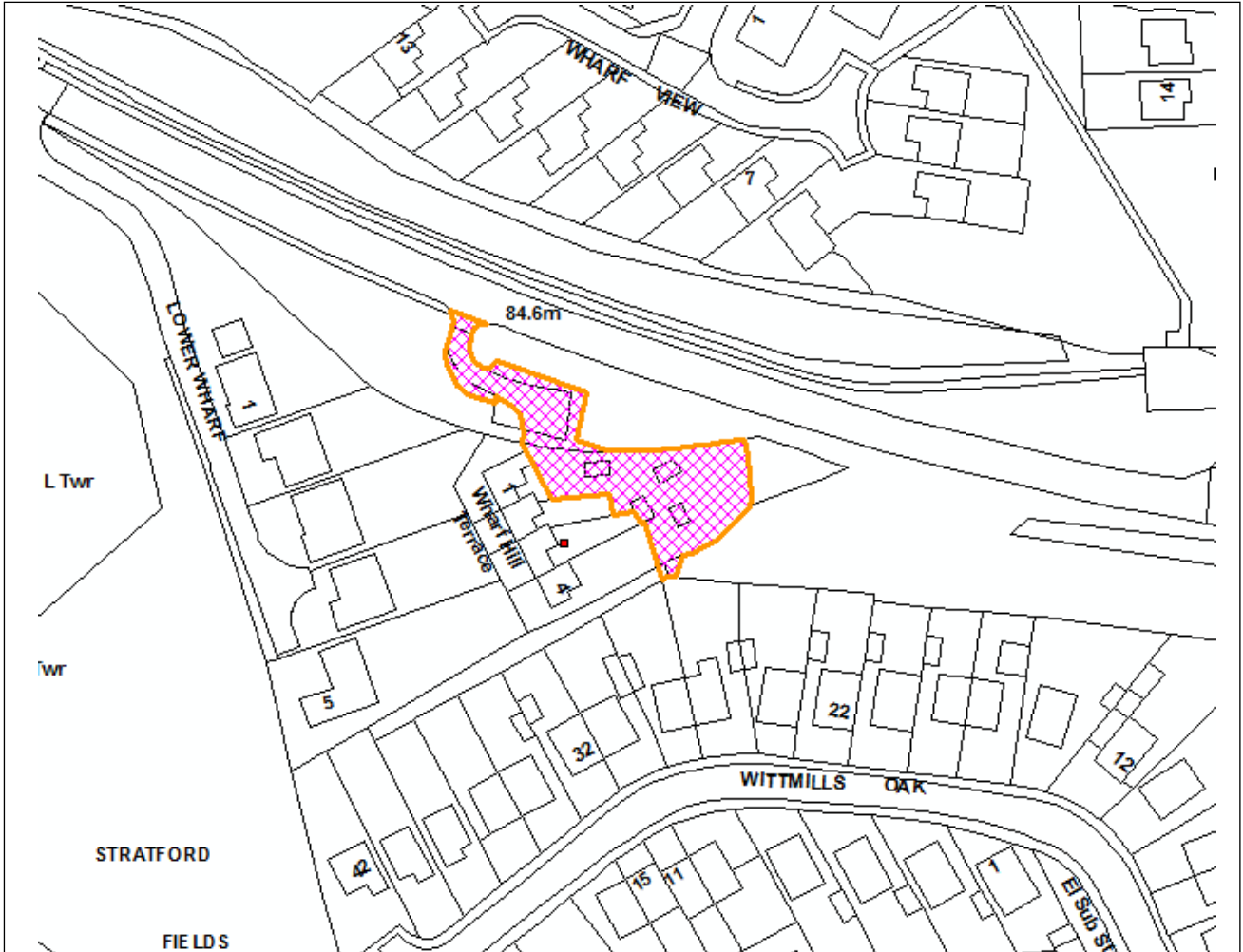


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| REFERENCE NO   | PARISH/WARD  | DATE RECEIVED |
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| 17/03386/APP   | BUCKINGHAM<br>The Local Member(s) for this<br>area is/are: - | 04/09/17      |
| ERECTION OF TWO DWELLINGS<br>LAND TO REAR OF WHARF HILL<br>TERRACE STRATFORD ROAD<br>MK18 7AT<br>EDANMAR DEVELOPMENTS<br>LIMITED | Councillor T Mills<br><br>Councillor S Cole                  |               |
| STREET ATLAS PAGE NO. 41   |  |               |

