paragraph 14) in favour of sustainable development. That is either (a) approving development that accords with the Development Plan or (b) where the Development Plan is absent, silent or relevant policies are out-of-date, to grant planning permission unless (i) any adverse impact would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies, or (ii) where the NPPF otherwise indicates that development should be restricted.

5.8 As it relates to housing development, the NPPF seeks to provide the policy framework for significantly boosting the supply of housing. Accordingly Paragraph 49 highlights that applications for housing development should be considered in the context of the presumption in favour of sustainable development. Furthermore, the paragraph goes on to advise that relevant [local] policies for the supply of housing should not be considered up-to-date if the local planning authority can not demonstrate a five-year supply of deliverable housing sites

5.9 Furthermore, good design is identified as a key aspect of sustainable development, and good design should contribute to making better places for people to live. Design policies should, however, avoid unnecessary prescription and should concentrate on guiding the scale, density, massing, height, layout considerations, materials and access.

Architectural styles or tastes should not be imposed (paragraph 60), albeit development of poor design should be refused.

- 5.10 With reference to heritage assets (including Conservation Areas and listed buildings), paragraph 128 requires applicants to describe the significance of any heritage assets, with the level of detail proportionate to the importance of the asset, and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 132 advises that great weight should be given to the conservation of a heritage asset, with the weight varying depending on the importance of the asset.

Development Plan

- 5.11 The Development Plan comprises the saved policies of the Aylesbury Vale District Local Plan (AVDLP) adopted in January 2004 together with the policies of the 'made' Haddenham Neighbourhood Plan.

Aylesbury Vale District Local Plan (AVDLP)

- 5.12 Whilst the general strategy of the AVDLP – that is, to concentrate the majority (65%) of growth in Aylesbury and the remaining (35%) in the rural areas – is broadly consistent with the principle of delivering sustainable development and therefore compliant with the overarching objectives of the NPPF, the housing supply policies of the AVDLP (and, in particular, Policies RA13 and RA14) are now out of date given that these identified targets to 2011. That being so proposals for additional housing development should be considered against the advice in the NPPF, particularly that contained in paragraphs 14 and 49.
- 5.13 Notwithstanding that the housing supply policies of the Local Plan are out of date, there are a number of general policies in the AVDLP that are both saved¹ and consistent with the NPPF, the most relevant of which (given the proposed development) are set out in Table 1 below.

Policy	Summary
GP8	Protection of the Amenity of Residents: Requires that development proposals should not unreasonably harm neighbouring residential amenity

¹ Pursuant to the Planning and Compulsory Purchase Act.

GP24	<p>Car Parking Guidelines:</p> <p>Seeks the provision of vehicular car parking in accordance with the Council's guidelines as set out in Supplementary Planning Guidance (SPG).</p>
GP35	<p>Materials and Design Details</p> <p>New development should respect and complement, <i>inter alia</i>, the physical characteristics of the site and surroundings; building tradition, form and materials; the historic scale and context of the setting; and natural qualities and features of the area.</p>
GP38	<p>Landscaping of New Development Proposals</p> <p>Schemes should include landscape proposals designed to help buildings fit in with, and complement, their surroundings, with hard landscaping incorporating materials appropriate to the locality.</p>
GP39 GP40	<p>Existing Trees and Hedgerows</p> <p>Advises that the Council will seek to protect trees and hedgerows where these contribute to the character and amenities of the area.</p>
GP53	<p>New Development in and Adjacent to Conservation Areas</p> <p>Development proposals will not be permitted if they harm the character or appearance of the Conservation Area. Proposals must respect historic layout, scale and form of buildings, together with open spaces and natural features.</p>
GP59	<p>Archaeology and Ancient Monuments</p> <p>The Council will protect, enhance and preserve the historic interest and setting or any sites or archaeological importance.</p>
GP93	<p>Community Facilities and Services</p> <p>Advises that the Council will resist proposals for the change of use of community buildings and facilities for which there is a demonstrable local need. Regard will be had to those considerations set out above in relation to Policy GP32.</p>

Table 1: AVDLP Policies

Haddenham Neighbourhood Plan (HNP)

5.14 The Haddenham Neighbourhood Plan was formally 'made' in 2015 following the outcome of a local referendum, albeit that Chapter 6 of the plan – relating to housing matters – was subsequently quashed at the High Court. That being the case, the most relevant 'live' policies of the Neighbourhood Plan are set out in Table 2 below:

