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App No : 18/08264/FUL App Type : FUL

Application for : Demolition of existing two dwellings and garages and erection of 1 x 5 bed and 1 x 4 bed detached dwellings with detached double garages (alternative scheme to pp 17/05769/FUL)

At The Spinney, Upper Icknield Way, Whiteleaf, Buckinghamshire, HP27 0LY

Date Received : 07/01/19 Applicant : Mr Simon Ruck

Target date for decision: 04/03/19

1. **Summary**

- 1.1. Full planning permission is sought for the demolition of the existing two dwellings and garages and erection of 1 x 5 bed and 1 x 4 bed detached dwellings with detached double garages (alternative scheme to pp 17/05769/FUL).
- 1.2. A similar application was granted full planning permission, subject to the completion of a planning obligation, in July 2018. (Reference 17/05769/FUL applies). On granting planning permission, the Planning Committee accepted that the proposal constituted inappropriate development in the Green Belt. However, very special circumstances existed that meant the potential harm to the Green Belt (by reason of inappropriateness, and any other harm) is clearly outweighed by other considerations. These considerations were that the proposed dwellings would amount to a lesser degree of harm to the openness of the Green Belt than the resultant level of lawful built development, which could be achieved at this site.
- 1.3. In view of the planning history, the current proposal is acceptable within the Green Belt and will have no adverse effect upon the scenic beauty of the Chilterns AONB
- 1.4. The proposed development will have no adverse effects upon the amenities of the adjacent residents, highways safety or the heritage assets relating to this site.
- 1.5. This application is recommended for approval.

2. **The Application**

- 2.1. The application site consists of a large detached dwelling, with ancillary outbuildings and is situated on the eastern side of Upper Icknield Way, Whiteleaf. The surrounding area forms part of the Green Belt and the Chilterns Area of Outstanding Natural Beauty.
- 2.2. The submitted plans show that the current proposal is similar to planning permission 17/05769/FUL in that the existing dwelling house is to be demolished and two, 6 bed dwellings are to be erected in its place. The siting of the two new dwellings is similar to the permitted scheme with a staggered frontage and forward projecting garages. However, the current application differs from the approved scheme in that level changes are proposed across both plots, to create a more usable garden area for each dwelling. The plans show that on Plot 1, a curved ha ha will be formed which will allow the drop in level to take place within the plot, and reducing the height difference between the two rear gardens.
- 2.3. A raised patio area, approximately 1 m above the ground floor level of Plot 1 will be created, extended upwards to the area of level lawn.
- 2.4. Level changes are proposed within the front area of each house, as opposed to the permitted change at the rear.
- 2.5. The proposed north eastern elevation of each house will remain the same length, but

it is now proposed to locate the projecting gables in the centre of the main building element so that they will project the same distance to the front and to the rear.

- 2.6. An external side porch has been added to the dwellings, accessed via a ramped path. Additional windows have been added to the ground floor front and side elevations, including a bay window to the front of the living room on the north-west elevation.
- 2.7. It is now proposed to introduce timber cladding onto the rear elevations of the dwellings, to blend in with the proposed oak frame.
- 2.8. The proposed garage structures will now have straight gable ends and not hipped roofs, as permitted. Roof lights have been added into the roof slopes,
- 2.9. The application is accompanied by:
 - a) Design and Access Statement
 - b) Tree Protection Plan and Report
 - c) Ecology Wildlife Checklist
- 2.10. Amended plans have been received which shows the removal of a swimming pool and pump house from the proposal and indicates that the use of render as a material will be reduced. The applicant accepts that details of materials can be submitted and agreed at a later date.

3. Working with the applicant/agent

- 3.1. In accordance with paragraph 38 of the NPPF Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
 - In this instance the applicant/agent was updated of any issues after the initial site visit. The applicant/agent was advised to reduce the built form across the site. The applicant/agent complied and the application was subsequently recommended for approval.

4. Relevant Planning History

- 4.1. 94/07004/FUL Demolition of existing double garage and erection of new double garage. Permitted
- 4.2. 15/06439/CLP Certificate of Lawfulness for proposed construction of 2 x front porches, 1 x rear porch, a single storey rear extension and a detached outbuilding comprising a swimming pool, gym, sauna and associated changing room. Certificate granted and under implementation.
- 4.3. 15/07759/FUL Householder application for construction of part single storey, part two storey side extension, fenestration and external alterations to existing building and alterations to existing ground levels to provide new terrace area to rear. Permitted
- 4.4. 16/05513/FUL Construction of part single storey, part two storey side extension, fenestration and external alterations to existing building and alterations to ground levels to provide new terraced area to the rear and internally divide existing dwelling to provide 1 x 6 bed and 1 x 2 bed dwellings, parking and access. Permitted
- 4.5. 17/05769/FUL Demolition of two existing dwellings and garages and erection of 2 x 6 bed detached dwellings, with detached double garages. Permitted following completion of a legal agreement which revokes the existing Certificate of Lawfulness and requires the demolition of the existing timber garage and summer house.