### 1.0 The Key Issues in determining this application are:-

- a) The planning policy position and the approach to be taken in the determination of the application.
- b) Compliance with the requirements contained in Policy of the Buckingham Neighbourhood Development Plan
- c) Whether the proposal would constitute a sustainable form of development.
  - Building a strong competitive economy;
  - Delivering a wide choice of high quality homes;
  - Promoting sustainable transport;
  - Conserving and enhancing the natural environment;
  - Conserving and enhancing the historic environment;
  - Promoting healthy communities;
  - Meeting the challenge of climate change and flooding.
- d) Impact on residential amenities.

The recommendation is that permission be **APPROVED** subject to conditions.

## CONCLUSIONS AND RECOMMENDATIONS

- 1.1 This application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the core planning principles of the NPPF and whether the proposals deliver sustainable development. In this case the Buckingham Neighbourhood Development Plan (BNDP made October 2015) is an up to date neighbourhood plan that contains policies relevant to the determination of this application. It is part of the development plan, and S38(6) requires that the development plan is the starting point in decision making, where applicable. In addition, NPPF paragraph 198 is also relevant: it states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted
- 1.2 The development would make a contribution to the housing land supply and delivering a mix of homes. There will be economic benefits in terms of the construction of the development itself and benefits associated with the resultant increase in population. There will also be social benefits arising from the uplift in the population and the role in the community.

1.3 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of promoting healthy communities, the design of the development, impact on trees/hedgerows, highway matters and parking, biodiversity, flood risk, and residential amenity.

1.4 Therefore, having regard to the made Buckingham Neighbourhood Development Plan, the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, it is considered that the development would accord with BNDP and in particular policy HP1 and HP7 of the BNDP and the saved policies of the AVDLP and the NPPF.

1.5 Given the above assessment, it is recommended that the application be supported subject to conditions set out below:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2 The development hereby permitted shall only be carried out in accordance with drawing Nos. PL-L-001 Rev A, PL-L-004 Rev B and PL-L-005 Rev B received by the Local Planning Authority on 15 March 2018.

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

2 No development shall take place on the buildings hereby permitted until details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority. Please also see note no. 5.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of Aylesbury Vale District Local Plan, Policy 7 of the Buckingham Neighbourhood Development Plan and the National Planning Policy Framework. Details must be approved prior to commencement of works to ensure the development has a satisfactory impact on the character and appearance of the site and surrounding area.

3 No development shall take place until details of the proposed slab levels, including finished floor levels, eaves and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority, with reference to fixed datum point. The buildings shall be constructed with the approved slab levels. Please also see note no. 6.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development and to comply with policy GP8 and GP35 of the Aylesbury Vale District Local Plan, Policy 7 of the Buckingham Neighbourhood Development Plan and the National Planning Policy Framework. Details must be approved prior to

commencement of works to ensure the development has a satisfactory impact on the character and appearance of the site and surrounding area.

- 4 Works on site shall not commence until details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved scheme of drainage. Please also see note no. 6.

Reason: In order to ensure that the development is adequately drained and in accordance with policy I3 of the Buckingham Neighbourhood Development Plan and to comply with the National Planning Policy Framework. Details must be approved prior to commencement of works to ensure the development has a satisfactory drainage mitigation scheme.

- 5 The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To provide adequate on-site parking for the development and to accord with Policy GP24 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of any dwelling nor the erection of any garage shall be carried out within the curtilage of any dwelling the subject of this permission, no dormer windows or buildings shall be erected on the site which is the subject of this permission other than those expressly authorised by this permission.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of the dwelling or erection of a garage, buildings, structures or means of enclosure having regard for the particular layout and design of the development, in accordance with policy GP8 and GP35 of Aylesbury Vale District Local Plan and Policy 7 of the Buckingham Neighbourhood Development Plan.