Policy	Summary
TGA1	<p><i>Car and Cycle Parking Standards</i></p> <p>Advises that, where shared/unallocated parking is provided, a one bedroom unit should be provided with 0.75 parking spaces, or 2 parking spaces where allocated parking is provided. A 3-bedroom dwelling should be provided with 2 parking spaces. In addition, where communal cycle storage is proposed, each unit should be provided with sufficient space for a single cycle.</p>
HWS2	<p><i>Protecting Community Amenities</i></p> <p>States that proposals involve the loss of facilities will not be permitted unless it can be demonstrated that they are no longer financially viable, and that all reasonable steps have been taken to retain its present use and community value as a viable concern.</p>

Table 2: Relevant HNP Policies

Other Matters

5.15 In addition to the above, the Council have produced a variety of Supplementary Planning Documents and guidance, a number of which are relevant to the proposals. These include the Conservation Areas SPD (2011) and the Haddenham Conservation Area Character Appraisal (2008).

Conservation Areas SPD

5.16 The Conservation Areas SPD provides a linkage between Development Plan policies (including the Conservation Area related policies noted in Table 1) and Conservation Area

Character Appraisals. Having regard to the nature of the proposed scheme, the SPD identifies the need for Design and Access Statements to:

- Consider and assess whether the existing site has a positive, negative or neutral impact on the character of the Conservation Area;
- Outline how and why the proposed development preserves or enhances the character and appearance of the Conservation Area;
- Demonstrate the above with reference to the Council's adopted Conservation Area Character Appraisal.

5.17 In addition, the SPD provides more detailed advice on appropriate materials, windows and doors within Conservation Areas.

Haddenham Conservation Area Character Appraisal

5.18 The Character Appraisal provides a detailed analysis of the key features that contribute to the special character and interest of the Conservation Area. The appraisal 'breaks-up' the Conservation Area into a series of 'Identity Areas', the boundaries of which are defined by the commonality of features within the area.

5.19 The site is located within the Fort End Identity Area (Area 6), which is centred on Fort End, with the appraisal identifying key features including:

- The disposition of buildings, that creates enclosure to Fort End and defines the edge of space;
- That historic buildings are generally aligned so that their principal elevations face on to the road, creating active frontages;
- That buildings generally cover a large percentage of their plot with gardens located to the rear; and
- That buildings are generally two-storey in height, with consistent eaves and ridge lines, and a mixture of external materials.

Emerging Vale of Aylesbury Local Plan

5.20 In addition of the above, the Emerging Vale of Aylesbury Local Plan (VALP) has been submitted to the Secretary of State for Examination. Given that the policies set out therein have yet to be the subject of examination, it is not considered that they are of significant weight in the determination of this application. That said, the emerging

policies do not raise any materially different issues to those set out in the adopted Development Plan and identified above.

6.0 Planning and Design Considerations

6.1 This Section of the Statement assesses the principal planning issues associated with the proposed development, and relating to the following matters:

- The principle of the proposed development;
- The impact on designated heritage assets;
- The effect on neighbouring residential amenity;
- The quality of living environment for future occupiers;
- The impact on existing trees and vegetation and proposed landscaping;
- Highways, Access and Parking;
- Flood Risk.

6.2 These matters are considered in the paragraphs below.

Principle of the Development

6.3 Haddenham is identified in existing and emerging planning policy as one of the most sustainable settlements in the District, suitable for additional development. Given such, and having regard to the fact that the site is located within the heart of Haddenham, and well within its built-up confines, the principle of the proposed development is considered to be consistent with the requirements of the now time-expired Policy RA13 of the adopted Local Plan. Notwithstanding such, and having regard to the planning history detailed at Section 3.0, there are matters that require further assessment.

6.4 In this respect, the previous appeal (**Document 1**) was heard in the context of current Development Plan policy, namely the adopted Aylesbury Vale District Local Plan and the made Haddenham Neighbourhood Plan. That being so, there has been no material change in the planning policy position to that considered by the Planning Inspector and, accordingly, the conclusions of the Inspector are therefore highly relevant in this regard.

6.5 Insofar as it related to matters of principle, the sole issue identified by the Inspector concerned whether the proposed loss of the A3 (Restaurants and Cafes) use would conflict with the terms of Policy HWS2 of the made Neighbourhood Plan. Whilst, in this regard, the Inspector concluded that there would be a conflict and the appeal was dismissed accordingly, the current proposals retain (albeit in a reduced form) the existing A3 facility at ground floor level.

