



REFERENCE NO	PARISH/WARD	DATE RECEIVED
17/04776/APP	BUCKINGHAM The Local Members for this area are: - Councillor Howard Mordue Councillor Robin Sunchbury	18/12/17
DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF A PART SINGLE STOREY, PART TWO-STOREY HOUSE WITH INTEGRAL GARAGE MAINLY BASED ON THE RE-USE OF THE EXISTING FOOTPRINT. WILLOWBY BATH LANE MK18 1DX MR & MRS A HOUGH STREET ATLAS PAGE NO.52		

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 in accordance with the Buckingham Neighbourhood Development Plan and the Aylesbury Vale District Local Plan;**
- b) *Whether the proposal would constitute a sustainable form of development:***
- c) Material Planning Considerations;**
 - (i) The effect of the proposal on the character and appearance of the area, including its impact on the setting of the Buckingham Conservation Area and local list buildings;**
 - (ii) The effect of the development on the living conditions of the occupiers of nearby residential properties, with particular regard to privacy and outlook;**
 - (iii) The effect of the proposed access and parking arrangements on highway safety in Bath Lane; and**
 - (iv) Other matters.**

The recommendation is that permission be **GRANTED**, subject to conditions

2.0 CONCLUSION and RECOMMENDATION

- 2.1 The application has been evaluated against the extant Development Plan namely the Aylesbury Vale District Local Plan (AVDLP) and the Buckingham Neighbourhood Development Plan (BNDP) together with the National Planning Policy Framework (the Framework) and the report has assessed the application against the core planning principles of the Framework and whether the proposals deliver sustainable development.
- 2.2 The site is located within the Buckingham settlement boundary as defined by BNDP where proposals for new housing development will generally be supported being in a sustainable location in relation to the settlement's facilities and services. As such the proposal would accord with policies HP1 and HP7 of the BNDP
- 2.3 The design and layout of the development, as amended, is also considered to preserve the character and appearance of the area, including the setting of the Buckingham Conservation Area, the living conditions of nearby occupiers and highway safety, in accordance with NPPF guidance. Similarly, subject to appropriately worded conditions, it has been demonstrated that the development would satisfy the Sequential Test and not be at risk of flooding, or would increase flood risk elsewhere. Thus, the proposal would accord with relevant policies in both the BNDP and the AVDLP, and supplementary planning documents and guidance and the Framework's overarching objective to provide sustainable development.
- 2.4 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. STC5 – Standard time limit

Reason: RE03

2. AMP1 – Amended Plans 1606 P (0) 001 Rev A, 1606 P (0) 005 Rev A, 1606 P (0) 006 Rev A, 1606 P (0) 007 Rev A, 1606 P (0) 008 Rev A and 1606 P (0) 009 Rev A received on 29th January 2018

Reason: RE39

3. US01A – Samples of materials

Reason: RE11

4. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 16 November 2017 First Issue compiled by Abington Consulting Engineers in relation to fluvial flooding and the following mitigation measures detailed within the FRA.

- Finished floor levels are set no lower than 81.39 m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: This condition is sought in accordance with paragraphs 102 and 103 of the National Planning Policy Framework (NPPF), to reduce the risk of flooding to the proposed development and future occupants for the lifetime of the development.

5. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 103 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

6. Works on site shall not commence until details of the proposed means of disposal of foul 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: RE18

7. No windows other than those shown on the approved drawing Nos 1606 P (0) 005 Rev A, 1606 P (0) 006 Rev A and P(0)008 Rev A shall be inserted in the north-west elevation 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.

8. The window in the rear (north-west) elevation hereby permitted shall not be glazed or reglazed other than with obscured glass to a minimum of level 3 and non opening unless the parts of the window that can be opened are more than 1.7m above internal floor level.

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

9. No development shall take place on the building hereby permitted until details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented. Please also see note no. 6

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and preserve the living conditions of nearby residents, to

comply with policies GP8 and GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

10. The scheme for parking, garaging 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 enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with the National Planning Policy Framework.

INFORMATIVES

1. Your attention is drawn to the requirements of conditions on the decision notice. Conditions nos. 3, 5, 6 and 9 impose requirements which must be met PRIOR TO COMMENCEMENT. Failure to observe these requirements could result in the Council taking enforcement action OR MAY INVALIDATE THE PLANNING PERMISSION.

