

MINUTES
PLANNING COMMITTEE MEETING

Monday 24th August 2020, 7.00pm
Held remotely by Zoom

Present: Cllrs Mr. Hoare, Mr. O’Hanlon, Ms. Poole, Mr. Sharp, Mr. Truesdale (Chair) and Mr. Young.
Clerk: Ms. Gilbert
Assistant Clerk: Ms. Griffiths
Members of the public: 4

P21 26 APOLOGIES

No apologies for absence were received.

P21 27 DECLARATIONS OF INTEREST

There were no declarations of interest.

PUBLIC PARTICIPATION

There were no requests to participate.

P21 28 MINUTES

The minutes of the meeting held on 10th August 2020 were AGREED as a true record. The Chair will sign the agreed minutes in the Parish Council office at a later date.

P21 29 PLANNING APPLICATIONS

The Council’s response to the following new planning applications were AGREED:

- (i) 20/02543/APP The Green Dragon 8 Churchway Haddenham Buckinghamshire HP17 8AA
Change of use public house to single residential dwelling

Summary

1. *This is essentially a vexatious application submitted within a month of refusal by the recent appeal and during the exceptional circumstances of the Covid pandemic. The Parish Council objects to the proposed change of use on the following grounds:*
 - (a) *Contrary to the NPPF, to both the adopted and draft Local Plans and to the Neighbourhood Plan*
 - (b) *The viability assessment*
 - (c) *Loss of a valued facility and service*
 - (d) *Significant heritage harm*
 - (e) *Prejudicing Haddenham’s sustainability as a “strategic settlement”*

Contrary to the NPPF, to the adopted and draft Local Plans and to the Neighbourhood Plan

2. *The Green Dragon is a listed building in the Haddenham Conservation Area. In addition to the architectural citation in AVDC’s 2008 Conservation Area review, the Green Dragon was historically home to the Manorial Court until 1924. The Green Dragon is an Asset of Community Value, having*

been nominated both in the Haddenham Neighbourhood Plan and by Camra; the 12-month moratorium on unrestricted sale expired on 5th May 2020.

3. The proposal is contrary to paras 83 and 92 of the **National Planning Policy Framework** which seek the retention of pubs in accessible locations. It also fails to comply with Policies GP 32 and GP 93 of Aylesbury Vale District Local Plan 2004, which remains the adopted Local Plan, and seeks the retention of pubs where there is a demonstrable need. The volume of objections submitted by residents is testament to the support this pub enjoys, whilst para 20 below explains why its retention is so important to Haddenham's future.
4. The **Draft Vale of Aylesbury Local Plan (VALP)** is at an advanced "modifications" stage and was due for adoption by now but for Covid. Chapter 8 sets out the approach to listed buildings, conservation areas, and heritage assets. In defining the significance of heritage value, draft VALP draws on Historic England's Conservation Principles. Particularly relevant here are those described as evidential, historic and communal in paras 8.24, 8.25 and 8.27 respectively, referring to the value placed on human activity, the historical value of places, and the collective meaning of places for people. Draft Policy BE1 states that the Council will:
 - "Require development proposals that would cause substantial harm to, or loss of a designated heritage asset and its significance, including its setting, to provide a thorough heritage assessment setting out a clear and convincing justification as to why that harm is considered acceptable on the basis of public benefits that outweigh that harm or the four circumstances in para 133 of the NPPF all apply. Where that justification cannot be demonstrated proposals will not be supported.
 - Require development proposals that cause less than substantial harm to a designated heritage asset to weigh the level of harm against the public benefits that may be gained by the proposal, including securing its optimum viable use."
5. **Haddenham Neighbourhood Plan** (as amended) has been "made" and adopted by Buckinghamshire Council.

The Neighbourhood Plan states at para. 9.3.1:

"Combined with the statutory protection of the Conservation Area, and the ongoing focus to conserve and enhance the historic environment and heritage assets in the Parish, the function of community amenities should also be protected because of their importance to village life and enjoyment by residents of Haddenham and surrounding villages; development plans that result in their loss or significant harm will be resisted."

