

Contact: Stephanie Penney DDI No. 01494 421823
App No : 17/07242/FUL App Type : FUL
Application for : Erection of 1 x detached 2 bed dwelling with associated parking, access and amenity space
At Land Opposite 14 Old Kiln Road, Flackwell Heath, Buckinghamshire
Date Received : 29/08/17 Applicant : Lexham Stone
Target date for decision: 24/10/17

1. Summary

- 1.1. It is considered that the proposal would result in an acceptable form of development, given the differing forms within the surrounding area. The proposed development provides suitable amenity space and parking for the future occupiers. The amended and additional information now demonstrates that the existing trees of importance can be retained and will not be detrimentally affected during construction or as a result of the proposed development. The application is therefore recommended for approval.

2. The Application

- 2.1. This application seeks permission for the construction of part single storey part two storey detached dwelling with associated parking, access and amenity space. The site is on the southern side of Old Kiln Road in an existing residential area of Flackwell Heath. The area consists of a range of predominantly of two storey, terraced, semi-detached, and detached dwellings. The site is bounded by Old Kiln Road to the north, and the rear gardens of No. 13 Cherrywood Gardens to the east, Nos. 66, 68, 70A, 70B, 72, and 74 Sedgmoor Road to the south, and a garage court to the west. The site is broadly level, and is subject to an area Tree Preservation Order, No. 02/2013.
- 2.2. There is extensive history at this site, which can be seen at section 4 of this report. This site however differs from the refused applications as the protected Beech and Lime trees are retained. The site is reduced in area as the site previously included land that extended up to the rear boundary with the new dwelling to the east of the site. The boundary of the site now has a depth of 17m on the eastern boundary, reducing to 12m on the western boundary. The design and scale of the dwelling has also been amended significantly.
- 2.3. The design and layout of the dwelling has been dictated by the protected trees. Accordingly an innovative design has been proposed with external materials comprising of a mix of glass, timber cladding and render.
- 2.4. The application has been amended significantly since submission resulting in a reduction in footprint of the building and massing of the building reduced.
- 2.5. The application is accompanied by a Design and Access Statement, Arboricultural Report and Tree Protection Plan.
- 2.6. From 16 October 2017 the emerging policies of the Wycombe District Local Plan (Regulation 19) Publication Version will also be material. The weight to be given to individual policies will be assessed in accordance with paragraph 216 of the NPPF.
- 2.7. Weight is of course a matter for the decision maker but the NPPF says:
Para 216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced the preparation,

- the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

3. Working with the applicant/agent

In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
- by adhering to the requirements of the Planning & Sustainability Customer Charter

The scheme has been amended following concerns raised by Officers regarding the impact on the protected trees. An extension of time was agreed and the application progressed without delay.

4. Relevant Planning History

- 4.1. 13/07293/FUL - Erection of 1 x 4 bed detached dwelling and 2 x 3-bed semi-detached dwellings, with 2 x detached garages, parking, access and amenity space. Refused and dismissed on appeal due to loss of Beech tree.
- 4.2. 14/06563/FUL - Erection of 2 x detached 4 bed dwellings and 1 detached garage, with associated parking, access, and amenity space - Approved subject to conditions.
- 4.3. 14/06991/FUL - Erection of 2 x 3 bed semi-detached houses with detached garage on land to the rear of Nos. 64 and 66 Sedgmoor and associated new access off Old Kiln Road - Refused. Although an entirely separate application it has been noted that the proposed vehicular access and driveway to these dwellings and the proposed parking area associated with Plot 1 of the current application site overlap.

The application was refused on the grounds that siting and layout of the proposal would result in a cramped form of development which would; adversely impact on the character and appearance of the area, have a detrimental impact upon the safety and convenience of users of the adjoining highway, and have a detrimental impact upon the residential amenities of the neighbouring properties as a result of undue noise disturbance and having a dominant and overbearing impact on the outlook of the neighbouring properties and their gardens. Furthermore the proposal failed to demonstrate how the long term health and vitality of the trees on this site would be adequately protected, one of which has been identified as having unconfirmed bat roosting potential.

- 4.4 15/06588/FUL. Erection of 1 x 4-bed detached dwelling and attached garage with associated parking, access and amenity space. Application refused and dismissed at appeal.