2. As the property may be a risk of flooding in an extreme event, the applicant may wish to consider incorporating flood resilient measures into the design. Further information on flood resilience techniques, is available from the guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction, 2007", which is available on the following website:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>.

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 discussions have taken place with the Applicant / Agent who responded by submitting additional information as part of this application which was found to be acceptable and approval is recommended.

3.0 INTRODUCTION

3.1 The application needs to be determined by committee as the Town Council (TC) have objected to the proposal and requested to speak at the committee meeting. Their concerns relate to the impact of the development on flood risk, impact of the proposed two storey dwelling on the Conservation Area and the effectiveness of a soakaway in an area liable to flooding. The concerns raised are addressed in the evaluation of the application.

4.0 SITE LOCATION AND DESCRIPTION

4.1 The application site comprises of a modern detached bungalow set in a large garden plot, to the east of Bath Lane, Buckingham. It directly adjoins the Buckingham Conservation Area (CA) which extends to the west and east of the property. Immediately to the north is a redundant former factory, with Nos 1 and 2 Salisbury Cottages to the north-west, both

buildings of local note. A further residential property, Salsbury Bungalow is positioned to the south.

- 4.2 The existing private garden area serving Willoby extends down towards the River Ouse and is located within flood zone 3 as defined by the Environment Agencies flood maps. However, the main house and its associated parking and access fall within flood zone 2.

5.0 PROPOSAL

- 5.1 This application as amended seeks planning permission for the demolition of the existing bungalow and its replacement with a part single storey, part two storey house. It is a revised scheme following the withdrawal of a similar application last year due to concerns over potential flood risk. A Flood Risk Assessment and additional drainage information has been submitted with this current application to address these concerns.
- 5.2 The new four-bedroom property would occupy a similar footprint to the dwelling it is replacing, incorporating rear facing gable elements and a raised platform facing out over the river. Its main pitched roof form would slope gradually down towards the rear, introducing a shallow 'catslide' style roof facing Nos 1 and 2 Salsbury Cottages. Although the proposed integral garage and raised deck would extend out slightly further forward than the existing bungalow, the open landscaped garden which extends down towards the river would remain as undeveloped private amenity space for the proposed occupiers. The existing access arrangements off Bath Lane would remain unaltered by the proposal.
- 5.3 Amended plans have been received during the application process reducing the number of openings in the north-west elevation of the property to reduce potential overlooking of Nos 1 and 2 Salsbury Cottages.

6.0 RELEVANT PLANNING HISTORY

83/01182/AV Erection of house and garage – Refused.

84/01621/AV Site for bungalow and new access – Approved.

85/01484/AV Erection of bungalow – Approved.

17/02581/APP Demolition of existing bungalow and rebuild with dwelling and double garage – Withdrawn.

7.0 PARISH/TOWN COUNCIL COMMENTS

- 7.1 Buckingham Town Council – Oppose and requested to speak at committee. Members have concerns about the increase of the amount of intrusion into the floodable land and the consequent effect on other property in the town, suggesting that part of the building could be mounted on stilts, and about the detrimental effect of a two storey building on the Conservation Area. The usefulness of a soakaway in the floodable area was also queried. It is also noted that the SuDs officer still had concerns about the scheme.

In conclusion, Members felt that the proposal remained an overdevelopment of the site, with a detrimental effect on the Conservation Area.

8.0 CONSULTATION RESPONSES

- 8.1 AVDC Highways – No alterations are proposed to the existing access and the proposal is for a replacement dwelling. No further comments.
- 8.2 AVDC Heritage Team – Approve. The application site is set back from the road, to the rear of the site which contain the two Salsbury Cottages. These are unique within the street scene as they are two attached cottages positioned perpendicular to Bath Lane. Therefore, Willowby is in truth located to the side of No.2 Salsbury cottage.

Consideration on the Conservation Area

There are three buildings, within a small area which have been excluded from the conservation area boundary, including the building under consideration. The boundary has been extended to include the Salisbury Cottages. On the opposite side of Bath Lane to these is a row of cottages, which provide one element of character. However, the application site is separated from these by the Salisbury Cottages.