6. The proposed change of use is contrary to Neighbourhood Plan Policy HWS2 "Protecting Community Amenities" which states:

"The retention and enhancement of local services and community facilities including shops, pubs, food outlets and commercial services will be supported. Proposals involving the loss of facilities will not be permitted unless it can be demonstrated that they are no longer financially viable 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."

Viability assessment

7. The Paris Council believes that the applicant's assessment that the Green Dragon is unviable is not proven. The applicant's submission by Bruton Knowles admits that they had limited information on past trading. In fact, several publicans have operated very successfully over at least the last quarter

of a century, when it has been most successful as a dining pub, at various times winning local accolades. In the last few years, operators have struggled because of the rent policy of the previous owner (a pub chain) which stifled, or indeed terminated, promising initiatives by increasing the rent.

- 8. The pub chain put the pub on the market in 2018. A community interest group was established with widespread village support with a view to bidding to acquire the Green Dragon for a community pub under the community right to bid procedure. Unfortunately, the period of grace allowed proved insufficient to complete the legal requirements and raise the capital and a bid was not submitted. However, a separate bid was made by another village group for a dining pub to be led by a named local chef with a high quality food offer. Although their bid was above the asking price, the Parish Council has been informed by this group that their offer was rejected in favour of the bid by the present owner, who promptly returned the property to the market soon after purchase in Spring 2019.*
- 9. The real problem inhibiting marketing is that the terms of sale include an overage provision of 70% of the betterment value in the event of change of use for a period of 70 years in favour of the seller. The applicant has been at pains to say that these restrictions are irrelevant to a potential pub purchaser. The Parish Council has had contact with three separate parties all based in Haddenham and potentially interested in the Green Dragon as a pub. All have said they are not bidding because they would need an unfettered freehold in order to raise a bank loan for purchase and/or improvements. It is therefore **not** the case that there is no interest.*
- 10. The Parish Council notes that the first Bruton Knowles assessment reported on market evidence showing that the rate of pub closures and conversions to other uses is slowing, and concluded that “there is more activity in the sale of freehold freehouses than in previous years, and values are slowly rising”. The report goes on to suggest that the Green Dragon is likely to be attractive to a family-style business with a food offer. Indeed, in the wider area, many villages, most smaller than Haddenham, have excellent dining pubs; in two villages nearby pubs have recently re-opened.*
- 11. The applicant seeks to downplay the marketing opportunity afforded by Haddenham’s 50% growth as a designated “strategic settlement”. The draft VALP designates Haddenham as a “strategic settlement” with 50% growth of around 1000 homes. This represents an increase in population from about 4,500 to around 7,000, taking place primarily on 3 major allocated sites. Two of the three are under construction; the third has outline planning permission. One of the sites under construction is nearby on Aston Road, within easy walking distance of the Green Dragon; moreover, there will be a public footpath link directly from the site to Churchway. This particular development includes a proportion of homes being marketed at over 55s, whilst the high pricing of all new homes on this site must surely represent a marketing opportunity gift for a pub with a good food offer.*
- 12. The applicant is claiming that change of use is needed to prevent building deterioration. The first Bruton Knowles report stated that “the property is in a relatively good internal state of repair” requiring some external repairs “in the region of £12,500”. Since then, there has been some deterioration, most visibly to the windows on the front elevation, while the applicant refers also to an internal water burst and mould growth last winter. Rectifying this disrepair is being costed in the viability appraisal as a liability for a future purchaser. It should of course be a matter for the current owner. It is unacceptable and irresponsible to neglect a listed building; while any property owner knows to drain down the water system in an empty building over winter. It is difficult to escape the conclusion that this heritage asset is being put deliberately at risk. Buckinghamshire Council will be aware that NPPF advises that fabric deterioration should be discounted when considering development of a listed building.*

13. *The applicant claims that the Green Dragon's listed status precludes any alterations to the back addition or to the garden/parking layout. This of course is not the case. Alterations at the rear are likely to be possible without prejudicing the listed status provided they are done sympathetically.*
14. *The applicant refers to the Covid pandemic in support of change of use. It is surely premature at this stage to second guess the longer term timing of and impact on market recovery. The Inspector at the recent appeal was dismissive of using the pandemic to make a decision on longer-term viability.*
15. *In summary, the Parish Council urges the Council not to accept the non-viability arguments.*