- 7 Development shall not commence until a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and approved in writing by the Local Planning Authority. The agreed remediation works shall be fully completed before any other construction work commences. The assessment / strategy shall include the following:-

a) The contaminated land assessment shall include a desk study which shall detail the history of the site uses. Where the desk study of previous site uses indicates that a site investigation is required then a site investigation strategy based on the relevant information discovered by the desk study must be produced;

b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology;

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters. The Local Planning Authority shall approve in writing such remedial works as required prior to any remediation works commencing on site

Reason: To ensure that the potential contamination of the site is properly investigated, the risks to the planned end user group(s) quantified, and its implication for the development approved fully taken into account in accordance with the National Planning Policy Framework. This is required prior to the commencement of development to avoid any unnecessary risk of introducing new contamination pathways or enabling contamination to be disturbed and further distributed as a result of any works being undertaken on the site that may cause potential harm to human health, property and the wider environment.

- 8 Prior to the first occupation or use of any part of the development, the agreed approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then this additional contamination shall be fully assessed in accordance with the requirements of Condition 1 (c) above and an appropriate remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority.

Prior to the first occupation or use of any part of the development, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the completed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to demonstrate that the site has reached the required clean-up criteria shall be included in the validation report together with documentation detailing the type and quantity of waste materials that have been removed from the site.

Reason: To ensure that the potential contamination of the site is properly dealt with and the risks to the planned end user group(s) minimised in accordance with the National Planning Policy Framework.

- 9 No windows other than those shown on the approved drawing shall be inserted in the side (south west) elevation of dwelling 2 above ground floor level without the prior express permission in writing of the Local Planning Authority.

Reason: To preserve the amenities of the occupants of the adjacent dwellings and to comply with GP8 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 10 No development shall take place on the building(s) hereby permitted until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; rainwater collection; hard surfacing materials; where relevant. For soft landscape works, these details shall include new trees to be planted showing their species, spread

and maturity, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

Reason: To ensure a satisfactory appearance to the development and to comply with policy I3 of the Buckingham Neighbourhood Development Plan and policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 11 Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 12 The development hereby permitted shall not be occupied until the boundary treatment indicated on the approved plans has been constructed/erected. It shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and to comply with policy GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

## **WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

AVDC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- 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 case, AVDC worked with the agent and applicant to revise the application and to assist in resolving the technical consultee issues. In this case, the agent responded by submitted amended plans and additional information that were considered acceptable and the application is recommended for approval.

## **2.0 INTRODUCTION**

- 2.1 The application needs to be determined by Committee as Buckingham Town Council has raised material planning objections on grounds that the proposal would be an overdevelopment of the site and that the difference in level would create overlooking, thereby harming the amenities of existing residents.

2.2 Buckingham Town Council have confirmed that they will speak at the Committee meeting.

2.3

### **3.0 SITE LOCATION AND DESCRIPTION**

3.1 The site is approximately 566 square metres in area and currently consists of redundant scrub land. The site is irregular in shape, with an access road to the highway already in place. Whilst the exact use of the site in the past is unknown, it is understood that the site contains the remnants of previous occupiers/uses and is unlevel as a result.

3.2 The northern boundary of the site is marked by established hedgerow which acts as a buffer between the site and the A422 road; beyond the highway to the north are residential properties on Wharf View.

3.3 To the east of the site there is a strip of green space and trees backing onto a fenced off area of undeveloped land. The boundaries of the residential properties on Wittmills Oak located to the south of the site.

3.4 To the immediate west of the application site is a two storey terrace of four existing residential properties, known as Wharf Hill Cottages. Due to the topography of the site, it is well contained and only the terrace at Wharf Hill Cottages are visible from within.

3.5 The properties at Wharf Hill Terrace use the highway verge as informal parking and have no dedicated private parking provision.

### **4.0 PROPOSAL**

4.1 The proposal seeks full planning permission for residential development comprising two semi-detached dwellings, with access from the A422 Stratford Road and associated car parking with turning area.

4.2 The proposed dwellings will be of two storey both comprising three bedrooms; the finish and design of the dwellings will be sympathetic to that of the existing dwellings at Wharf Hill Cottages.

4.3 The proposed dwellings are approx. 9 metres in depth, 5.5m in width, with an eaves height of approx. 5.2 metres and a pitch height of approx. 8.5 metres.