To the east of the application site (rear of) is the River Great Ouse which is within the conservation area. On the other side of the river at this point are fairly substantial university buildings, of varying scale and size. Therefore, it is felt that the immediate character of the conservation in this area is the open space between the various architectural style buildings.

In effect, as the proposed building will be positioned in the same location as the existing building, the open space between the new building and the conservation area will be retained.

Consideration on the Setting of Local Note Buildings

The topography of the area surrounding the application site is that it reduces greatly from Bath Lane to the river. The Salisbury Cottages are tall buildings in their own right and in addition sit upon a high ground level close to Bath Lane. Therefore providing them with prominence within the character of the conservation area.

Overall, even by increasing the height of the building on the application site, it will still appear much lower and subservient to the Salisbury Cottages.

Impact on the Conservation Area (Designated Heritage Asset)

- Due to location of the proposed building and the retention of the open space between it and the conservation area it is felt that the proposal will preserve the character and appearance of the Conservation Area in terms of Section 72 of the P(LBCA) Act.
- For reasons as stated above, the proposal will not cause harm to the significance of the asset in NPPF terms.

Impact on the Setting of the Local Note Buildings (Non-Designated Asset)

- By virtue of the proposed design and relevant grounds levels it is felt that the proposed building will not harm the significance of the non-designated heritage asset.

8.3 Bucks CC SuDS Team – Buckinghamshire County Council as Lead Local Flood Authority has reviewed the information provided in the submitted details listed below:

- Rainwater attenuation system site plan (*Drawing no: P(0)001, date: 16th February 2018, author: Sansome Hall Architects*).
- Quotation for the supply of Rainwater Harvesting Equipment (*Reference: IMW228126, date: 15th February 2018, author*).

The applicant is proposing to use a rainwater harvesting system to manage surface water at this site, we are glad to see rainwater reuse being utilised at this site. It is understood that an underground tank will be used and water will then be utilised within the applicant's garden and to wash cars. From a telephone conversation on the 16th February 2018 it has been confirmed that a pump from the attenuation tank will allow for rainwater reuse on site. From the Quotation for the supply of Rainwater Harvesting Equipment it is understood that an overflow from the attenuation tank to the River Great Ouse has been provided with a peak discharge rate of 3.3 l/s.

Within the Rainwater attenuation system site plan the applicant has not demonstrated the

invert and cover levels of the tank. These details are required to ensure a gravity-fed drainage system. Furthermore, the plan indicates that the pipe connection from the dwelling to the pipe is quite extensive; we would suggest the applicant reconsiders connecting at the corner of the dwelling closest to the tank.

The LLFA has no objection to the proposed development subject to a condition regarding the submission and subsequent approval of a surface water drainage scheme.

- 8.4 Environment Agency (EA) – The application site lies within Flood Zone 2 & 3 defined by the National Planning Policy Framework (NPPF) and associated Flood risk and coastal change National Planning Policy Guidance (NPPG) as having a medium & high probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit a FRA when development is proposed in such locations.

The submitted Flood Risk Assessment (FRA) indicates that the proposed replacement dwelling is located just outside the extent of Flood Zone 3 but within Flood Zone 2. The FRA satisfies the EA that flood risk to the site and the surrounding area will not increase as a result of this development.

The EA consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included on any planning permission. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and the EA would object to the application.

- 8.5 Anglian Water – No formal comments received. (note from case officer: Email received from Anglian Water to the applicant confirming that they have no objections in principle to the proposal. However, any application to connect under Section 106 of the Water Industry Act 1991 should be made once planning permission is granted).

- 8.6 AVDC Ecology – Comments awaited.

9.0 REPRESENTATIONS

- 9.1 10 letters of objection have been received, raising the following matters:
- Scale of the proposed dwelling would harm the character and appearance of the Conservation Area, including important views;
 - It would set a precedent for similar two storey development in the area;
 - Increase flood risk on the site and adjoining land;
 - Property partly in flood zone 3;
 - Query methodology used in the Flood Risk Assessment;
 - The proposed method of surface water disposal will not work;
 - Impact on the living conditions of nearby properties, with particular regard to loss of privacy;
 - Impact on highway safety in Bath Lane from increased traffic;
 - Planning history documents missing/show incorrect information.