Loss of a valued facility and service

16. *Para 83 of the revised NPPF under the section "Supporting a prosperous rural economy" states:

"Planning policies and decisions should enable [inter alia] the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."*
17. *The Neighbourhood Plan quoted above similarly resists the loss of valued facilities and services. The loss of activity associated with a pub in particular causes harm to the community and local environment. A place where members of the public can meet and socialise will no longer be there. A garden in which to enjoy food and refreshment and admire the special ambience of Church End will be lost to the local community. The removal of signage and lighting produces a deadening effect on the building's appearance. The comings and goings which give this building life will disappear. The Green Dragon's car park is included in nearby St Mary's School Travel Plan as parking for school drop-off and collection; today the car park gates, always previously open, are locked shut, deadening the frontage and with the cars displaced onto the street. There were until recently 3 pubs, 2 shops and a bank at Church End; all are now closed and the services lost.*

Significant heritage harm

18. *Besides the loss of the pub itself, there is the impact on the Conservation Area. We have referred above to Historic England's Conservation Principles, particularly those described as evidential, historic and communal. This is one of Buckinghamshire's foremost Conservation Areas. Besides featuring in numerous film and television productions, Church End is the backdrop to village life including the annual Mayday celebration, Haddenham fete and an annual fair, with the Green Dragon for long playing a central role. This underlines the impact a building can have in its context where it represents a community's engagement with the wider historic environment, and contributes to a conservation area's particular character. Character derives not only from architecture and built form, but from the presence of mixed uses and activities. Change of use means yet more encroachment of the all-pervasive tendency towards residential "monoculture", which can so erode conservation area character. Pubs in particular have always made a significant contribution to the Conservation Area at Church End. The Parish Council urges Buckinghamshire Council to refuse this application because of the serious heritage harm to the conservation area at Church End.*
19. *The Heritage team's advice to the applicant does not pick up on the impact of pub closure in terms of heritage harm. However, the Parish Council was pleased to note that the appeal Inspector referred to our submission which evidenced a raft of appeal decisions where the change of use of pubs has been refused in conservation areas. In so doing, Inspectors have prioritised (a) the importance of a pub to the character and appearance of a conservation area, and (b) the significant harm caused to a community by the loss of a valued facility. For example:*

- In July 2012, the Inspector dismissed an appeal to change the use of The Cross Keys, 1 Lawrence Street, London SW3 5NB (Appeal Ref: APP/K5600/A/12/2172342), an unlisted building in the Cheyne Conservation Area (CA) which had ceased trading. The Inspector quoted para 70 of NPPF (now para 83 in revised NPPF) noting that community facilities includes public houses, and found “it is clear that, before it closed, the Cross Keys contributed to meeting the needs of the local community through provision of facilities and as a place of social interaction”. The Inspector dismissed arguments that there were other premises to eat and drink in the vicinity. The appellant’s financial appraisal referring to problems in the previous 2 years were seen as “a relatively brief period on the basis of which to judge [viability] after many years of trading”. The Inspector concluded that the Cross Keys “contributes positively to the character and appearance of the CA not only because of the building itself but because of its use”. “Its continued use as a public house is clearly an important part of its value and significance as a heritage asset and of its contribution to the CA. I conclude that the proposed change of use would have a materially harmful effect on the value and significance of the Cross Keys as a heritage asset and on the character and appearance of the CA”.
- In January 2013, a different Inspector dismissed an appeal to change the use of The Phene Arms at 9 Phene Street, London SW3 (Appeal Ref: APP/K5600/A/12/2172028 & 2175522), an unlisted building also in the Cheyne Conservation Area. The Inspector summarised the two main issues as: harm to the character and appearance of the conservation area, and the unacceptable loss of a community facility.
- In October 2012, another Inspector in dismissing an appeal to change the use of The Queen’s Head, 25-27 Tryon Street, London SW3 (Appeal Ref: APP/K5600/A/12/2177513) summarised the issues as: effect on the character and appearance of the Chelsea Conservation Area, and the effect of the loss of the public house on the surrounding community.
- At the Drapers Arms, 44 Barnsbury Square, London N1 in dismissing the appeal the Inspector stated: “the minimal alterations suggested by the appellants would do little to disguise its former use as a public house and the domestic activities likely to take place in and around the building would significantly change the character of the building and the impact it has on its surroundings. the reduction in activity would diminish the importance of the building as a focal point in the area”.
- At the Huntingdon Arms, 115 Hemingford Road, London N1 the Inspector stated: “conversion of the premises to residential would, in my opinion, result in a significant change in the character of use. Not only would there be a reduced level of activity, but by its very nature the use would be more private and restrained. I find therefore that the importance of the building as a focal point within the area would diminish. I believe that such a change would detract from the character of the immediate area and from the wider Conservation Area”.
- At Newmarket in 2009 the Inspector said “The Plumbers Arms is a pivotal building in the Conservation Area both in terms of its use as a public house as well as in its location at the road intersection. Both the history of its use and its continued use as a pub I consider to be important factors in preserving the character and appearance of the Conservation Area....”
- In a Croydon appeal the Inspector said: “A residential conversion would fundamentally alter a significant aspect of the character of the building; it would no longer be a publically accessible social focus and the loss of this focus would also affect the character of the conservation area”