The application was refused for the following reason:-

In the opinion of the Local Planning Authority, the proposed development is unacceptable because it would result in the loss of a large attractive Beech tree (T11) that is considered to have a significant positive impact upon the area. The proposed removal of this tree is considered inappropriate and would be seriously detrimental to the character and appearance of the area.

The proposed replacement planting is considered insufficient to compensate for the

loss of trees and consequently, the proposal conflicts with Policies G10 and G11 of the Adopted Wycombe District Local Plan to 2011 (as saved, extended and partially replaced) also CS17 and CS19 of the Core Strategy Development Planning Document (Adopted July 2008).

The Inspector found that the design and access was acceptable, however the protected Beech tree makes a significant, positive contribution to the character and appearance of the area. In addition the Inspector was satisfied that the tree is likely to have sufficient safe and useful life expectancy sufficient to justify its retention. The Inspector also raised concern regarding the quality of amenity space as a result of overshadowing and pressure from future occupiers requesting the protected tree is felled.

5. Issues and Policy considerations

Principle and impact on the character of the street scene

Adopted Local Plan (ALP): G3 (General Design Policy), G8 (Detailed Design Guidance and Local Amenity)

CSDPD: CS1 (Overarching principles - sustainable development), CS2 (Main principles for location of development)

DSA: DM1 (Presumption in favour of sustainable development),

Housing Intensification Supplementary Planning Document (HISPD)

Emerging Local Plan (Regulation 19) Publication Version: CP1 (Sustainable Development) Policies, CP3 (Settlement Hierarchy), CP9 (Sense of Place), DM35 (Placemaking and Design Quality)

- 5.1. The site is not 'previously developed land' however, the application site is located within an existing residential area, in close proximity to shopping and leisure facilities within the village centre, and is therefore considered to have potential for redevelopment.
- 5.2. The proposal is considered to meet the criteria for new residential development under the Housing Intensification Supplementary Planning Document (HISPD). Therefore the use of the site for housing is considered acceptable in principle, subject to other materials considerations, such as; the character and appearance of the surrounding area, the impact upon trees, neighbouring amenity, highways safety etc.
- 5.3. All proposals are expected to achieve a high standard of design and layout that respects and reflects the local context so as to maintain and reinforce its distinctiveness and particular character whilst achieving a high standard of residential amenity to meet various other criteria. The National Planning Policy Framework indicates that it is important to ensure, pursuant to relevant planning policies, that the local pattern of development, which determines the character of an area, is respected. However the NPPF also states that planning policies and designs should not prevent or discourage appropriate innovation. 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.
- 5.4. The proposed dwelling is part single storey part two storey. The two storey element sits over the lounge / study / entrance area towards the western boundary. The accommodation comprises an open plan dining / kitchen / lounge area, study, entrance hall and utility on the ground floor and two bedrooms, each with an en suite, at first floor level. The dwelling is positioned 2.5m from the road, 1.5m from the rear and western boundary and approximately 10.5m from the eastern boundary.
- 5.5. The design and layout of the dwelling has been dictated by the protected trees. Accordingly an innovative design has been proposed with external materials comprising of a mix of glass, timber cladding and render.

- 5.6. The immediate area is characterised by two storey detached dwellings to the east, two storey terraced dwellings to the north and a block of single storey garages to the west. To the north west of the garages, the dwellings comprise of a terrace of bungalows. There is no defined grain given the bend in the road and layout and variety of dwelling types in the immediate vicinity. The newly constructed dwellings to the east are set back 15m from the road and the garages to the west are just 1m from the road.
- 5.7. It cannot therefore be argued that there is a clear form of local distinctiveness. Accordingly the siting and innovative design is considered acceptable in this location.

