



REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/03088/APP	BUCKINGHAM The Local Member(s) for this area is/are: -	31/08/18
ERECTION OF A NEW DETACHED 3 BED DWELLING LAND ADJOINING 2 BOURTONVILLE, MK18 1AZ	Councillor Robin Stuchbury  Councillor Howard Mordue	
VALE OF AYLESBURY HOUSING TRUST		
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 (BNDP) and Aylesbury Vale District Local Plan (AVDLP)**

**B) Material Planning considerations:**

- **Sustainability and access to services**
- **Delivering a sufficient supply of homes**
- **Impact on the character and appearance of the area**
- **Achieving well designed places**
- **Impact on residential amenity**
- **Impact on trees and biodiversity**
- **Highways and parking**
- **Climate change and flooding**

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

## 2.0 CONCLUSION AND RECOMMENDATION

- 2.1 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 52 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. In this case the proposal falls within the settlement boundary and the relevant policy HP1 states:
- 2.2 *Policy HP1 of the BNDP sets out that development will be supported within the boundary settlement area for new housing and as shown in the site allocation plans provided the development meets the requirements set out in the policies of this Plan. As such, Paragraph 11 of the NPPF is not triggered and a weighted balance assessment is not required. Notwithstanding this, the proposed development would still need to accord with adopted plan policy and be acceptable with regard to all other material planning considerations. In this instance, the proposed development is considered to accord with Policies DHE1, DHE2, DHE3, DHE4, DHE5, DHE6, HP1, HP7, I3 and I5 of the BNDP and policies GP8, GP24, GP35 and GP38 - GP40 of the AVDLP.*
- 2.3 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.
- 2.4 Compliance with some of the other sections 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 for both the existing and proposed dwellings, biodiversity, flood risk, and residential amenity.
- 2.5 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 and there are no identified harms of an unacceptable nature occurring that would warrant refusal to take place.
- 2.6 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) 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.

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 HP7 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) 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 details submitted shall include a scheme for rainwater collection. The development shall be carried out using the approved scheme of drainage.

Reason: In order to ensure that the development is adequately drained and in accordance with policy I3 and I5 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.

4) 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 HP7 of the Buckingham Neighbourhood Development Plan.

5) No windows other than those shown on the approved drawings shall be inserted in the rear (west) and side (south) elevation of the dwelling hereby permitted 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.

6) The window(s) at first floor level in the rear (west) and side (south) elevation of the extension 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

7) No development above damp proof course shall take place on the building 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 13 of the Buckingham Neighbourhood Development Plan and policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

8) 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

9. No development shall take place on the building(s) hereby permitted until samples/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.

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.

10. No development shall take place on the building(s) 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.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and to comply with policy GP8 and GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

11. Prior to the commencement of the development minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from both sides of the access onto Bourtonville shall be submitted to and approved by the Local Planning Authority. The visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access and to comply with the National Planning Policy Framework. The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out for the dwelling hereby permitted and for number 2 Bourtonville prior to the initial occupation of the dwelling hereby permitted. That area shall not thereafter be used for any other purpose.

12. 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.

13. The hard surface hereby permitted shall be made of porous materials, or provision shall be made to direct run-off water from the from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason: In order to reduce the risk of flooding and to accord with the National Planning Policy Framework.

14. No other part of the development shall be occupied until the access has been widened and upgraded in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note 'Private Vehicular Access Within Highway Limits' 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the NPPF.

15) The development shall not be commenced until or unless the trees shown for retention on the approved tree protection plan and supporting arboricultural statement prepared by GHA trees arboricultural consultancy have been protected by the erection of a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the TREE PROTECTION PLAN. The protection measures referred to above shall be maintained during the whole period of site excavation and construction.

The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, in particular:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed unless these are elements of the agreed tree protection plan.
4. No materials or waste shall be burnt; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

Reason: In order to minimise damage to the trees during building operations and to comply with policy DHE1 of the BNDP, policy GP38 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework. Details must be approved prior to the commencement of development to ensure the development is undertaken in a way which ensures a satisfactory standard of tree care and protection

Informatives

1. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact the Area Manager at the following address for information.