5. Issues and Policy considerations

Principle and Location of Development (including impact on the Green Belt).

DSA: DM1 (Presumption in favour of sustainable development), Wycombe District Local Plan CP1 (Sustainable Development), CP3 (Settlement Strategy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation) DM42 (Development in the Green Belt), DM43 (The Replacement or Extension of Dwellings in the Green Belt (including Outbuildings)).

- 5.1. Planning permission was granted in January 2018 for the demolition of the existing dwelling and the erection of 2 x 6 bed dwellings, in its place. This permission remains extant and must be considered to be a material consideration in the determination of the current application.
- 5.2. On granting planning permission for 17/05769/FUL, the Local Planning Authority accepted that the gross floorspace of the proposed 6 bed properties would be contrary to Policies GB2 and Policy GB5 of the then adopted Local Plan as the replacement dwellings were materially larger than those currently present on the site. However, it was considered that the existing outbuildings (together with the other extant permissions) had a significant effect upon the openness of the Green Belt. It was therefore determined that by permitting the two 6 bed properties, an opportunity arose to remove the existing outbuildings and revoke the existing certificate of lawfulness. The development then proposed would be concentrated into a smaller portion of the site and not spread out, as existed. A legal agreement was signed to this effect.
- 5.3. The submitted plans show that the development now proposed will measure approximately 803.4 square metres in terms of gross floorspace (including outbuildings). The development approved under planning permission 17/05769/FUL has a gross floorspace of 795.16 sq metres (including outbuildings). Therefore, this proposal amounts to an increase of 8.24 sq metres.
- 5.4. Although, this application was submitted at a time when Policy GB5 of the previous Local Plan was in force, the Council has since adopted a new Local Plan (Wycombe District Local Plan, August 2019). Policy DM43 of the adopted Local Plan considers the replacement of dwellings within the Green Belt and now uses the measurement of volume to assess the overall impact of a development on the openness of the Green Belt.
- 5.5. In accordance with the submitted details, the development approved under planning permission 17/05769/FUL had a gross volume of approximately 3084 cubic metres. By comparison, this proposal has a gross volume of 2815 cubic metres – some 269 cubic metres smaller than the approved development.
- 5.6. Although the introduction of gable ends on the proposed garages, (as opposed to hipped ends), will marginally increase the gross volume of the structures, this increase will have no significant effect upon the openness of the surrounding Green Belt.
- 5.7. Providing that the terms of the existing legal agreement are retained, revoking permission to erect a much larger development across the site, this proposal will result in a lesser impact upon the openness of the Green Belt than the approved development. The applicant has agreed to enter into a new legal agreement, to this effect.
- 5.8. The applicant has also stated that the existing dwelling will be retained until the dwelling on Plot 1 is completed. There is concern that such an event could result in the unacceptable creation of three dwellings on the site. Therefore, a planning condition should be imposed which requires the existing house to be demolished and removed from the site, prior to the occupation of the new dwelling on Plot 1.

Affordable Housing and Housing Mix

Wycombe District Local Plan: DM22 (Housing Mix), DM24 (Affordable Housing), DM41 (Optional Technical Standards for Building Regulations Approval)
Planning Obligations Supplementary Planning Document (POSPD)

- 5.9. This proposal falls below the Council's threshold for affordable housing.

Transport matters and parking

DSA: DM2 (Transport requirements of development sites)

Wycombe District Local Plan: CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 5.10. The County Highways Officer has confirmed that the proposed development will not create a material intensification of the accesses, which are proposed to serve one property each. Both properties also provide optimal parking requirement and manoeuvring within the site curtilage. As such the development will not have a detrimental impact upon highway safety and convenience.
- 5.11. Amended plans have been submitted which show that the internal dimensions of the garage now comply with the minimum requirements of 6 x 3 metres per space.

Raising the quality of place making and design

DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development)

Housing intensification SPD

Wycombe District Local Plan):CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