Prejudicing Haddenham’s sustainability as a “strategic settlement”

20. Haddenham’s “strategic settlement” designation arose from a “Settlement Hierarchy Assessment” undertaken in the early stages of the draft VALP. One of the assessment criteria used in the audit methodology was “facilities and services”, which were further split between “key” and “non-key”. Pubs were classified as a “key” facility. At the time of the assessment, Haddenham had 5 pubs, of which 3 were at Church End. Today just 2 of those 5 pubs are still open, none at Church End. One of

the major development sites (Aston Road) is within easy walking distance of the Green Dragon and should be a significant marketing opportunity, particularly taken together with the pub's historic association and prime location. Approving the change of use at this time will close a "key" facility and thereby prejudice this community's ability to meet the challenge of welcoming and absorbing so much growth in such a relatively short period of time.

Conclusion

21. *This proposal is contrary to the NPPF, to both the adopted and emerging Local Plans and to the Neighbourhood Plan by virtue of: the flawed viability assessment, the loss of a valued facility, significant heritage harm to the Conservation Area, and prejudice to Haddenham's future sustainability as a strategic settlement. The application should be refused.*

22. *The Parish Council would like the opportunity to make representation should this proposal go to Committee or to appeal.*

(ii) 20/02575/APP 25 Westland Close Haddenham Buckinghamshire HP17 8FJ
Single storey rear extension
The Parish Council has no objection.

20/02648/APP 41 High Street Haddenham Buckinghamshire HP17 8ET
First floor rear extension and alterations of existing dwelling including conversion of the attached barn and pitch roof to barn
The Parish Council opposed the previous application for a new dwelling (19/0005/APP) but stated that it did not object in principle to the refurbishment of 41 High Street. The Parish Council is pleased to note that the Inspector on appeal broadly took the same view.

*Accordingly the Parish Council has no objection in principle to the current proposals but **subject to** resolution of the following matters:*

1. *Submission of, or inclusion of a Condition requiring, better details of building materials. Although the Planning Statement refers to render walling, clay tile roofing and timber framed glazing, the drawings are sketchy, and better clarity is required for a building of Local Note in a Conservation Area.*
2. *Submission of, or inclusion of a Condition requiring, an appropriate method statement for dealing with, and safeguarding the structure of, the witchert barn. This was suggested by the Inspector and could beneficially have been provided as part of the application.*
3. *Reviewing the impact of the proposed first floor rear extension on the linked property at 43 in terms of daylighting infringement to adjoining windows, loss of outlook, and the enclosure of the adjoining small courtyard. Although the Inspector suggested that "all parties" were in agreement that the extension was acceptable, it is not clear that all parties are in fact in agreement (no 43 certainly isn't), and the proposal should be properly assessed by Buckinghamshire Council in relation to its own design guidance, and modification sought if appropriate.*
4. *Any other observations by the Heritage team (report not available at the time of writing).*

(iii) 20/02708/APP 19 Long Furlong Haddenham Buckinghamshire HP17 8DQ
Part two storey part single storey rear/side extension
The Parish Council has no objection.