Transport for Buckinghamshire,  
Corrib Industrial Park  
Griffin Lane  
Aylesbury  
Bucks  
HP198BP

2. It is an offence under 8151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

3. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under 8137 of the Highways Act 1980.

4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

### **3.0 INTRODUCTION**

- 3.1 The application needs to be determined by committee as Buckingham Town Council has raised material planning objection on the grounds that the application would have an adverse impact on parking and the highways network and that the loss of the wooded aspect of the corner plot was regretted. Buckingham Town Council have confirmed that they will speak at the Committee meeting.
- 3.2 In response to the Town Council's comments, the planning department consider that the development is policy compliant and therefore should be granted planning consent.
- 3.3 The policies within the Neighbourhood Plan make no reference to parking provision. Policy GP24 of the AVDLP requires that new development accords with published parking guidelines. SPG1 "Parking Guidelines" at Appendix 1 identifies the required maximum parking standards for developments. As the development would have 3 bedrooms, this proposal would result in a maximum requirement of 2 spaces for each dwelling.
- 3.4 The development has provided the maximum spaces possible in line with SPG1 and introduces 2 new spaces to the front of number 2 Bourtonville. The development utilises the existing driveway, which as a result does not introduce a new access closer to the junction with Bourton Road. The imposition of a Traffic Regulation Order has been referred to, however; as the development is for one 3 bed dwelling and provides a maximum policy compliant level of parking, it is not considered that this would be necessary to mitigate the proposal and as such cannot be imposed as part of this development.
- 3.5 There have been no objections from the Highways engineer, subject to conditions.

- 3.6 The development is therefore considered to comply with policy GP24 of AVDLP and NPPF guidance, regarding highway safety and parking.

#### **4.0 SITE LOCATION AND DESCRIPTION**

- 4.1 The site currently forms part of the side garden of 2 Bourtonville, located on the corner of Bourtonville and Bourton Road at the north end of Bourtonville. The site is approximately 270 m<sup>2</sup> in area and contains a relatively large amount of vegetation including 10 trees, varying in size from 2.5m to 8m in height, hedges, bushes and shrubs. None of the trees are covered by a Tree preservation order (TPO).
- 4.2 The northern boundary of the site has a closed boarded fence and hedge which separates the site from Bourton Road. To the opposite side of Bourton Road are residential properties. The ground level at the site plot is set around 0.7m above the highway on Bourton Road.
- 4.3 To the east of the site is the public highway, Bourtonville. To the opposite side of Bourtonville is number 1a Bourtonville which was constructed on a similar plot to the application site around 10 years ago.
- 4.4 To the west of the site is number 14 Bourton Road, which is separated from the site by a close boarded fence. The separation distance between the dwelling house at number 14 Bourton Road and the application site boundary is 8.4m.
- 4.5 To the south of the site is number 2 Bourtonville which forms part of a terrace of number 2-8. The proposed development will be sited in the side garden of 2 Bourtonville. Number 2 previous had a garage which has been recently demolished.
- 4.6 To the south end of Bourtonville is Buckingham School , approximately 240m from the site.
- 4.7 The site is not within a conservation area, located within the vicinity of a listed building, within the green belt nor has any other site constraints.