- 5.12. The application site is situated within the Chilterns Area of Outstanding Natural Beauty. Policy DM30 of the adopted Local Plan requires that new development conserves and where possible enhances the natural beauty of the AONB. Policy DM30 also requires that new development delivers the highest quality design which respects the natural beauty and built heritage of the Chilterns and enhances the sense of place and local character.
- 5.13. The application site is largely set back from the Lower Icknield Way and lies behind the existing dwelling at Long Fortin. Therefore, the proposed new dwellings will not be a prominent feature in the street scene or viewed from any other public vantage point.
- 5.14. The submitted plans show that the design of the new dwellings are similar to that previously approved, although level changes across part of the application site have been made to allow for a greater ease of access and a more usable garden area. Although, the proposed level changes will alter the appearance of the application site, from within its boundaries, these changes will not be prominent from outside of the site. Therefore, the proposed level changes will have no significant impact upon the surrounding landscape or the visual character and scenic beauty of the AONB.
- 5.15. The submitted plans indicate that the dwellings would be erected with field flint in lime mortar, oak framing, plain clay roof tiles and slim black framed windows. These materials are appropriate, in principle, within the AONB, however a planning condition should be imposed requiring that a sample/schedule of all external materials be submitted and approved before they are installed.
- 5.16. The application site contains a number of mature trees and a tree report together with a tree protection plan has been submitted with this application. The original plans showed that 5 category B Pine trees were to be removed along the northern boundary of the site. However, no justification was provided as to why these trees are to be removed. As these trees are part of an important group of Pine trees which contribute to the visual character of the surrounding area, the applicant has submitted a revised plan showing their retention.
- 5.17. The Council's tree officer recommends that construction within the Root Protection Areas should be a "no-dig" method. Although an arboricultural method statement has been submitted with this application, further detailed information is required regarding works within the protection areas, in order to ensure that the existing trees are not harmed. A planning condition should be imposed to this effect.

Amenity of existing and future residents

Wycombe District Local Plan: DM35 (Placemaking and Design Quality), DM40 (Internal

space standards)

- 5.18. The amended proposal will provide a good standard of accommodation for future occupiers of the properties.
- 5.19. With regard to the amenities of adjacent residents, the submitted plans show that the proposed dwelling on Plot 1 will be sited approximately 1m closer to the boundary with Compton than the permitted scheme. However, a distance of approximately 28 metres will remain between the closest facing elevations of Compton and that of Plot 1. A distance of approximately 45 – 46 metres will remain between the proposed dwellings and the existing property at Long Fortin.
- 5.20. Given the distances between the proposed dwellings and existing residential properties, this proposal will have no significant effect upon the amenities of adjacent residents
- 5.21. However, concern has been raised by the residents at Compton that the increased number of windows in the new dwellings, will result in a loss of privacy. The submitted plans show that the only windows to be erected in the 1st floor side facing elevations will serve bathrooms. In order that the privacy to Compton is maintained, a planning condition should be imposed requiring these windows to be obscurely glazed and non-openable below 1.7 metres. Furthermore, no additional windows should be installed in this elevation without the written permission of the Local Planning Authority.
- 5.22. Given the distances between the proposed dwellings and existing residential properties, this proposal will have no significant effect upon the amenities of adjacent residents.
- 5.23. There are no other neighbouring properties within close proximity of the application site that would be materially affected by this proposal.

Flooding and drainage

CSDPD: CS1 (Overarching principles - sustainable development), CS18 (Waste, natural resources and pollution)

Wycombe District Local Plan (Submission Version): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 5.24. The application property does not lie within a Flood Risk Zone 2 or 3. The site is not shown as being at risk of surface water flooding and ground water levels are at least 5 metres below the surface.
- 5.25. The County LLFA have objected to this proposal on the grounds that a surface water drainage scheme has not been submitted. However, the site is not in an area of ground or surface water flooding and there is no watercourse within the site boundary. In addition a condition was not imposed on the previous permission to secure details of surface water drainage.
- 5.26. Given the low risk nature of the area it is likely that the runoff from additional impermeable surfaces due to the proposal can be stored within the site and either reused or released into the ground through infiltration.
- 5.27. Provided re-use, infiltration or a combination of both is used, then the development will not result in the increase in flood risk elsewhere. If re-use or on site infiltration methods are subsequently shown not to be possible then the developer will need to demonstrate why this is not possible and how they intend to ensure that the risk of flooding elsewhere will not be increased due to the development. Taking into account the history of the site and the low risk of flooding this can be dealt with by way of a planning condition.

Archaeology

Wycombe District Local Plan: CP9 (Sense of place), CP11 (Historic Environment), DM31 (Development Affecting the Historic Environment)

- 5.28. The application site lies adjacent to an Archaeological Notification site which is believed to contain the remains of a Saxon burial ground, first discovered in c.1830. The County Archaeologist is conscious that due to the age of the previous discovery, it is possible that further archaeological remains may be found within the application site.
- 5.29. However, given the relatively small scale of the development and the re-use of the existing building footprints, the County Archaeologist is satisfied that the potential harm to the heritage asset could be mitigated through the imposition of a planning condition.
- 5.30. A planning condition requiring the submission and approval of a programme of archaeological investigations should be imposed.

Ecology

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)
Wycombe District Local Plan (Submission Version): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

- 5.31. The applicant should be made aware of the statutory responsibilities in the event that a protected species (including bats) is found during the construction process.