10.0 EVALUATION

The planning policy position and the approach to be taken in the determination of the application

- 10.1 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 starting point for decision making is the development plan, i.e. the adopted

Aylesbury Vale District Local Plan (and any 'made' Neighbourhood Plans as applicable). 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 (Framework) and the Planning Practice Guidance (PPG) 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 Framework.

- 10.2 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.
- 10.3 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)

- 10.4 It remains the case that those housing policies in AVDLP are outdated as they are "time expired", but those policies within the BNDP must be given full weight in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. The Framework and the Planning Practice Guidance (PPG) are both important material considerations.
- 10.5 The BNDP was made and adopted in October 2015 and now forms an up to date part of AVDC's Development Plan. The BNDP outlines the vision for development in the parish between 2011-2031. Certain BNDP policies relating to housing development are relevant to this application, including Policy HP1, which identifies a settlement boundary and which seeks to allocate land for around 617 new dwellings. 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.
- 10.6 Policy HP7 of the BNDP allows for windfall development proposals 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 comprises a replacement dwelling within the built up area boundary of Buckingham 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.

Consequently, the development would accord with the afore mentioned policies.

Flood risk - Meeting the challenge of climate change and flooding

- 10.7 Given that the site lies in flood zones 2 and 3, Policy I4 of the BNDP also applies. This policy confirms that development will not be permitted on Flood Zone 2 or 3, unless the conditions set out within the Framework and the National Planning Practice Guidance (NPPG) are met. The following paragraphs therefore assess the impact of development on flood risk, applying Policy I4 and the conditions set out in the Framework and the NPPG.
- 10.8 The Framework requires that a sequential risk-based approach is applied to the location of development by applying the Sequential test, if necessary applying the Exceptions Test, and safeguarding land from development that is required for current and future flood management. The aim of the Sequential Test is to steer development to areas with the lowest probability of flooding, with the Flood Zones being the starting point for any assessment. Paragraph 101 of the Framework makes it clear that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development , in areas with a lower risk of flooding.
- 10.9 As previously stated, the application site lies within Flood Zone 2 and 3. The submitted Flood Risk Assessment (FRA) indicates that the proposed replacement dwelling is located just outside the extent of Flood Zone 3 but within Flood Zone 2 (i.e. on land with a medium probability of river or sea flooding). The FRA identifies appropriate mitigation measures and includes an outline drainage strategy to demonstrate that the development would not exacerbate flood risk elsewhere; the detail and maintenance of which would need to be secured through conditions if the council was minded to approve the application.
- 10.10 Given that the dwelling would be located in Flood Zone 2, it is necessary for the Sequential Test to be applied to demonstrate that there are no are reasonably available sites appropriate for the proposed development in Flood Zone 1 (i.e. land with a lower risk of flooding). Paragraph 034 of the NPPG states: It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere. The Guidance Note advises when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken.
- 10.11 The applicant has submitted a Sequential Test during the application process in accordance with the requirements of the NPPF paras 99-103. This demonstrates that having regard to the geographical extent of the Assessment (i.e. Buckingham), there are no sequentially preferable sites (in flooding terms) that are reasonably available and appropriate for the proposed development. Having considered these sites, including those in the Strategic Housing Land Availability Assessment (SHLAA) and the Housing and Economic Land Availability Assessment (HELAA), it is clear that there are no sequentially preferable sites that are available and appropriate for the development elsewhere in Buckingham. Moreover, when considered in the context of the site alone, the evidence submitted with the application and Sequential Test demonstrates that the proposed dwelling would be located on the highest part of the site on land which is at the least risk of flooding. Consequently, the siting of the proposed dwelling is also the most sequentially preferable when assessed in the context of the site itself. As such, it is considered that the Sequential Test has been met in this case.

- 10.12 The Framework also requires that development provides safe access and escape routes. The main entrance/exit out of the proposed dwelling itself and the site are situated on the side of the property adjoining Flood Zone 1, land at low risk of flooding. This would provide a satisfactory route of safe access and egress.
- 10.13 With regards to sustainable drainage, the applicant is proposing to use a rainwater harvesting system to manage surface water at this site. It is understood that an underground tank will be used, and water will then be utilised within the applicant's garden and to wash cars. A pump from the attenuation tank will allow for rainwater reuse on site. The Buckinghamshire County Council SUDs Officer is satisfied with the proposed details, subject to a condition regarding the submission and approval of appropriate surface water drainage details.
- 10.14 Overall, subject to conditions requiring the development being carried out in accordance with the submitted FRA, including the finished floor levels being set at no lower than 81.39m above Ordnance Datum, and the submission of a surface water drainage scheme, the development itself would not be at risk of flooding, nor would it exacerbate flood risk on adjoining land. In this regard it would accord with Policy I4 of the BNDP, the Framework and the NPPG.