Impact upon the protected trees and character of the area and ecology

Adopted Local Plan (ALP): G3 (General Design Policy), G8 (Detailed Design Guidance and Local Amenity), H19 (Residents Amenity Space), G10, (landscaping) G11 (Trees and Hedgerows)

Core Strategy Development Planning Document (CSDPD): CS1, CS17, CS19

Emerging Local Plan (Regulation 19) Publication Version: CP9 (Sense of Place), DM35 (Placemaking and Design Quality), DM34 (Delivering Green Infrastructure and Biodiversity in Development); DM36 (Extensions and Alterations to Existing Dwellings)

- 5.8 Six trees exist on site, and as part of the development the proposal would result in the removal of four trees, all of which have either been categorised as C grade (trees of low quality) or U grade (trees in such a condition that they cannot realistically be retained).
- 5.9 The proposed layout results in the retention of the Beech and Lime tree (T5 and T6), both category B trees, trees of moderate quality with an estimated remaining life expectancy of at least 40 years.
- 5.10 The footprint has been reduced to avoid major disruption to root protection zones and the new scheme eliminates the need for pruning to the existing Beech and Lime trees.
- 5.11 It has therefore been demonstrated that the dwelling can be constructed on site without harming the category B trees. The scheme is now fully specified for a house deck system.
- 5.12 The Arboricultural Officer does however remain concerned that the scheme will result in future pressures to the trees in the form of unsympathetic pruning, removal and leaf litter. These concerns are noted however, the scheme now ensures that the Category B trees will be retained and safeguarded during construction. The trees are covered by a Tree Preservation Order, accordingly any future works will require consent and the Council maintain full control over the trees. In any case any future occupier will be aware of the trees prior to purchasing and will be aware of the protection afforded to the trees.
- 5.12 The comments from the Ecological Officer are noted however, the site has been cleared and has been used for storing material. There are no known protected species on site and the category B trees are being retained, thus preserving the ecological potential.

Amenity of existing and future residents

ALP: G8 (Detailed design guidance and local amenity), H19 (Residents amenity space and gardens) Appendix 1

CSDPD: CS19 (Raising the quality of place shaping and design)

Housing intensification SPD

Emerging Local Plan (Regulation 19) Publication Version: DM 34 (Placemaking and Design Quality)

- 5.13. The proposed dwelling would be located a sufficient distance from Nos. 1, 3, 5, 14, and 16 Old Kiln Road, so as not to raise any concerns in respect of the privacy of these neighbours. The proposal would maintain a sufficient degree of privacy for both the occupiers of Nos. 66, 68, 70A and 70B Sedgmoor Road and the future occupiers of the proposed development.
- 5.14. Turning to the quality of amenity for future occupiers, private amenity space is to be provided to the west of the dwelling. Whilst an acceptable area has been provided, it is the quality that is to be assessed in this case. A large percentage of the amenity space is under the canopy of the Beech and Lime trees. This could therefore lead to future pressures for unsympathetic works to the trees, or indeed pressures to fell the trees.
- 5.15. In response to these concerns the building mass has reduced allowing an increased level of light to the south east facing rear garden. The garden area will still be overshadowed but it is considered that the amendments result in an improved quality to that originally submitted.
- 5.16. It is considered necessary to remove the permitted development rights to ensure that the trees are afforded protection and to safeguard the level of amenity provided.

Carbon Reduction and Water Efficiency

Adopted Delivery and Site Allocations Plan (DPD): DM18 (Carbon Reduction and Water Efficiency)

DSA: DM18 (Carbon Reduction and Water Efficiency)

Draft New Wycombe District Local Plan

- 5.17 Following the Adoption of the Delivery and Site Allocations Plan (July 2013) and in particular policy DM18 (Carbon Reduction and Water Efficiency) it would have normally been considered necessary to impose a condition to secure the required 15% reduction in carbon emissions as well as reducing future demand for water associated with the proposed dwelling. However, this will be superseded in October 2016 by ministerial policy to transfer the issue to Building Regulations. It is considered necessary to condition the water efficiency.
- 5.18 The principle assessment of this application falls under policy DM18 of the Adopted Delivery and Site Allocations Plan July 2013. This plan will remain and 'sit alongside' the new Local Plan. Accordingly policy DM18 will still apply.

Infrastructure and Developer Contributions

Adopted Local Plan (ALP): G19, G23;

Core Strategy Development Planning Document (CSDPD): CS20, CS21;

Developer Contribution Supplementary Planning Document (DCSPD)

Emerging Local Plan (Regulation 19) Publication Version: CP7 (Delivering the Infrastructure to support Growth)

- 5.19 The site is located within CIL charging zone B.