- 6.6 As worded Policy HWS2 of the Neighbourhood Plan 'bites' where a proposals results in the loss of such a facility and where, in such circumstances, it is then necessary to demonstrate that the facility is no longer financially viable and that all reasonable steps have been taken to retain its present use and community value. However, the current proposals would not result in the 'loss' of the facility, simply its rationalisation in to a smaller part of the ground floor of the building. To that extent, there would be no conflict with Policy HWS2 of the Neighbourhood Plan.
- 6.7 Nevertheless, it remains appropriate to consider whether, in the rationalised form, the A3 facility would be viable (especially given the Inspectors conclusions in this particular respect). In this regard, the application is accompanied by a supporting letter (**Document 2**) from the applicant's specialist business adviser. This confirms the following:
- That the reduction in the size of the unit would result in a circa 50% reduction in the rent, equivalent to a saving of some £20,000;
 - That there would be a proportionate reduction in Business Rates;
 - That there would be a proportionate reduction in Insurance Costs; and
 - That property maintenance costs would reduce.
- 6.8 Furthermore, the letter confirms that the reduction in size of the facility (from circa 65 to 30 covers) would still result in a facility the overall capacity of which is sufficient to meet the demands that are currently experienced at the busiest time. That being so, it is anticipated that whilst the reduction in the size of the unit would have a minimal impact on turnover, there would be a significant reduction in the cost to the business that would be sufficient to ensure that the operation is both viable and profitable.
- 6.9 Accordingly, and given that the proposals fully address and overcome the sole matter of principle connected with the previous scheme, it follows that the principle of the proposed development is acceptable and compliant with Development Plan policy.

Impact on designated heritage assets

- 6.10 Both the guidance in the NPPF and, to an extent, the policies of the AVDLP and Conservation Area-related SPD, require applicant's for planning permission (including demolition) to first analyse the significance of a particular heritage asset to enable a full understanding of the value and contribution that asset makes to the area and, by implication, of any constraints and limitations connected with any proposed development.

- 6.11 In this respect, there are a number of heritage-related issues to consider including:
- The value and contribution of the existing buildings to the character and appearance of the Conservation Area;
 - The relationship with the wider character and appearance of the Conservation Area; and
 - The impact on the setting of listed buildings;

- 6.12 Whilst each of these matters are considered in detail below, it should be noted that the extent of works associated with the proposed development are not materially different to the previous scheme, and in respect of which the Inspector concluded (at paragraph 22; **Document 1**):

'The appeal property is located within the Haddenham Conservation Area and there is also a Grade II Listed building to the eastern boundary. The conversion would entail minimal external alteration and as such there would be no harm to the setting of the listed building. Furthermore, while I have found harm to the overall vibrancy of Haddenham, the change of use of the appeal property to residential would not undermine the general character of Fort End, which is derived from a mix of both commercial and residential dwellings, to any significant degree. The character and appearance of the Conservation Area would therefore be preserved'.

These conclusions – irrespective of the analysis below – are highly material and significant to the current proposals.

- 6.13 In terms of the Conservation Area, the Conservation Area Character Appraisal for Haddenham provides a useful starting point for understanding the distinctive features and characteristics of each component part of the Conservation Area. The key features for the Fort End Identity Area (within which the site is located) are noted in paragraph 5.19 above. Having regard to the specifics of the site and these key features, the following factors are relevant:

- The strong sense of enclosure to Fort End formed by the existing building;
- The attractive and established character of the existing building, which is consistent in scale, mass and form with the key built features of the area;
- Previous additions and outbuildings have somewhat compromised the historic and established form of development on the site

- 6.14 Accordingly, the existing building, in terms of its siting, scale and form (especially along the public elevations) makes a valuable contribution to the character and structure of this part of the Conservation Area. That, however, is not to say that the building is not capable of change and alteration - providing that is sympathetic and sensitive to those elements that do make a positive contribution to the surroundings.
- 6.15 Having analysed and assessed the contribution and significance of the site to these heritage assets (in a manner proportionate to the scale of the proposed development), the following paragraphs go on to consider:
- The contribution of those buildings to be demolished to the character and appearance of the Conservation Area;
 - The appropriateness of the design, scale, form and materials of the proposed extensions and the works of conversion on the building and Conservation Area; and
 - The impact on the setting of adjoining listed buildings.

The contribution of those buildings to be demolished to the character and appearance of the Conservation Area;

- 6.16 The proposals would involve the demolition of the following;
- The existing single storey extension to the side (east) and front porch (south); and
 - The removal of the extensions/additions to the rear elevation.
- 6.17 Whilst no objections were raised in the previous application to the demolition of these building, their loss is considered further below.