4.4 Amended plans were received during the course of the application after Buckinghamshire County Council Highways confirmed the extent of highway verge. The amendments included a change of red line to remove highway verge from the application site.

### **5.0 RELEVANT PLANNING HISTORY**

5.1 None

### **6.0 PARISH/TOWN COUNCIL COMMENTS**

6.1 Buckingham Town Council raised an objection to the application as originally submitted and as amended.

6.2 The original comments received from the Town Council stated:

“The proposal would be an overdevelopment of the site, with the difference in level meaning that the new houses would overlook the existing terrace. The site plan provided

was said to be inadequate. The speed limit on the Stratford Road is 30mph and not 40mph as stated in the plans.”

- 6.3 Further comments were received in response to additional information and amended plans, stating; :

“The Parish Council maintained their stance on the proposal, stating that it was an overdevelopment of the site, and that the difference in levels would mean the new houses would overlook the existing terrace.

A presentation from the agent had indicated that the parking spaces marked out for residents of the terrace are actually on BCC land and he suggested that the owners petition BCC about parking provision.

Members pointed out that this did not affect the overdevelopment of the plot and declined to change their response.”

## **7.0 CONSULTATION RESPONSES**

- 7.1 Bucks County Highways raise no objections to the plans as amended, subject to the imposition of a condition relating to parking and manoeuvring provision:
- 7.2 AVDC Tree Officer made comments on the plans prior to amendments being submitted, objecting to the loss of trees on highways verge. It should be noted that the amended plans remove all land from within the highways verge and no tree loss will occur.

## **8.0 REPRESENTATIONS**

- 8.1 One letter of objection, to the original consultation, was received raising the following:
- The existing parking for Wharf Hill Cottages will be compromised;
  - The new houses will overlook the terrace, encroaching on space and privacy for all including the new residents.
- 8.2 One further objection from the same objector was received during the reconsultation period, which raised the parking provision for Wharf Hill Cottages.
- 8.2 A total of one letter of support has been received. This letter states that the parking area for the cottages belong to Bucks County Highways not the cottage owners and prior to the construction of new Stratford Road there was no parking for the cottages.

## **9.0 EVALUATION**

- 9.1 Members are referred to the Overview Report before them in respect of providing the background information to the Policy Framework when coming to a decision on this application. The main issues for determining this application are set out in sequence below:

***a) The planning policy position and the approach to be taken in the determination of the Application in accordance with the Buckingham Neighbourhood Development Plan (BNDP) and the Aylesbury Vale District Local Plan.***

- 9.2 The starting point for decision making is the development plan. In this case the Development Plan comprises the Buckingham Neighbourhood Development Plan (BNDP) and “saved” policies of AVDLP. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the Development Plan unless



material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the Development Plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of any formal application would need to consider whether the proposal constitutes sustainable development having regard to Development Plan policy and the NPPF as a whole or specific policies in the NPPF indicate development should be restricted .

- 9.3 National planning policy is set out in the NPPF (March 2012). At the heart of the NPPF is the presumption in favour of sustainable development. The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. The presumption in favour of sustainable development in decision-taking is explained at paragraph 14 of the NPPF. Unless material considerations indicate otherwise, proposals that accord with the development plan should be approved without delay. Where the relevant policies are out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies within the NPPF indicate that development should be restricted. NPPF paragraph 198 explicitly applies the principle set out in S38(6) of the Planning and Compulsory Purchase Act 2004 to adopted Neighbourhood plans, stating that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.
- 9.4 This report will first assess the development proposal against the up to date Development Plan the BNDP and AVDLP, and will then go on to consider other material considerations including NPPF and PPG.