#### **5.0 PROPOSAL**

- 5.1 The proposal seeks full planning permission for a new two storey detached residential dwellinghouse with 2 parking spaces and amenity space. The proposed dwelling will have 3 bedrooms (1 single and 2 doubles), 2 bathrooms (1 en suite) at first floor and an open plan kitchen, living, diner at ground floor. The overall gross internal floorspace for the dwelling will be 118m<sup>2</sup>.
- 5.2 The proposed private amenity space for the dwelling will be L-shaped, to the rear and side of the dwelling, with a small garden area to the front. There will be 2 dedicated parking spaces. The lamppost to the front of the property will be relocated as part of the development.
- 5.3 Number 2 Bourtonville will retain an area of private amenity space in an L-shape measuring 5m deep, 10m wide and a small area to the side, The front garden measures 6m by 3m and there will be 2 parking spaces.
- 5.4 The proposed dwelling will be 7m in height, 5m to the eaves, and will have an L-shaped gable ended roof, with ground and first floor windows on all elevations. The ground floor will be brick with the first floor being white painted render and the roof will be slated tiles, which will match neighbouring properties. The windows will be white UPVC and the proposed driveway will be permeable tegular cobbles.
- 5.5 The first floor windows in the rear elevation (west elevation) facing number 14 Bourton Road will serve the two bathrooms, with the first floor windows serving the bedrooms located in the north (side) and east (front) elevations. The first floor side window facing number 2 will serve the staircase.



5.6 The separation distances from the proposed dwelling to the surrounding dwellings will be 10.4m to number 14 Bourton Road and 4.6m to number 2 Bourtonville. The new dwelling will be 3m from the site boundary of number 14 Bourton Road.

5.7 The proposals will result in the loss of 8 trees on the site, retaining the Ash and larger Rowan located on the north-eastern boundary. All of the trees on site have been assessed as being 'Category C' trees in accordance with British Standard 5837 which defines the tress as '*Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm*'.

## **6.0 RELEVANT PLANNING HISTORY**

6.1 06/01920/APP

Land at 1 Bourtonville, Buckingham, Erection of 1 dwelling and associated parking  
Approved with conditions

## **7.0 PARISH/TOWN COUNCIL COMMENTS**

7.1 Buckingham Town Council have objected to the application.

7.2 The comments received from the Town Council state:

'Members' response was agreed before the application had been advertised in the neighbourhood. If, after the notices have been posted, neighbours make comment and possibly raise valid planning reasons not obvious to Members viewing from the public domain, they reserve the right to amend their response.

Members were supportive of the additional social housing but noted that the similar garden development opposite (1a Bourtonvil/e, 06/01920/APP) had led to on-street parking too close to the comer on a narrow bus route already obstructed by parked cars and much used by school pupils.

Members suggested that a TRO to prevent parking so close to the junction as to restrict the vision of emerging drivers be obtained before this additional development was sanctioned.

The loss of the wooded aspect of the comer plot was also regretted.'

## **8.0 CONSULTATION RESPONSES**

8.1 Bucks County Council Highways Team have raised no objections to the scheme, subject to conditions and informatives. The conditions relate to visibility splays, parking & manoeuvring and access arrangements. The informatives relate to highways licenses and matters during construction

8.2 Aylesbury Vale Tree Officers have raised no objections to the scheme subject to conditions relating to replacement planting and tree protection during construction.

8.3 Aylesbury Vale's Ecologist has raised no objections to the scheme subject to an informative in relation to the nesting season.

8.4 Buckingham and River Ouzel Drainage Board have no comments to make regarding the application.

## **9.0 REPRESENTATIONS**

9.1 The Council have received 4 responses to the proposals, 3 objections and 1 neutral comment. They are summarised below:

9.2 Material planning objections:

- If more than 2 cars at new dwelling it would increase off street parking. Bourtonville already gets quite congested with cars parked from nearby schools
- Traffic and parking already an issue around Bourtonville and Bourton Road junction; suggests driveway should be able to take cars side by side instead of end to end which would make parking arrangement straightforward
- Proposed development is 'garden grabbing' and the original dwelling (2 Bourtonville) will lose over half its land. This will result in substantial loss of the garden space at number 2.
- Concern development will block out light
- Old house (2 Bourtonville) will lose out on privacy
- Loss of aspect to 2 Bourtonville
- Loss of privacy to number 14 Bourton Road
- New dwelling will not be in line with 2 Bourtonville
- 2 Bourtonville is a 3 bed family dwelling, development will result in limited garden space for children to play in
- Bourtonville used extensively for parking by the Royal Latin School
- The junction at Bourton Road and Bourtonville is dangerous as cars parked each side block view of oncoming traffic.