Existing Single Storey Side Extension and Front Porch

- 6.18 The existing single storey addition to the side of the building is evidently an addition to the original structure, and in its layout, form and materials, does not contribute to the character of the original structure. Indeed, by appearing as a clear adjunct to the original building, it detracts from the form of the building and conceals part of the attractive two-storey flank elevation of the original building. In this context, its removal would not have any harmful consequences for the special interest of the Conservation Area.

- 6.19 Similarly, the front porch has modern origins, being of brick construction, gable fronted and with a slate roof - all by contrast to the external materials and form of the existing building. Subject to appropriate making good of the external walls of the original building and incorporating an appropriately detailed entrance door, the removal of the front porch would not have any adverse consequences for either the existing building or wider Conservation Area.

Rear Extensions / Additions.

- 6.20 The existing sections to the rear of the building are of more historic interest than the other elements to be demolished, if only by virtue of the fact that they mark some of the historic growth and evolution of the building. That said, their overall form and character is not of major significance to the value of the building as a non-designated heritage asset and there is scope for change, subject to that change being sensitive and appropriate.
- 6.21 Accordingly, the acceptability of the demolition/removal of the rear sections of the building is considered to be contingent on the appropriateness and quality of the replacement. Given such these matters are considered further in the paragraphs below.

The appropriateness of the design, scale, form and materials of the proposed extensions and the works of conversion on the building and Conservation Area

- 6.22 As shown on the submitted plans, the proposal involves effectively demolishing the range of existing cat-slide sections to the rear of the property (back to the original rear wall) and introducing an 3.4m deep extension, with a slightly shallower roof pitch (compared to the main dwelling) and meeting the main building at broadly the same rear eaves line). This approach would, to all intents and purposes, reintroduce the cat-slide roof form of the existing building and this, combined with the materials, mass and form of the extension, would provide a more uniform, consistent and complete rear elevation - especially when compared with the amalgam of forms that currently exist.
- 6.23 The proposals also introduce a number of flat roof dormer windows across the rear elevation. There are, at present, two similar features on the rear elevation and whilst reference to such is not intended to provide justification for the proposed dormers, it is evident from the elevations that these dormers would, in their scale, mass and design, sit comfortably in the mass of the rear roof slope. Furthermore, these dormers would incorporate a traditional leaded finish and timber framed openings. To that extent, it is

- considered these elements would be sensitive to the overall form and character of the building.
- 6.24 Given the matters set out, it is considered that the design, form and materials of the proposed rear extension would be sensitive and sympathetic to the existing building - justifying the removal of existing elements - and would preserve the character and appearance of this part of the Conservation Area.
- 6.25 In terms of the other proposed works, the details shown on the floor plans indicate that the works of conversion would retain the historic fabric and form of the building, with any internal alterations (in general terms) involving the removal of less sensitive modern interventions - mainly partition walling..
- 6.26 As part of the scheme, it is also proposed to introduce a number of window openings in the western elevation of the building. Subject to the use of appropriate materials, the provision of such would not detract from either the character of the building or the wider Conservation Area. Similarly, the use of conservation-style rooflights in the roof of the existing building would not harm its character or contribution to the wider street scene.
- 6.27 In terms of the external environment, the existing 'strong' frontage to Fort End (and boundary treatment thereto) would be retained - and, indeed, would be enhanced by the removal of the front porch (and its replacement with a simple structure) and single storey side extension. That being so, the role and function of the building in the street scene would not materially change as a result of the proposals and, indeed, the retention of an element of A3 use at ground floor level would maintain the balance of commercial and residential uses and the vibrancy of this part of the Conservation Area.
- 6.28 Furthermore, the parking serving the development would be largely contained to the existing parking area, whilst the subdivision of the garden/amenity areas would be set well within the site and would not be a visually prominent or evident feature in the wider street scene. To that extent, the resultant external appearance of the site would not harm the character of the Conservation Area, rather its special interest would be preserved.

The impact on the setting of adjoining listed buildings;

- 6.29 The adjoining property to the east, 21 Fort End, is a Grade II Listed dwelling, the setting of which is already affected by existing development on the site, including the car park and detached garage building. Given that the external character and appearance of

the site - and hence its relationship to and impact on, No 21 - would not materially change as a result of the proposals, it follows that the scheme would appropriate preserve the setting of the adjoining listed building.

6.30 As such, it is considered that the proposals would neither have a positive or negative impact on the setting of 21 Fort End.

6.31 Given the analysis set out in detail in the preceding paragraphs, it is considered that:

- There are no heritage-based objections to the demolition of the existing structures as shown on the submitted plans;
- That the proposed works would be sympathetic to, and preserve, both the character of the existing building and its contribution to the wider Conservation Area; and
- That the layout and form of the proposed development would not adversely impact on the special interest of the surrounding Listed Buildings.