Transport matters and parking

ALP: T2 (On – site parking and servicing),

CSDPD: CS16 (Transport

DSA: DM2 (Transport requirements of development sites)

Buckinghamshire Countywide Parking Guidance

- 5.19 The development proposes two parking spaces which is in accordance with the Buckinghamshire guidance. The available visibility splays are in excess of the requirement. The County Highway Authority has raised no objections to the development. Accordingly the proposal does not harm highway safety.

Other matters

- 5.20 The application site is known to be contaminated and the applicant will be required to implement an appropriate remediation scheme in order to safeguard the health of future residential occupants. The site is also very close to a former landfill site and there is an as yet unquantified risk from gas migration - this will need investigating and, if necessary, remedial measures will need to be incorporated into the design of the building. This does not warrant a refusal but justifies pre-commencement conditions to ensure there is no harm to future occupants

Weighing and balancing of issues – overall assessment

- 5.20. This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 5.21. In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a) Provision of the development plan insofar as they are material
 - b) Any local finance considerations, so far as they are material to the application (in this case, CIL)
 - c) Any other material considerations
- 5.22. As set out above it is considered that the proposed development would accord with the development plan policies in relation to character of the area, impact on trees, amenity space and highway access.

Recommendation: Application Permitted

- 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 of the Town and Country Planning Act 1990 (As amended).
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers PL01A, PL02C, PL03B, PL04B, PL05B, PL06A, PL07A, PL08B, PL09, TPP Rev J unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 3 The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.
Reason: In the interests of water efficiency as required by Policy CS18 of the Adopted Core Strategy and Policy DM 18 of the Adopted Delivery and Site Allocations Plan (July 2013).
- 4 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To secure a satisfactory external appearance.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Class A, B, C, D, E and F of Part 1 of Schedule 2 and Class B of Part 2 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.
Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the protected trees.
- 6 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
Reason: To ensure that the potential contamination of this site is properly investigated and its implication for the development approved fully taken into account.
- 7 A scheme showing how the development hereby approved is to be protected against the possibility of landfill gas migrating from the nearby former landfill site, shall be submitted to and approved in writing by the Local Planning Authority before the development takes place. Thereafter the development shall take place in accordance with the details shown in the approved scheme, and those measures incorporated into the development shall thereafter be retained unless the Local Planning Authority otherwise agrees in writing.
Reason: To ensure that the details of the development are satisfactory to prevent the adverse effects of landfill gas which may migrate from a former landfill site.
- 8 The development shall take place in accordance with the arboricultural method statement (AMS) and tree protection plan submitted as part of the planning application, and any permitted works Construction Exclusion Zone and other works which are specified in the AMS will take place under the supervision of a retained arboricultural specialist. A single page report and photographic record showing the supervised works will be submitted to the Local Planning Authority within 7 days of each supervised event which will result in a certificate being issued by the planning authority upon completion.
Reason: To ensure that the retained trees, shrubs and hedgerows are not damaged during the construction process and in the long term interests of local amenity value.
- 9 Protective fencing and/or other protective measures shall be erected around each tree and hedge to be retained in accordance with a scheme which must first be submitted to and approved in writing by the Local Planning Authority (i.e. an Arboricultural Method Statement and Tree Protection Plan to British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations) before any site clearance works or development commence, and before any machinery or equipment has been allowed on site.
The scheme shall show the type, height and position of protective fencing to be erected around each tree(s) or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall be in accordance with clause 6.2 “Barriers and ground protection” of the British Standard 5837:2012.
The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in these areas:
- 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,

- 4) no materials or waste shall be burnt; and,
- 5) no drain runs, trenches or other excavation shall be dug or otherwise created,
- 6) without the prior written approval of the Local Planning Authority.

Reason: To ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity.

- 10 No other part of the development shall begin until the new means of access has been sited and laid out 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.

- 11 The scheme for parking 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.

INFORMATIVE(S)

- 1 In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
- by adhering to the requirements of the Planning & Sustainability Customer Charter
- The scheme has been amended following concerns raised by Officers regarding the impact on the protected trees. An extension of time was agreed and the application progressed without delay.

- 2 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 Transport for Buckinghamshire at the following address for information.

Transport for Buckinghamshire, Handy Cross Depot, Marlow Hill, High Wycombe, Buckinghamshire, HP11 1TJ. Tel: 0845 230 2882