### 9.3 Non-material planning comments:

- A dropped curb at No 5 would solve parking problems
- Financial gain

## 10.0 EVALUATION

### **A) 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.

10.2 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 (July 2018) 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.

10.3 Neighbourhood plans set out localised planning policies for areas which are used to decide planning applications. Where there is a "made" neighbourhood plan for an area, policies contained within the plan will form the starting point for any planning decision and form part of the development plan. 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 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.
- 10.5 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.
- 10.6 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 paragraph 6.8 states that *'Windfall sites are those sites which have not been allocated but which are within the Neighbourhood Plan Boundary Area on brownfield or infill sites i.e. land that has been previously developed.'* The supporting text in 6.9 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, in line with policy HP7 and is considered suitable for development,. As such it is considered that there is no conflict with the policy. 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

- 10.7 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
- 10.8 The policy position and current housing land supply figures are addressed with the overview report that is to be read in conjunction with this Committee Report. What is of relevance however is that given the status and relevance of the Neighbourhood Plan, a weighted balance approach is not appropriate in this instance.
- 10.9 A number of saved policies within the AVDLP are considered to be consistent with the Framework 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. Those of relevance are GP8, GP24, GP35, GP38 - GP40, and GP84. Other relevant policies will be referred to in the application specific report.

- 10.10 Policy GP35 is a criteria based policy regarding qualitative and aesthetic design considerations rather than being a policy that constrains the supply of housing land. In this particular case, the development plan is not absent, nor is it silent or out of date and the proposal should be assessed against it and full weight can be given to policy GP35.

## **B) Material Planning considerations**

### Sustainability and access to services

- 10.11 The Government's view of what sustainable development means in practice is to be found in paragraphs 7 to 211 of the NPPF, taken as a whole, as stated in paragraph 3. 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 11 of the NPPF. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made against development plan policies.
- 10.12 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.
- 10.13 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 is 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.

### Delivering a sufficient supply of homes

- 10.14 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 as set out in paragraph 11 of the NPPF.
- 10.15 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.
- 10.16 In terms of this scheme, the contribution of the development to housing supply would assist in boosting supply. The proposal accords with the BNDP policies HP1 and HP7 in this regard.

### Impact on the character and appearance of the area

- 10.17 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. The supporting paragraph 6.9 to BNDP Policy HP7, also states that the *'The density of development should create a character that is appropriate to the site's context'*.
- 10.18 The new building will have a white rendered first floor, brick ground floor, with gable ends with timber features; this is consistent with the design of surrounding properties and in keeping with the character. A consultation has noted that the building is not in line with the existing house 2 Bourtonville, however; this is not the case and the building will maintain the existing building line, being set back from the road by approximately 5.7m. The building will however be deeper than number 2 by approximately 2.1m.
- 10.19 A similar development to the proposed has taken place on the other side of the road, number 1a Bourtonville, and was granted consent under 06/01920/APP. The proposed scheme will, as number 1a, utilise the large side garden of the neighbouring property, in this respect it would also be in keeping with the character and built form of the road and not result in an overdevelopment of the site.
- 10.20 The site will utilise some of the existing trees, the relatively large Rowan and smaller Ash, on the north-eastern boundary, which will also soften the appearance of the development from Bourton Road.
- 10.21 It is therefore considered that the design of the development will respect the character and appearance of the area in accordance with policy HP7 of the BNDP and policy GP35 of the AVDLP.

#### Achieving well-designed places

- 10.22 The proposal will provide a modest size 3 bed dwelling. The property will have a good internal layout, working with the site constraints, having first floor habitable rooms facing north and east onto Bourton Road and Bourtonville respectively to provide a good level of outlook and light. The south (rear) facing first floor windows will serve bathrooms and therefore will be obscured as not to impact on the privacy to 14 Bourton Road. First floor windows to the south will serve circulation space and therefore light levels and outlook will be acceptable.