6.32 As such, it is considered the proposals would comply with the relevant requirements of the AVDLP and the advice in the NPPF in relation to heritage assets.

Effect on Neighbouring Residential Amenity

6.33 As shown on the location plan and site layout plan, the site is surrounded by existing residential development to the north and east. Whilst the proposals would involve extending the building, such extensions would generally be contained to the existing footprint and, in terms of the relationship with surrounding properties, would not have any significant amenity consequences in terms of issues of light and outlook.

6.34 Furthermore, in terms of issues of privacy, the windows in the north and north-east facing elevations of the building would be positioned approximately 15.0m from the northern boundary of the site, beyond which is Plot 1 of a recent development of four detached dwellings. This plots presents a blank gable elevation towards the application site with the area to the front thereof used of vehicle parking and turning. Given this relationship, and the distance involved, there would be no unacceptable overlooking of this property. Indeed, it should be recognised that this relationship would not be materially different to the previous scheme and which was found to be acceptable in these respects.

- 6.35 In addition, the other dwellings directly adjoining the site (18 and 21 Fort End) are either sufficiently distant from the building, or have a juxtaposition with the building that ensures there would be no overlooking or loss of privacy. Further, although additional window openings are proposed in other elevations of the building, these would generally be on to public facing elevations where the relationship with surrounding properties would not give rise to overlooking.
- 6.36 Although the proposals also include alterations to the existing parking layout, the changes would be of a minor nature and would not alter the way in which the site and operation of the car park relates to the neighbouring building. Given such, the use of the parking areas would not have any detrimental impact on neighbouring amenity in terms of noise or disturbance.
- 6.37 Accordingly, and for the reasons set out, it is considered that the proposals would not have any adverse consequences for neighbouring residential amenity.

Quality of Living Environment for Future Occupiers

- 6.38 The physical form and layout of each of the proposed units are such that they would benefit from appropriate levels of natural daylight and sunlight, and the relationship with existing buildings surrounding the site are such that these would not intrude on outlook or privacy.
- 6.39 Furthermore, within the development each of the proposed units would be private and, whilst there would be a degree of mutual overlooking of the proposed amenity areas (the majority of which are communal in any event) the degree of such would be limited and future occupiers would be aware of such when purchasing the property. Furthermore, given the form and small scale of the units, the limited level of on-site amenity space provision is not considered to be a constraint to the development given the proximity to other areas of amenity space (eg. Banks Park).
- 6.40 Moreover, it should be recognised that as part of the development of the adjacent site to the north, permission was granted for the small unit on the Tacks Lane/Thame Road frontage to be converted to a single residential dwelling - with no direct on-site provision of amenity space. This approach was deemed acceptable to the Council at the time and, given that there has been no material change in circumstances since, it follows that the absence of amenity space for the smaller units of accommodation does not compromise the acceptability of the development.

6.41 That being so, it is considered that an appropriate standard living environment would be created for future occupiers of the development.

Impact on Existing Trees and Vegetation and Proposed Landscaping

6.42 There are no existing trees within the site that make a significant contribution to the visual amenities of the area and thus there are no constraints to the layout or form of the proposed development in this regard. Further, whilst there is a single tree to the front of 21 Fort End, and located close to the boundary with the application site, no significant physical works are proposed within the root protection area of this tree. Indeed, a substantial wall currently extends along the site boundary, with only a timber (bin store) enclosure proposed within the site in proximity to the tree (and across an existing hardsurfaced area). That being so the construction of this enclosure, that would be supported off timber posts, would not compromise the health of the tree. Accordingly, existing landscaping on and around the site does not represent a constraint to the development – a conclusion that it should be noted was also reached in relation to the previous scheme.

6.43 In terms of proposed landscaping, it is anticipated that such would be controlled by planning condition. However, the broad framework for such landscaping is set out on the site layout plan and includes the following:

- Provision of a planted enclosures within the site to provide a courtyard garden to the three-bedroom unit
- Communal amenity areas to comprise mainly soft landscaping;
- Pockets of soft landscaping to be provided within the parking area;
- Parking area to either be tarmac, rolled gravel, porous block paving (or a combination of such);
- Existing low wall enclosure to Fort End (across site frontage) to be retained.

6.44 In combination, and whilst full details could be controlled by planning condition, it is considered that the landscape framework and related principles set out above would ensure a form, layout and character of development that is readily assimilated in to the surroundings.

