



Buckinghamshire Council

Central Buckinghamshire Area Planning Committee

Agenda

Date: Thursday 28 April 2022

Time: 2.30 pm

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, HP19 8FF - Aylesbury

Membership: M Rand (Chairman), N Brown, M Caffrey, B Chapple OBE, M Collins, P Cooper, R Gaster, R Khan, R Newcombe (Vice-Chairman), G Smith, D Thompson and A Waite

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1 APOLOGIES		
2 MINUTES To approve as a correct record the minutes of the meeting held 30 March 2022.		3 - 4
3 DECLARATIONS OF INTEREST		
APPLICATIONS		
4 22/00425/APP - 41 HIGH STREET, HADDENHAM, HP17 8ET		5 - 32
5 AVAILABILITY OF MEMBERS ATTENDING SITE VISITS (IF REQUIRED) To confirm Members' availability to undertake site visits if required.		
6 DATE OF THE NEXT MEETING 25 May 2022		

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Harry Thomas on 01296 585234, email democracy@buckinghamshire.gov.uk.



Central Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the Central Buckinghamshire Area Planning Committee held on Wednesday 30th March 2022 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 2:30pm and concluding at 4:17pm.

Members present

M Rand (Chairman), N Brown, M Caffrey, B Chapple OBE, M Collins, P Cooper, R Newcombe (Vice-Chairman), G Smith, A Waite and A Bond

Agenda Item

1 Apologies

Councillors Gaster, Khan and Thompson gave their apologies.

Councillor Bond sat as a substitute for Councillor Thompson.

2 Minutes

Resolved:

That the Minutes of the meeting held on 3rd March 2022 be agreed as a correct record.

3 Declarations of interest

There were none.

4 **20/02611/AOP - Land to the East and West of Rabans Lane, Aylesbury, Buckinghamshire, HP19 8TS**

Proposal: Outline application for the erection of up to 200 dwellings together with associated parking, landscape and access from Rabans Lane together with means of access only to be determined following demolition of existing buildings on Land to the east and west of Rabans Lane. Full planning application for erection of 7,500m² of B2/B8 floorspace together with means of access from Rabans Close.

This application was due to be considered at the meeting of the 3rd February 2022, and was deferred before being formally introduced to allow adequate time for officers to further examine information received from an interested third party following the publication of the officer's committee report. This also allowed registered public speakers to make their representations at the meeting.

Speakers

Town Council: Mr Alan Sherwell

Objector: Ms Pauline Stiefel

Agent: Ms Jo Unsworth

It was proposed by Councillor Chapple, seconded by Councillor Newcombe and

RESOLVED:

that application 20/02611/AOP be deferred and delegated to the Director of Planning and Environment for approval subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report, subject to the receipt of no new material representations, and the conditions as proposed and any other considered appropriate by Officers.

5 Availability of Members Attending Site Visits (if required)

Members were informed that should there be a need to conduct a site visit for any applications prior to consideration at the next scheduled meeting of the committee, these would occur on Wednesday 27th April 2022.

6 Date of the Next Meeting

Thursday 28th April 2022.



Report to Buckinghamshire Council – Central Area Planning Committee

Application Number:	22/00425/APP
Proposal:	Erection of 1no. 2-bed dwelling with associated access, landscaping and demolition works, extension and alteration of existing dwelling.
Site Location:	41 High Street, Haddenham, Buckinghamshire, HP17 8ET
Applicant:	Mr Westwell – Tri-Star Ltd
Case Officer:	Bibi Motuel
Ward(s) affected:	Bernwood
Parish-Town Council:	Haddenham
Date valid application received:	9.2.2022
Statutory determination date:	6.4.2022
Recommendation	Approve subject to Conditions

1.0 Summary & Recommendation

- 1.1 The application was called in by ward Councillor Greg Smith for consideration by committee because of the strength of objection from residents and the Parish Council. Cllr Smith added that the following (summarised) issues represent the most substantial areas of concern:
- Objection in principle against development applies regardless of the size of the building.
 - The siting and relationship to existing listed buildings will have an unacceptable impact on visual amenities of the site with no public benefit to outweigh harm.
 - The cumulative harm of ‘garden grabbing’ in a community that is experiencing an enormous level of new build.
 - This development lies within 20m of a watercourse.
 - Trees in adjoining properties are threatened.
- 1.2 The Chairman and Vice Chairman consider that given the issues raised, it would be appropriate that the proposal be considered by the Development Management Committee.

- 1.3 The application seeks planning permission for the erection of 1 no. 2-bed dwelling with associated access, landscaping and demolition works, extension and alteration of existing dwelling. It has been evaluated against the adopted Development Plan, the Neighbourhood Plan, and the National Planning Policy Framework (NPPF).
- 1.4 The site lies within the built up area of the strategic settlement of Haddenham, a sustainable location in principle for new housing development.
- 1.5 There would be economic and housing land supply benefits in terms of the construction of the development itself. The scheme has also been considered acceptable in terms of housing mix, residential amenity, place making and design, parking and access, promoting sustainable transport, flooding and drainage, landscape, trees, ecology and historic environment.
- 1.6 Taking all the relevant factors into account, and having regard to all relevant policies of the VALP, Haddenham Neighbourhood Plan and NPPF, it recommended that this application be approved subject to the conditions set out in chapter 9 of this report.