(iv) 20/02747/APP Waterslade House Thame Road Haddenham Buckinghamshire HP17 8NT Replacement windows and new doors, render panels, privacy screens and balconies. Erection of bin store. (following approval of 20/01298/COUOR)
The Parish Council submits a holding objection until the following are confirmed:

- 1. The proposed location of the bin store falls within the root spread of the red cedar belonging to the Parish Council on the other side of the southern boundary fence which may result in damage to the tree. As there are trees along the entire southern boundary, the Parish Council suggests relocating the bin store to the eastern boundary.*
- 2. Whether there is sufficient distance between the balconies which face one another within the development to comply with minimum space standards and prevent overlooking.*
- 3. Whether there is sufficient distance between the balconies on the western boundary of the plot and the properties on the adjacent Sheerstock estate to comply with minimum space standards and prevent overlooking.*

P21 30 DECISIONS

20/01909/APP The Wildlife Hospital Trust St Tiggywinkles Aston Road Haddenham Buckinghamshire HP17 8AF

Conversion of existing roofspace to provide additional teaching areas and minor internal alterations and amendments to window positions.

Bucks Council - Approved

20/01999/APP 61 Thame Road Haddenham Buckinghamshire HP17 8EP

Removal of conservatory and erection of single storey rear extension including 2no rooflights to pitch roof

Bucks Council – Householder approved

19/04063/APP 36 Station Road Haddenham Buckinghamshire HP17 8AN

Two storey side extension, rear dormer and new rooflights

Bucks Council – Householder approved

P21 31 UPDATES ON MAJOR DEVELOPMENTS

Airfield site

Confirmation has been received from Buckinghamshire Council that the speed bumps on Pegasus Way are on the private road so Bucks Council is unable to help. The Clerk has written to the owner of the business site but not received a response.

Dollicott site - CALA homes

The 20mph speed limit has been implemented by TfB.

Stanbridge Road sites - Rectory Homes

The 30mph speed limit has been extended beyond the Garden Centre by TfB and the village gate installed.

Aston Road Glebe Site – Dandara

No further update.

Land West of Churchway (HAD007)

The decision notice has still not been issued. Archaeological work is now underway on the site.

Land South of Lower Road

No update.

P21 32 DELEGATION FOR SEPTEMBER RECESS

It was AGREED to delegate to the Clerk, following consultation with the committee by email, to respond to minor planning applications that require a response prior to the next meeting.

P21 33 CORRESPONDENCE AND ITEMS FOR THE NEXT AGENDA

It was noted that NALC has requested comments on the following planning consultations, by the dates in brackets, so that it can collate and submit comments to the Ministry of Housing, Communities and Local Government.

- **Changes to the Current Planning System** (17 September)
- **White Paper: Planning for the Future** (15 October)
- **Transparency and Competition: A call for evidence on data on land control** (16 October)

Mr Truesdale will draft responses to the above and circulate to the Planning Committee for approval via email. A copy of the Parish Council's responses will also be sent to the local MP.

It was noted that another complaint has been received regarding the condition of the pavement along Standbridge Road to the Garden Centre.

A plan has been submitted with proposed parking restrictions to be installed on Pegasus Way through the S106 contribution for the shop /flats/ nursery development. The Parish Council has no objection to the proposal.

The Clerk was asked if the new signage for Morrisons, at the former McColls store at Banks Parade, has planning consent. There is a large sign on the wall adjacent to Tickety Brew Café. The recollection of the members was that the McColls signage received planning consent without illumination a year or so ago. Residents have commented on the inappropriate signage. The Clerk will investigate and report back to the next meeting.

P21 34 DATES OF FUTURE MEETINGS

Monday 28th September 2020 (rescheduled from 21st September)

CLOSURE OF THE MEETING

The meeting closed at 7.39pm.

Signed: _____
Chair

Date: 28th September 2020.