#### Amenity Space

- 10.23 The proposal uses the existing side garden for number 2 Bourtonville, a 3 bed dwelling, which currently comprises the majority of the amenity space for the property. Following the development number 2 would retain approximately 60m<sup>2</sup> of private amenity space to the rear in an L shape, there will also be a small area of 18m<sup>2</sup> to the front garden. The accompanying text in paragraph 7.13 to BNDP Policy DHE6 states, *'In respect of proposed family dwellings 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.'* Whilst the retained garden at number 2 will not be 10m in depth from the rear of the house, it will be 10m in width from north to south, and utilises the shape of the shape of the plot. It is also noted that whilst the majority of surrounding properties to the site have larger rear gardens, the rear garden of number 4 is approximately 17m long, number 1 and 1a have similar size to the proposal. It is therefore considered that whilst there will be a reduction in the size of number 2's garden, the proposed private amenity space available will be sufficient for the property and provide an area for play and relaxation.
- 10.24 The private amenity area for the proposed dwelling is considered to provide a good size garden. The proposed gardens are considered to be of appropriate quality and provide a good level of private amenity space in accordance with BHE6.

### Impact on residential amenity

- 10.25 The AVDLP policy GP8 states that permission will not be granted if *'development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal.'* The proposal introduces a new dwelling to a plot which is currently vacant and therefore any potential impacts of the development need to be carefully considered.

#### Privacy impacts

- 10.26 To the rear of the proposed dwelling is number 14 Bourton Road, which has a separation distance of 10.4m. Number 14 Bourton Road is an L shaped end of terrace property with 3 windows facing toward the development, 2 at first floor and 1 at ground floor. The windows serve a kitchen at ground floor level, a habitable room at first floor level closest to the proposal and a stairwell. The first floor window serving the stairwell is set a further 1.7m away from the proposal, due to the shape of number 14. The property also has a rear conservatory. The rear conservatory is set away from the side, wall facing the application site, of 14 by approximately 2.5m.

- 10.27 The proposed dwelling has no first floor windows serving habitable rooms facing to the rear, with the first floor windows facing in this direction serving the main bathroom and an ensuite. These windows will therefore be obscure glazed and non-opening below 1.7m from floor level; a condition will be attached to secure this as will a condition restricting any future windows being installed without planning consent should permission be granted. The south facing window also serves the staircase and is orientated as such that number 14 cannot be seen from this window. An obscure glazing condition on this window will also be recommended to be attached should permission be granted. It is therefore considered that there will be no impact on privacy to number 14.

- 10.28 The only window facing number 2 are the ground floor hallway window and the first floor staircase window, which will be recommended to be obscure glazed and non-opening. There will not be significant impact on loss of privacy to number 2.

#### Loss of daylight, sunlight and outlook

- 10.29 The rear elevation of the proposed building will have a hipped roof, as opposed to a gable end, which is the design feature to the front and side (north) elevation. The hipped roof coupled with the separation distance between number 14 Bourton Road and that the ground floor window facing the development serves a non-habitable room (kitchen), it is not considered that the development will have a significant impact on light levels and outlook to this property. Number 14 also has a relatively large Laburnum tree on the property boundary between the proposal, this also will offset any light impacts to the garden area of number 14.

- 10.30 As the separation distance between the proposal and number 2 Bourtonville is 4.6m it is considered that there will be some loss of light to the property. The windows serving the north elevation of number 2, facing the development, serve the kitchen and hallway, with one serving a habitable room to the front of the property; this room is served by both east and north facing windows. It is also noted that the windows affected are in the north elevation and are therefore less likely to be affected as south facing. It is therefore considered that any loss of light and outlook experienced to habitable rooms will be relatively minor and a reason for refusal could not be sustained on this basis.

- 10.31 It is therefore considered that the impacts of the development on surrounding properties will not be significant and that the proposal complies with policy GP8 of the AVDLP.