Other relevant policies

- 10.15 Other policies within the BNDP are also considered to be relevant to the determination of this application:
- 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

Whether the proposal would constitute a sustainable form of development:

- 10.16 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 18 to 219 of the Framework, taken as a whole (paragraph 6). It is only if a development is sustainable that it would benefit from the presumption in paragraph 14 of the Framework.
- 10.17 The site lies within the Buckingham settlement boundary and is therefore considered to represent a sustainable location for new housing development. However, as the proposal seeks to replace an existing property, it would not result in a net increase in the number of dwellings. Consequently, it is not necessary to undertake a full planning balance in this case. Thus, the main issues for consideration with this application include; the impact of the development on the character and appearance of the area, including its effect on the setting of the CA and local list buildings, , and the effect on the living conditions of nearby properties and on highway safety. These matters are addressed in turn below.

Material Planning Considerations

Character and appearance

- 10.18 The application site lies to the east of Bath Lane, with the CA extending to the north and west of the host dwelling. The character of this part of the CA is largely defined by the

terraced cottages which front onto the street and the higher status two storey Victorian/Edwardian houses including Nos 1 and 2 Salsbury Cottages occupying larger landscaped plots. The site gradually slopes down towards the River Ouse, with its spacious open rear garden contributing to the verdant landscaped character of the adjacent CA which extends along the river directly to the east of the property. Clear views are available from this part of the CA towards Bath Lane and Salsbury Cottages. The application property is one of four dwellings which due to their modern design and appearance have been excluded from the CA.

- 10.19 Section 72 (1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (the Act) requires that in CA's: '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'. Policy GP53 of the AVDLP states that: '*Proposals for development will not be permitted if they cause harm to the character or appearance of Conservation Areas, their settings or any associated views of or from the Conservation Area*'.
- 10.20 Given their age and architectural significance, Nos 1 and 2 Salsbury Cottages are identified in The Buckingham Conservation Area Appraisal as buildings of particular interest. Thus, they represent non-designated heritage assets. Paragraph 135 of the Framework states that: '*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*'
- 10.21 The proposed dwelling would occupy a similar position to the bungalow it is replacing. It would therefore retain the spacious landscaped rear garden which extends down towards the River Ouse and contributes to the open character of the site and the setting of the adjacent CA. Whilst the new property would be higher and more bulky than the existing bungalow, given the gradual change in levels and its split level design, the proposed development would neither detract from views of Salsbury Cottages looking west from the CA or physically dominate these properties which would retain their visual prominence.
- 10.22 Consequently, the proposal would preserve the character and appearance of the area, including the setting of the CA and the adjacent non-designated heritage assets. Thus, it would not set a harmful precedent in the area and would accord with the expectations of the Act, Policy GP53 and the Framework in this regard.

Good design, trees and ecology

- 10.23 The Framework states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Development should function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development and provide for an appropriate mix of uses, respond to local character and history, create safe and accessible environments which are visually attractive. In paragraph 60 the Framework says that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 10.24 Policy GP35 is also relevant and which 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; the effect on important public views and skylines.
- 10.25 The proposed dwelling is of a contemporary split level design with prominent gable elements and a catslide roof. It would therefore represent a design improvement when

compared to the dwelling it is replacing which is of limited architectural interest. Moreover, given the varied form, style and appearance of adjacent properties, the design of the new dwelling would also respect its context. Thus, the development would accord with Policy GP35 of the AVDLP and the Framework in this regard.