Highways, Access and Parking

- 6.45 As shown on the site layout plan, the existing access off Fort End would be widened, partly through the removal of the existing single storey extension to the side of the building. The removal of this extension would facilitate improved visibility to the west and allow for two-way vehicle movements in to and out of the site. Given such, and the fact that the number of vehicle movements through the access would not be materially different to the existing authorised uses on the site (and, in more likelihood less), it follows that such alterations would represent a material improvement in highway terms.
- 6.46 With respect to matters of parking, the Neighbourhood Plan requires that where allocated parking is provided, each property should be provided with two parking spaces, albeit where that parking is unallocated (i.e. on a shared basis) parking for a one bedroom unit may be 0.75 parking spaces and a two bedroom unit 1.25 parking spaces. In accordance with the District Council's SPD on such matters, parking for an A3 use is based on 1 space per 6sqm of public floor area.
- 6.47 In this case, the existing A3 and related uses on the site generate a requirement for 21 parking spaces which, given that only 8 spaces are currently available, amounts to a parking shortfall of 13 spaces. Under the proposed scheme, Units 1 and 2 would both be provided with two allocated parking spaces (the tandem parking spaces) whilst the remaining units (a two-bedroom unit and 2 one-bedroom units) would be provided with parking on a shared basis which, based on the above standard, would require a total of 3 spaces (i.e. one per unit on average). Thus seven parking spaces would be available for the residential use.
- 6.48 The A3 use, based on the reduced area, would require 9 parking spaces, of which four (including a disabled space) would be provided. Whilst it is acknowledged that the resulting level of provision (11 parking spaces) would be below that required for the development (16 spaces), the level of parking shortfall would reduce from 13 spaces to 5 spaces. This would represent a material betterment to the extent that parking is not considered to be a constraint to the development. This would be provided on site, leaving 4 spaces (including a disabled space) for the A3 use.
- 6.49 In view of the above, there are not considered to be any highways, access or parking constraints to the proposed development, a conclusion consistent with the findings in the previous application.

Flood Risk

- 6.50 Data held by the Environment Agency indicates that the site is located in Flood Zone 1 and, therefore, suitable as a matter of principle for the proposed development. Furthermore, that data indicates that the site is not subject to surface water flooding, nor is it in an area at risk of flooding as a result of a reservoir breach. Accordingly, there are not considered to be any flooding constraints associated with the proposed development.

7.0 Conclusions

7.1 This Planning, Heritage and Design and Access Statement (PHDAS) accompanies an application submitted to Aylesbury Vale District Council for full planning permission for a mixed use development including the demolition, extension, alteration and conversion of 19/20 Fort End, Haddenham and comprising an A3 unit with five dwellings, together with parking and amenity space.

7.2 Having regard to the planning history of the site and planning policy context outlined the Statement has demonstrated:

- That the principle of the proposed development is acceptable;
- That the proposed works of demolition, alteration, extension and conversion would respect the character of the existing building and preserve the special interest of this part of the Haddenham Conservation Area.
- That there would be no adverse impact on the setting of neighbouring listed buildings;
- That the residential amenities of neighbouring properties would be appropriately safeguarded;
- That an appropriate quality living environment would be created for future occupiers of the development;
- That there are no landscape, constraints to the proposed development;
- That appropriate access and parking arrangements would be provided; and
- That there are no flooding constraints to the development

7.3 Accordingly, it is considered that the proposals would comply with the relevant policies of the AVDLP and the NPPF.

DOCUMENT 1

Appeal Decision

Hearing held on 1 March 2017

Site visit made on 1 March 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th March 2017

Appeal Ref: APP/J0405/W/16/3158739

19-20 Fort End, Haddenham, Buckinghamshire, HP17 8EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Richmond Assets Ltd against the decision of Aylesbury Vale District Council.
 - The application Ref 15/00980/APP, dated 20 March 2015, was refused by notice dated 15 March 2016.
 - The development proposed is the demolition, extension and alteration and the conversion of 19/20 Fort End, Haddenham to form seven dwellings with parking and amenity space.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council determined the application on the basis of an amended plan (ref: 1522-03b) which was submitted during the course of the application. For clarity, I have also determined the appeal based upon this amended plan.
3. The Council confirmed in their appeal statement that they have conceded on their second and third reasons for refusal in respect of planning obligations.