*Buckingham Neighbourhood Development Plan (BNDP)*

- 9.5 The BNDP is a planning policy document, “made” in September 2015 and forms part of the Development Plan against which planning applications in the area will be assessed. The BNDP has regard to national policy and is in general conformity with the strategic policies of the Development Plan and contributes to the achievement of sustainable development. This is considered up to date and its policies carry full weight.
- 9.6 The BNDP identified a settlement boundary through Policy HP1. Policy HP1 states that development will be supported within the boundary settlement (as defined within the BNDP) area for 617 new dwellings provided the development meets the requirements set out in the policies of this Plan. The proposed application site is located within the boundaries of the defined settlement boundary, however it does not comprise an allocated site within the plan.
- 9.7 Policy HP7 of the BNDP allows for windfall development, stating that small sites of 10 dwellings or less, within the settlement boundary and including previously developed land will be supported. The supporting text further advises that the density of development should create a character that is appropriate to the site’s context. The development proposed is considered to comprise an infill development within the built up area boundary of Buckingham on what could be previously developed land and in line with policy HP7 is considered suitable for development,. As such it is considered that there is no conflict with the policy and therefore as a consequence, no conflict with paragraph 198 of the NPPF. Furthermore, the development is not considered to be in conflict with other aims of Policy HP7 of the BNDP, in terms of using infill sites and having density appropriate to the context and to use sites with good connections.

## OTHER POLICIES

9.8 Other policies within the BNDP are also relevant:

- DHE1 – Protect existing trees and provision of trees in developments;
- DHE2 – Standard of ecological information required to minimise impact on natural habitats;
- DHE3 – Protection of Habitats and Species;
- DHE4 – Protection of movement corridors;
- DHE5 – Biodiversity in Development Landscaping;
- DHE6 – Provision of good quality private outdoor space;
- I3 – Rainwater collection;
- I5 – Sewage Management

### *AVDLP:*

9.9 A number of saved policies within the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. They all seek to ensure that development meets the three dimensions of sustainable development and are otherwise consistent with the core planning principles set out at paragraph 17 of the NPPF. These policies can be relied upon provided that they are consistent with NPPF guidance. These include AVDLP policies GP8 and GP35. Issues relevant to the consideration of the proposal in the light of this and other applicable policies are addressed in more detail below.

### *Emerging policy position in Vale of Aylesbury District Local Plan (draft VALP)*

9,10 The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. The draft Vale of Aylesbury Local Plan was published and subject to public consultation in summer 2016. Following consideration of the consultation responses, and further work undertaken changes have been made to the draft plan. A report has been considered by the VALP Scrutiny Committee on 26 September and Cabinet on 10 October 2017 on the proposed submission plan. The Cabinet's recommendations were considered by Council on 18 October 2017. The proposed submission was the subject of consultation from, 2 November to 14 December 2017. Following this, the responses have been submitted along with the Plan and supporting documents for examination by an independent planning inspector at the end of February 2018. The adoption of the Vale of Aylesbury Local Plan is planned to be in 2018.

9.11 Currently this document can only be given limited weight in planning decisions as it is still too early in the planning making process, however the evidence that sits behind it can be given weight. Of particular relevance are the Settlement Hierarchy Assessment (September 2017) and the Housing and Economic Land Availability Assessment (January 2017) (HELAA). The HELAA is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. These form part of the evidence base to the draft VALP presenting a strategic picture .

### **Whether the proposal would constitute a sustainable form of development:**

- Sustainable Development

9.11 The Government's view of what sustainable development means in practice is to be found in paragraphs 18 to 219 of the NPPF, taken as a whole (paragraph 6). The following

sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made against the development plan policies.

- 9.11 It is only if a development is sustainable when assessed against the NPPF as a whole that it would benefit from the presumption in paragraph 14 of the NPPF. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF.
- 9.12 Buckingham is identified in AVDLP as an Appendix 4 settlement indicating that it is considered to be appropriate to allow development at the settlement. The Council's Settlement Hierarchy Assessment September 2017 also identifies Buckingham as a 'Strategic Settlement', that offer the most sustainable opportunities to accommodate future development, which is one of several small towns and rural villages (along with Winslow, Haddenham and Wendover) that play an important part in the economic and social functioning of the district whilst acting as a focal point for trade and services. The assessment identified Buckingham being one of the five largest settlements which typically offers a choice of shops and services, a range of employment opportunities and is well served by public transport. Buckingham is specifically identified as the second largest strategic settlement with branches of national retail multiples as well as having an independent university, 2 secondary schools, community hospital, indoor sports centre and strong employment base. In addition, the settlement has a regular bus services to Aylesbury, Milton Keynes, Oxford and Cambridge.
- 9.13 As such it is considered that Buckingham is a sustainable location for new development and the site is considered sustainably located in relation to the facilities and services provided in Buckingham. Therefore, whilst the application is not allocated for housing the proposal would comprise a suitable site for development in principle in accordance with policy HP1 and HP7 of the BNDP. However, the proposal required to be assessed against the other development plan policies and the visual impact of any proposals on the character and appearance of the settlement and other material considerations remain important issues to assess regarding the sustainability of the scheme. These issues are considered in more detail under the headings below.