Building sustainability

Wycombe District New Local Plan: DM41 (Optional Technical Standards for Building Regulations Approval)

- 5.32. It is considered necessary to condition water efficiency to comply with policy DM41.

Weighing and balancing of issues – overall assessment

- 5.33. 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.
- 5.34. 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
- 5.35. As set out above it is considered that the proposed development would accord with the development plan policies.

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| <p>Recommendation: Minded to grant permission subject to completion of S106 Planning Obligation (variation of previous legal agreement) or other agreement</p> |
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That the Head of Planning and Sustainability be given delegated authority to grant Conditional Permission provided that a Planning Obligation is made to secure the following matters:

- 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

or to refuse planning permission if an Obligation cannot be secured

It is anticipated that any permission would be subject to the following conditions:

- 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 WDC2; 01; 02B; 03A; 04A; 05A and TPP Rev B, 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 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.
- 4 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces 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 appearance.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), no development falling within Classes A, B and E of Part 1 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 character and amenity of the locality.
- 6 Prior to occupation of the development space shall be laid out within the site for parking for four cars and manoeuvring per plot, in accordance with the approved plans. This area shall be permanently maintained for this 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.
- 7 Notwithstanding any other details shown on the plans hereby approved, the window(s) and any other glazing to be inserted in the first floor of the north eastern elevation of each dwelling shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass. The window(s) shall thereafter be retained as such.
Reason: In the interests of the amenity of neighbouring properties.
- 8 No further windows, doors or openings of any kind shall be inserted in the first floor of the north eastern flank elevations of the development hereby permitted without the prior, express planning permission of the Local Planning Authority.
Reason: To safeguard the privacy of occupiers of the adjoining properties.
- 9 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 DM41 of the adopted Wycombe District Local Plan (August 2019).

- 10 No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The archaeological investigation should be undertaken by a professional qualified archaeologist working to a brief issued by Buckinghamshire County Council Archaeological Service and take the form of a Watching Brief.

Reason: To protect and conserve the historic environment. A pre-start condition is necessary to ensure that any investigation work required is carried out before construction takes place.

- 11 Notwithstanding any detail specified in the submitted Arboricultural and Planning Integration Report, hereby approved, full details of a no-dig method of construction for all hardstanding areas, within the root protection areas for the retained trees, shall be submitted to and approved in writing by the Local Planning Authority before any such works are commenced. Thereafter, the proposed areas of hardstanding shall be constructed in accordance with the approved details.

Reason: In order to ensure the health and wellbeing of the existing trees.

- 12 Notwithstanding any detail shown on the Tree Protection Plan, hereby approved, and in accordance with amended site plan ref. 02B, received on 19 September 2019, no tree located within area G10, shall be felled, lopped, pruned or otherwise removed.

Reason: In order to retain the existing protected tree screen, in the interests of the visual amenity of the area.

- 13 Details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before either dwelling is occupied. 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. The screen and boundary walls, fences and any other means of enclosure which are part of the approved scheme shall thereafter be retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development.

- 14 A fully detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any development, above damp proof course, takes place.

The scheme shall include provision for

- Additional planting to compensate for the loss of some of the existing trees
- Native trees to reflect the rural context of the site

The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.

- 15 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.

- 16 The development hereby approved shall store all additional runoff within the site and either reuse it or release it into the ground through infiltration. Where the additional runoff is not to be re-used or on-site infiltration methods are not proposed, details of how the risk of flooding elsewhere will not be increased shall be submitted to and approved by the local planning authority prior to any development taking place. The approved details shall thereafter be implemented prior to the development being brought into use and thereafter managed and maintained for the lifetime of the development.
Reason: To ensure that the development does not increase the risk of flooding elsewhere.
- 17 Within two months of the occupation of the dwelling on the north east plot the existing dwellings shall be demolished and the resultant materials removed from the site.
Reason: Permission is granted with regard to the impact on the openness of the Green Belt resulting from a comprehensive redevelopment of the site. The part implementation of the permission by constructing the dwelling on the north east plot in conjunction with the retention of the existing dwellings would represent inappropriate development in the Green Belt which is detrimental to the openness of the Green Belt.

INFORMATIVE(S)

- 1 In accordance with paragraph 38 of the NPPF Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

In this instance the applicant/agent was updated of any issues after the initial site visit. The applicant/agent was advised to reduce the built form across the site. The applicant/agent complied and the application was subsequently recommended for approval.
- 2 The applicant is advised that all bats are European protected species, and that they are frequently found roosting in buildings. The Conservation of Habitats and Species Regulations 2010 provides very strong protection for them and so you must be certain that they are not present before works begin. If protected species are found whilst carrying out work, all work must stop and Natural England must be informed via the Bat Line on 0845 1300228. Further advice on bats is available from The Bat Conservation Trust (020 7627 2629).

The consent given by this notice does not override the protection afforded to these species and their habitat.