Main Issue

4. The main issue is the effect of the proposed development upon the vibrancy of the community of Haddenham.

Reasons

5. The appeal property is located on a prominent corner plot to the north of Fort End, an open area created by a staggered junction of Thame Road, Fern Lane, High Street and Banks Lane which divert around a small village green. It has operated for a period of over 20 years as an Indian restaurant called 'Taste of the East.' At my site visit I saw that the restaurant was still open for business, and it was established at the Hearing that this currently trades 7 days a week, during the evenings.
 6. The appeal property is located within the settlement of Haddenham, a large village which has a number of services and facilities as well as good transport links to major settlements. Services and facilities in Haddenham are spread
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around the village, however, there were a number of commercial properties at Fort End, including a bakery, butchers, barbers and an estate agent.

7. The Haddenham Neighbourhood Plan 2015 (NP) identifies that for a settlement the size of Haddenham, the community is poorly served by services and facilities including shops, pubs food outlets and commercial services. It also states that the settlement is at risk of becoming a dormitory or commuter village. In this context, NP Policy HWS2: Protecting Community Amenities seeks to protect, retain and enhance local services and community facilities. The loss of facilities is restricted unless it can be demonstrated that they are no longer financially viable. The policy goes on to state that "*whilst proposals to change the use of an asset must demonstrate that all reasonable steps have been taken to retain its present use and community value as a viable concern.*"
8. At the Hearing, it was also noted that the village is set to expand due to a number of recently approved housing schemes. Moreover, the emerging development plan for the District identifies Haddenham as a strategic settlement as part of a draft settlement hierarchy, although this is untested and at an early stage. In light of the above, both the Council and the local community contend that the need to protect existing facilities remains a valid and important consideration.
9. The appellant has provided certified accounts which demonstrate that the business has been operating at a loss for a sustained period between 2011 and 2014. While no detailed accounts were provided for the last financial year, it is understood that the annual losses have continued. The appellant has sought to promote the business locally and has implemented measures such as special offers and internal redecoration; however further losses are also anticipated into the next financial year. Although the business continues to operate due to shareholder funding and subsidisation by the appellant's wider chain of businesses, in light of the above, I am satisfied that the business as it stands is no longer financially viable and as such the first part of the policy test under HWS2 is met.
10. The second limb of this policy effectively relates to marketing. The appellant claims that in specifying 'asset' this test is only applicable to facilities which are identified as Assets of Community Value (ACV). Within the NP, paragraph 9.3 of the supporting text to Policy HWS2 lists a number of ACVs to be nominated by the local community under the provisions of the Localism Act 2011. The Council have also provided a copy of the register of ACVs as part of their statement. The appeal property is not identified in the NP nor is it on the formal register. It was confirmed at the hearing that 'Taste of the East' has not been put forward as an ACV.
11. While I accept that the terminology and phrasing of Policy HWS2 in respect of reference to 'asset' and 'whilst' is clumsy, I am satisfied that the overall intention of the policy is to support, retain, protect and enhance all community amenities within the village.
12. Paragraph 9.3.1 of the supporting text which directly precedes the policy is also clear that the function of community amenities should be protected because of their importance to village life and that their loss or harm will be resisted. This is all encompassing and in making reference to the need to market an 'asset' it is clear to me that the policy wording relates not just to those facilities formally identified as ACVs but all such community facilities. Accordingly, I find that the

second limb of HWS2 is relevant to the determination of this appeal as a second key policy test to be met in respect of the loss of a local service and community facility.

13. Following the determination of the application, evidence was provided in respect of marketing carried out. The leasehold for the business as an A3 and A4 use was advertised for a period of 6 months from July 2016 and the price of the lease was also reduced after a period of 2 weeks to offers in the region of £35,000 with a premium of £175,000. Marketing involved a London-based agent which specialises in commercial and leisure businesses and a campaign of emailing potential clients on a database was undertaken. Due to concerns over demotivating existing staff, no marketing boards were erected on the property itself. From the discussion held at the Hearing, it is understood that there was little interest in the appeal site and it is noted that no formal viewings were made. The property was removed from the market in January 2017 due to concerns that it would stagnate if it continued to be marketed.
14. While the NP does not define what 'reasonable steps' should be taken in respect of marketing, I do not consider that the campaign as set out above to be adequate. This appears to be overly narrow; while it is clear from the evidence that the particulars were sent to some 7000 recipients who have signed up with the agent, this appears to have been the only format which was relied upon.
15. A lack of any marketing of the freehold is also a significant shortfall and I consider that those recipients on the database would not reasonably have been able to assume that offers would have been considered on this basis. It is also my view that the rent and premium could be unrealistic particularly given the existing business accounts, and the appellant's own acknowledgment at the Hearing in respect of the need to upgrade the kitchen facilities and other investment required. Moreover, the particulars themselves were lacking in any great detail in respect of covers, and specific facilities/offering.
16. While I accept that stagnation is a legitimate concern, I consider that a marketing period of 6-months is overly short and thus inadequate. I acknowledge that the presence of 'for let' boards can be unnerving for staff, however I consider that this was a significant missed opportunity in the campaign, as was a lack of any marketing in the local area.
17. I take on board the appellant's comments in respect of a time lag in terms of the business need and future housing growth of Haddenham which may increase footfall and the potential for custom. However, there is no formal evidence to support claims that this was even recognised in the campaign.
18. I therefore consider that reasonable steps have not been demonstrated in respect of marketing. The second test as set out in Policy HWS2 has therefore not been met.
19. Overall, the development would not be justified under the provisions of NP Policy HWS2. In light of the significance and need for local services to support the village, and due to the policy conflict, I therefore conclude that the permanent loss of the restaurant as a community facility would adversely affect the vibrancy of Haddenham.