#### *Building a strong competitive economy*

- 9.14 The NPPF states that the Government is committed to securing and supporting sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
- 9.15 It is considered that there would be economic benefits derived from this development in terms of the construction of the development itself and the resultant increase in population contributing to the local economy. These benefits include also new investment and jobs, extra demand for goods and services and increased local spending power from the resultant increase in population, which would be lasting benefits to the local economy in accordance with the NPPF.

#### *Delivering a wide choice of high quality homes*

- 9.16 Local planning authorities are charged with delivering a wide choice of high quality homes and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development (paragraphs 47-49). The written ministerial statement (WRM), issued on the 13 December 2016, has provided further clarification on this matter and provides more certainty to neighbourhood planning

areas. The Statement is a material consideration and sets out that relevant policies for the supply of housing in a neighbourhood plan, that is part of the development plan, should not be deemed to be 'out-of-date' under paragraph 49 of the National Planning Policy Framework where specified circumstances are met at the time the decision is made.

- 9.17 In this case the WMS statement is less than two years old; therefore policies relating to housing in the BNDP must be accorded full weight (not "deemed to be out-of-date") if the local planning authority can demonstrate a three-year supply of deliverable housing sites. At present, evidence suggests that a supply significantly in excess of three years can be identified. Therefore, in the context of the latest 5YHLS of 9 years released in August 2017, paragraph 49 of the NPPF is not engaged.
- 9.16 There is no policy requirement for affordable housing on this site as the proposed number of units fall under the current threshold set by policy GP2 of the AVDLP.
- 9.17 In terms of this scheme, the contribution of the development to housing supply would assist in boosting supply. The development would provide two 3 bedroomed dwellings, which given the scale and location of development is considered an acceptable mix of dwelling sizes. The proposal accords with the above mentioned BNDP and AVDLP policies in this regard.

*Promoting sustainable transport:*

- 9.18 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF. Decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 9.19 The site is within reasonable walking distance of Buckingham Town Centre and has good accessibility to public transport on the A422. AVDLP acknowledges that Buckingham is a strategic settlement that is suitable to accommodate housing growth. Furthermore, policy HP7 of the BNDP seeks to support infill development on windfall sites such as this site. As such, the application site is considered to be locationally sustainable having regard to these matters.
- 9.20 The County Highway Authority have raised no objections to the access as existing to serve the two dwellings proposed subject to a condition to secure parking and manoeuvring space prior to occupation. It is not considered that the vehicular movements that would be generated by the development will cause harm to highway safety in accordance with NPPF.
- 9.21 The parking for Wharf Hill Cottages is currently taking place informally on highways verge as an informal 'off street' parking area, which could be enforced against by the highways authority, and as a result have no dedicated formal parking. The proposed development will be accessed over the same highway verge (to which BCC raise no objection).
- 9.22 The development proposes four off street parking spaces, two per dwelling in a tandem arrangement to the front of the dwellings. SPG1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development. The parking standards for a three bedroom dwelling, would require the provision of two spaces within the curtilage. Given this, it is considered that the proposed parking arrangement complies with SPG1 "Parking Guidelines" and AVDLP Policy GP24. In addition, taking into

account the location of the site close to Buckingham town centre and the availability of other modes of transport such that there would not be a reliance on the private car, it is considered that the site is in a reasonably sustainable location.

- 9.23 As such, it has been demonstrated that the proposal would have an acceptable impact on highway safety and convenience and would comply with NPPF advice.

*Conserving and enhancing the natural environment:*

- 9.24 In terms of consideration of impact on the landscape, proposals should use land efficiently and create well-defined boundaries. Regard must be had to how the development proposed 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.