### Impact on Trees and Biodiversity

#### Trees

- 10.32 The BNDP policy DHE1 and AVDLP policies GP39 and GP40 seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value. There are no TPOs relating to any trees on the site.
- 10.33 The proposals will result in the loss of 8 trees on the site, retaining the Ash and larger Rowan located on the north-eastern boundary. All of the trees on site have been assessed as being 'Category C' trees in accordance with British Standard 5837 which defines the trees as '*Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm*'.
- 10.34 The trees have been assessed by the Council's Trees Team who have raised no objections to the loss of the trees subject conditions relating to tree replacement and tree protection during construction. This is a matter which can be addressed by condition.
- 10.35 The Town Council have commented on the application that the loss of the wooded aspect of the corner plot was regretted. Whilst the officer can agree that the loss of any tree is not a positive, given the low quality of the trees, the retention of large prominent Rowan and smaller Ash to the front of the site, and the recommended inclusion of a replacement tree condition, it is considered that the proposal would be compliant with the policies mentioned above.

#### Biodiversity

- 10.36 BNDP policies DHE2-DHE5 and paragraph 170 of the NPPF seek to ensure new development minimises the impact on natural habitats and species. The site is not a movement corridor nor does it form a protected habitat site. The proposals have been assessed by the Council's Ecology Team who have raised no objections to the proposals subject that informative be put on the development in relation to the development taking place during the nesting season. The development is therefore considered to conform to the above mentioned policies.

#### Highways and parking

- 10.37 Paragraph 108 of the NPPF states that decisions should take into account whether safe and suitable access to the site can be achieved for all people. The proposals seek to create 2 new parking spaces to the front of number 2 and widen the existing driveway, relocating the existing lamp post. The configuration would match the situation on the opposite side of the road with number 1 and 1a.
- 10.38 There have been several objections to the proposal on highways grounds, including that the development will increase in off street parking, that it's too close to a dangerous junction and that the layout be revised to side by side parking. The Town Council have also objected to the development on Highways grounds, stating that:
- 'Members were supportive of the additional social housing but noted that the similar garden development opposite (1a Bourtonville, 06/01920/APP) had led to on-street parking too close to the corner on a narrow bus route already obstructed by parked cars and much used by school pupils. Members suggested that a TRO to prevent parking so close to the junction as to restrict the vision of emerging drivers be obtained before this additional development was sanctioned.'*
- 10.39 The Highways Engineer has reviewed the application and have no objections to the scheme subject to conditions relating to visibility splays, parking & manoeuvring and access arrangements. They have considered that the number of spaces appropriate with access being an acceptable width, and all the proposed parking spaces meeting the minimum 2.4m x 4.8m.
- 10.40 The policies within the Neighbourhood Plan make no reference to parking provision. Policy GP24 of the AVDLP requires that new development accords with published parking guidelines. SPG1 "Parking Guidelines" at Appendix 1 identifies the required maximum

parking standards for developments. As the development would have 3 bedrooms, this proposal would result in a maximum requirement of 2 spaces for each dwelling.

- 10.41 The development has provided the maximum spaces possible in line with SPG1 and introduces 2 new spaces to the front of number 2 and utilises the existing driveway, which as a result does not introduce a new access closer to the junction with Bourton Road. It is considered that to implement side by side parking, as suggested in the consultation response, would result in a revised access closer to the junction which may impact highways safety. A Traffic Regulation Order has been referred to by the Town Council, however; as the development is for one 3 bed dwelling and provides a maximum policy compliant level of parking, it is not considered that this would be necessary to mitigate the proposal and as such cannot be imposed as part of this development.
- 10.42 The development is therefore considered to comply with policy GP24 of AVDLP and NPPF guidance, regarding highway safety and parking.

#### Climate change and flooding

- 10.43 The NPPF at Section 14, "Meeting the challenge of climate change, flooding and coastal change" advises at paragraph 163 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. Policy I3 of the BNDP states that '*All new buildings must have a scheme to collect rainwater for use.*' It is considered that if permission is granted, a condition requiring details and implementation of a rainwater collection shall be proposed.
- 10.44 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 in line with policy I5 of the BNDP. As such it is considered that the proposed development would be resilient to climate change and flooding and therefore accords with the NPPF and policies I3 and I5.

Case Officer: William Docherty