Other Matters

20. There is a dispute as to whether the Council can demonstrate a 5 year housing land supply. Parties did, however, agree at the hearing that the weight to be given to the benefits of the scheme in respect of the creation of 7 units is significant. It was also agreed that NP Policy HWS2 was relevant to the determination of the appeal. The policy is relevant in respect of changes of use and as such could affect the supply of housing.
21. I have identified that the development would be in conflict with the NP as the adopted development plan. Even if I were to conclude that there is a shortfall in 5 year supply and that HWS2, as a policy relevant to the supply of housing, should not be considered up to date, I consider that the permanent loss of a restaurant and the adverse effect on the availability of community facilities in Haddenham would significantly and demonstrably outweigh the benefits, even when attaching significant weight to the economic and social benefits of the housing. The proposals cannot therefore be considered sustainable development for which the National Planning Policy Framework presumes in favour.
22. The appeal property is located within the Haddenham Conservation Area and there is also a Grade II listed building to the eastern boundary. The conversion would entail minimal external alteration and as such there would be no harm to the setting of the listed building. Furthermore, while I have found harm to overall vibrancy of Haddenham, the change of use of the appeal property to residential would not undermine the general character of Fort End, which is derived from a mix of both commercial and residential dwellings, to any significant degree. The character and appearance of the Conservation Area would therefore be preserved.

Conclusion

23. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C Searson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jake Collinge	Planning Consultant
Naz Choudhury	Richmond Assets Ltd
Charles Cohen	Charles Benjamin Associates

FOR THE LOCAL PLANNING AUTHORITY:

Jenny Harris	Aylesbury Vale District Council
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INTERESTED PERSONS:

David Truesdale	Haddenham Parish Council
John Brandis	Haddenham Village Society
Graham Tyack	Haddenham Village Society
Cllr Brian Foster	District Councillor for Haddenham and Stone
Cllr Judy Brandis	District Councillor for Haddenham and Stone
Bill Burns	Local Resident
Charles Simpson	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Letter from appellant's accountant.
- 2 Marketing advertisement for House of Spice
- 3 Email dated 19 July 2016 of Database Report for marketing campaign.
- 4 Written comments on Aylesbury Transport Strategy - G Tyack
- 5 Photographs depicting traffic along Fort End
- 6 Annotated photograph of Haddenham Village Sign - C Simpson
- 7 Appeal decision APP/J0405/W/16/3146817
- 8 Listed Building Description and Map for 21 Fort End
- 9 Written comments from Cllr Brandis

DOCUMENT 2

Accountants & Business Advisors

Our Ref: JSS/LTD-109

05 March 2018

To Whom It May Concern

**Ref: House of Spice Bucks Ltd
19 Fort End, Haddenham, Bucks, HP19 8EJ**

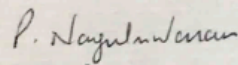
We have been requested to confirm in our capacity as Accountants and Business Advisors, over the viability of the above premises if the number of covers were reduced from circa 65 to 30 seats.

- We have had confirmation that as a result of the restaurant unit being reduced in size by circa 50% the rent would reduce accordingly by 50%, which is a significant saving in excess of £20,000 per annum.
- Business Rates would be reduced accordingly.
- Insurance costs would be reduced accordingly.
- Property maintenance costs would reduce
- We can confirm that currently even on busy weekends it is very rare to have over 30 customers eating in at any one time.

In our opinion the reduced size will have little effect on the overall turnover of the restaurant, yet having a significant reduction in costs making this business certainly viable and profitable.

We hope the above is sufficient for the purposes that this letter is required, however, if you require any further information, please do not hesitate to contact us.

Kind regards,



P Naguleswaran