*Landscape:*

- 9.25 Policy GP35 of AVDLP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. This policy is considered to be consistent with the NPPF.
- 9.26 This site is within the built up area boundary of Buckingham contained adjacent to existing residential development. The site is set back from the A422 beyond raised highway verge and due to the topography is unlikely to be visible when travelling west along the highway. Eastward travel is likely to result in glimpses and as such the overall landscape impact is less than significant.
- 9.27 Furthermore, the applicant proposes to use sympathetic materials in the form of a brick for the walls and roof tiles to match local vernacular and it is not considered that the additional elements would appear unduly dominating in the wider urban environment or in long distance views of the site. Given this it is considered that the proposed development will be viewed within context of existing dwellings and built environment as a whole.
- 9.28 Subject to the use of appropriate materials, which should be secured by condition, it is considered that the development would have an acceptable impact on the site and surroundings and other matters of importance in policy GP35 as referred to above, such that the development would not conflict with this policy or with the NPPF in this regard.

*Trees and hedgerows:*

- 9.29 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value. In addition, the Buckingham NDP policy DHE1 seeks to protect existing trees as well as make provision for new planting to enhance the existing retained planting. Policy DHE5 seeks landscaping schemes to maximise benefits to biodiversity including the selective of appropriate native planting species. Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 9.30 The submitted tree report confirms there will be no loss of trees within the amended site area to facilitate the development nor will any trees be affected & a landscaping condition is proposed to allow the applicants to submit details of hard and soft landscaping in the

event of an approval. It considered that the development would accord with policy DHE1 & DHE5 of the BNDP, and AVDLP policies GP39 and GP40 and with relevant NPPF advice..

*Biodiversity:*

- 9.31 Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible. If planning permission is given for the development an informative should be attached if permission is given, requiring incorporation of biodiversity enhancements within the development. It is not considered that the proposal would have any adverse impact on biodiversity, and that the development would comply with policy DHE2, DHE3 and DHE5 of the BNDP and principles contained within the NPPF. .

*Contamination*

- 9.32 A further consideration in the NPPF in relation to the need to conserve and enhance the natural environment is contamination. The framework states in paragraph 121 that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions.
- 9.33 The historical uses of the site are unknown, although appears to have been used predominantly for open storage, formally or informally, for a number of years. In this instance prior to commencement of works it is recommended site investigation is undertaken and reviewed by the LPA, this is a matter which can reasonably be secured by condition.

*Conserving and enhancing the historic environment:*

- 9.34 The NPPF at section 12 “Conserving and enhancing the historic environment” at paragraph 126-135 endorses a positive strategy for the conservation and enjoyment of the historic environment, considers the significance of heritage assets and the level of harm being weighed against the public benefits of the proposal, including non-designated heritage assets. There are no listed buildings or conservation area near to the site whose setting would be adversely affected.
- 9.35 The application site is detached and located some distance from the designated conservation area As such it is considered that the significance of this heritage asset would not be affected by the development proposed As such, it is concluded that the proposal would not result in harm to the conservation and would accord with the NPPF guidance in this respect.

*Promoting healthy communities:*

- 9.36 The NPPF seeks to promote healthy communities by facilitating social interaction and creating healthy, inclusive communities. Policies GP86-88 and GP94 seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc) and financial contributions would normally be required to meet the needs of the development.

The proposal would be for only 2 new units of accommodation, and in this case the proposed development would not exceed the threshold of 10 dwellings, or 1000m<sup>2</sup> floorspace and as such financial contributions towards Leisure and education can not be sought. The development would also be below the Council’s affordable housing threshold. It is considered that the development has had adequate regard to promoting healthy communities and overall it is considered that the development does not conflict with the

aim of the NPPF to achieve healthy communities, or the requirements of AVDLP policies GP86-88 and GP94.