- 10.24 Turning to the impact on existing trees, no important trees of amenity, landscape or wildlife value would be affected by the proposed development. Therefore, the scheme would comply with Policy DHE1 of the BNDP, Policies GP39 and GP40 of the AVDLP which, amongst other things, seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 10.25 In respect of biodiversity, Policies DHE2, DHE3, DHE4 and DHE5 of the BNDP state that development proposals should, where possible, minimise impacts on natural habitats and species resulting in net gains to biodiversity, with landscaping schemes demonstrating how they maximise benefits to biodiversity. Circular 06/2005 also states that it is essential that the presence or otherwise of protected species and the extent to which they may be affected by development is established before planning permission is granted. Paragraph 109 of the Framework requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 10.26 It is acknowledged that the proposal would involve the demolition of the existing bungalow. However, this is a modern property built approximately 30 years ago and is therefore unlikely to provide an appropriate habitat for protected species, especially bats. Indeed, from the case officers observations on site there were no clear evidence of any gaps in the eaves or roof of the property which could provide access for bats/birds. Thus, although comments from the AVDC Ecologist are still awaited, based on the available evidence it is considered that the proposal would not have a detrimental impact on biodiversity. It would therefore accord with the expectations of Policies DHE2 and DHE5 of the BNDP, Circular 06/2006 and the Framework.

Living conditions

- 10.27 The existing bungalow lies directly to the south-east of No 2 Salsbury Cottages, a large two storey property with its side/front garden area immediately abutting the application site. Given this relationship and the increased height of the proposed replacement dwelling, there is clearly some potential for the development to impact on the living conditions of this property, especially its visual impact and possible overlooking of the house and garden of No 2.
- 10.28 The proposed dwelling would occupy a similar footprint to the bungalow it is replacing, with its split level design meaning that the lower single storey element of the property would face No 2. Therefore, the proposed replacement dwelling which would have its main roof plain pitching away from this property would not appear overly dominant or overbearing when viewed from the side facing windows and garden of No 2.
- 10.29 Turning to the potential impact on the privacy of No 2, the application has been subject to amended plans removing several ground and first floor windows in the elevation of the proposed new dwelling facing this property. The remaining ground floor openings are modest in size and occupy lower ground than the neighbouring property. A combination of these factors, together with conditions requiring the windows to be obscurely glazed and the submission of appropriate boundary treatments would ensure that these openings would not overlook No 2. Whilst several roof lights are also proposed in the roof slope facing No 2, these are high level openings providing a source of light only. Therefore, they would not impact on the privacy of the neighbouring dwelling.
- 10.30 To the south of the application site is Salsbury Bungalow. This property is set in approximately 14m from the boundary. Therefore, whilst the new property would be higher and slightly more bulky when viewed from this property, it would not materially impact on

the outlook of Salsbury Bungalow. It is acknowledged that the proposal would introduce a raised deck providing views out over the River Ouse. However, any potential overlooking of the neighbouring property from this area would be largely obscured by the proposed two storey projecting element which extends out to the south of the proposed dwelling. Thus, the development would not adversely affect the privacy of Salsbury Bungalow.

- 10.31 For the reasons set out above, the proposal would preserve the living conditions of nearby occupiers, with particular regard to its visual impact and privacy. Therefore, it would accord with Policy GP8 of the AVDLP which states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents. These objectives are broadly consistent with one of the core planning principles of the Framework, to always seek to ensure that a good standard of amenity for all existing and future occupants of land and buildings.

Highway safety

- 10.32 The existing vehicular access on Bath Lane would be utilised to serve the proposed replacement dwelling. Given that the proposal would not result in a net increase in the number of dwellings on the site, it is not considered that the proposal would result in a material uplift in the number of vehicles using Bath Lane. Moreover, there is sufficient space on site to enable vehicles to park and turn and emerge from the property in a forward gear, further reducing the impact on users of Bath Lane. Thus, the proposal would accord with paragraph 32 of the Framework which, amongst other things, states that plans and decisions should take into account whether safe and suitable access to the site can be achieved for all people.
- 10.33 In respect of parking provision, policy GP24 of the AVDLP requires that new development accords with published parking guidelines. SPG1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development. Provision for at least three parking spaces will be provided with the proposed garage and driveway and the proposal would therefore accord with the afore mentioned policy and guidance.

Other matters

- 10.34 Concerns raised by local residents and the Town Council regarding the impact of the development on the CA, flood risk/SUDs, living conditions of nearby residents and highway safety have been addressed in the relevant sections of this report. Turing to other matters, the errors on the Council's website relating to the planning history for this site have now been corrected.

Case Officer: Tom Cannon

Telephone No: 01296 585169