*Good Design:*

- 9.37 Policy GP35 of AVDLP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. This is a position supported by the National Planning Policy Framework which promotes good design, responding to local character and reflecting the identity of local surroundings and materials.
- 9.38 This application proposes the erection of a pair of semi detached dwellings. The layout and design of the proposed dwellings continues to be simple gable ended units with use of appropriate materials whilst respecting the traditional terrace consisting Wharf Hill Cottages to the south west.
- 9.39 In addition, it is considered that the siting of the dwellings would follow the general form of dwellings in the immediate vicinity, being set back from the highway with the adjoining development. It is considered these features would ensure that the development would not appear overly dominant and unduly cramped upon the site and within the street scene; as a result it is not considered the proposal would compromise overdevelopment of the site.
- 9.40 The accompanying text in paragraph 7.13 to BNDP Policy DHE6 states that the *Town Council would generally expect to see the provision of private garden space (normally at the rear) of at least 10 metres in length; plot shape may allow for alternative distribution of equivalent amount of private space. Additionally in paragraph 7.14 Gardens should be of appropriate quality i.e. lawned and landscaped to provide a pleasant view and have regard to topography, shadowing and privacy.* The gardens proposed in this case are at least 10m in depth to the rear, but also the plot shape means future occupants can also benefit from side garden too. The proposed gardens are considered to be of appropriate quality and provide a good level of private amenity space in accordance with BHE6
- 9.41 As such, the proposal would represent an overall appropriate form of development in the context of the site, in accordance with policy GP35 of AVDLP, policy DHE6 of the BNDP, and NPPF advice.

*Meeting the challenge of climate change and flooding:*

- 9.42 The NPPF at Section 10, "Meeting the challenge of climate change, flooding and coastal change" advises at paragraph 103 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.
- 9.43 The site is located within Flood Zone 1, an area with low probability of flooding and it is considered that the site can be drained without harm to flooding and climate change interests. A condition is required if permission is given, to agree and secure acceptable drainage proposals for the development. As such it is considered that the proposed development would be resilient to climate change and flooding and therefore accords with the NPPF in this regard.

*Impact on residential amenities:*

- 9.44 The NPPF at paragraph 17, under the heading “Core planning principles” sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.
- 9.45 The proposed development is shown to be orientated on a northwest/southeast axis (front to back), whilst Wharf Hill Cottages are on a southwest/northeast axis (front to back). At their nearest point the mostly western point of the new development (dwelling 2) would be 19m from the rear elevation of the terrace. This would ensure that habitable room windows would not directly overlook neighbouring properties; furthermore due to this orientation there are no directly facing ‘window to window’ elevations. The units have been specifically designed to take in account neighbouring properties.
- 9.46 Proposed windows on the side elevation consist of w/c window on ground floor and landing window at first floor, neither of which are habitable rooms and therefore not considered to contribute to overlooking. To ensure no further windows can be added into the side elevations (in particular to dwelling 2) a condition is proposed to restrict new windows above ground floor level.
- 9.47 Furthermore to the existing boundary treatment to the rear of the terrace, currently a close boarded fence 1.5m-1.7m in height, will shield any overlooking potential from ground floor windows or garden areas. At first floor level to the front the units consist of one bedroom window and one bathroom window (the latter obscurely glazed).
- 9.48 A topographical survey has been submitted as part of the application submission showing the levels of the site in relation to the terrace to the south west. The survey shows the most central point of the site is 1.6m lower than the point where the site meets the highway. Taking into account the proposed height of the new dwellings (8.5m), the development will be of a similar scale to that of the adjacent terrace. Because of previous uses the site is uneven and some releveling will be required. A condition is proposed to ensure that the levels of the finished development as finished is compatible with its surroundings.
- 9.49 The Town Council object on the basis of *the difference in level would mean that the new houses would overlook the existing terrace*. Taking all of these factors above into account it is considered the impact on amenity from overlooking, from both the existing and proposed dwellings, will be minimal and as such the LPA could not justify a reason for refusal on these grounds.
- 9.50 To the rear, the occupiers of Wharf Hill Cottages, will have a change of outlook, but due to the distances involved this is not considered to be detrimental to the amenity of occupiers. Similarly it is not considered, due to the scale and distance of the proposals that the units would be considered overbearing or create any loss of light on adjoining properties. Therefore, it is considered that the proposal does not conflict with policy GP8 of the AVDLP or with the NPPF.

*Developer contributions:*

- 9.51 DCLG regulations (following a decision in the Court of Appeal) state that due to the disproportionate burden of developer contributions on small scale developers, for sites of



10 units or less, and which have a maximum combined gross floor space of no more than 1000 square metres, affordable housing and tariff style contributions should not be sought. The proposal seeks permission for only two houses, and the combined floorspace amounts to less than 1000m<sup>2</sup>. Therefore, if permission were to be granted, it would not be appropriate to seek any financial contributions in this case.

Case Officer: Mr James Davis