2.0 Description of Proposed Development

- 2.1 The application site relates to an area of land about 0.09 hectares in size location to the east of High Street in Haddenham. The site is within Haddenham Conservation Area and within Haddenham Historic Core Archaeological Notification Area. Within the site there is a semi-detached dwellinghouse (No. 41), a non designated heritage asset (NDHA) adjoining the highway and an area of garden land at the rear. There are also sheds and a garage to the rear of the site.
- 2.2 No. 41 and the attached barn have been identified as 'Buildings of Local Note' due to their traditional form, age, and prominent position in the street. The adjoining dwellinghouse is No. 43 High Street, a Grade II listed vernacular building and its curtilage listed wicket walls. The site lies in close proximity to Nos. 46-48 and 35-37 High Street, also Grade II listed buildings. Outside of the site, but adjoining No.41, there is a barn that has recently gained planning permission to be converted to provide additional accommodation for No.41.
- 2.3 Access into the site is from High Street, using an existing access located to the north of the barn.
- 2.4 The application site seeks full planning permission to erect 1 no. 2-bed dwelling with associated access, landscaping and demolition works, extension and alteration of existing dwelling. It would be constructed of lime render, vertical boarding, timber fenestration and clay roof tiles. It would measure about 6.6m in width, 12.1m in depth and have a maximum height of 6.2m. It would have a dining/kitchen area, study and sitting area at ground floor and two bedrooms and a bathroom at first floor level.
- 2.5 The first floor extension to 41 High Street provides an additional bedroom and increases the GIA of the existing dwelling by 19sqm. A dormer window would be inserted into the north elevation of the existing house, replacing a gable end window.

The dormer would be modest in size, about 1.6m wide, 1.2m deep and 2m high, with a pitched roof.

- 2.6 The site access is to remain as existing. The garage and sheds are to be removed to facilitate a parking area and manoeuvring space at the northern portion of the site - this access and parking will serve both the existing and new dwellings.
- 2.7 The application is accompanied by:
 1. Application form received on 8.2.2022
 2. Schedule of works (limited) job no 1600 – received on 8.2.2022
 3. Dwg. No. 1600 -01b – Location Plan received on 8.2.2022
 4. Dwg. No. 1600-7c – First Floor received on 8.2.2022
 5. Dwg. No. 1600-08b – North Elevation received on 8.2.2022
 6. Dwg. No. 1600-09c – East Elevation received on 8.2.2022
 7. Dwg. No. 1600 12c – Plans, Elevations and section received on 8.2.2022
 8. Dwg. No. 1600-13d – Site Plan received on 8.2.2022
 9. Dwg. No. 1600-14 – Party wall detail received on 8.2.2022
 10. Dwg. No. RGL-18-2953-01 – Site Survey received on 8.2.2022
 11. Dwg. No. RGL-18-2973-01 – Ground Floor and First Floor Plan received on 8.2.2022
 12. Dwg. No. RGL-18-2973-02 – Elevations received on 8.2.2022
 13. Dwg. No. RGL-18-2973-03 – Section A-A received on 8.2.2022
 14. Agent’s covering letter ref 779/2893 dated January 2022 received on 8.2.2022
 15. Planning, Design and Access Statement dated January 222 project ref 779/2893 received on 8.2.2022.
 16. Heritage Statement – JPHeritage February 2022 received on 8.2.2022
 17. Transport Statement v1 dated January 2019 received on 8.2.2022
 18. Arboricultural Report – Ref 22020 issued 31.1.2022 received on 8.2.2022

3.0 Relevant Planning History

- 3.1 19/00005/APP - Demolition of garage and sheds to form parking, erection of dwelling, first floor extension over existing extension on existing dwelling, re-modelling of link extension between 41 High Street and barn, conversion of barn to residential use and erect pitched roof over existing barn lean-to and alterations to fenestration. – Dismissed on Appeal on Non Determination.
- 3.2 20/02648/APP - First floor rear extension and alterations of existing dwelling including conversion of the attached barn and pitch roof to barn – Approved.
- 3.3 20/03949/ALB - First floor rear extension and alterations of existing dwelling including conversion of the attached barn and pitch roof to barn – Approved.

- 3.4 20/A2648/DIS - Submission of details pursuant to Condition 2 - Materials ·& Condition 3 - Method statement safeguarding the witchert barn including details of any lining/insulation relating to 20/02648/APP – Part Discharge
- 3.5 21/01350/APP - Demolition of garage and sheds. Erection of 1no. two bed dwelling with associated access and landscaping. Insertion of dormer to north elevation replacing gable end window of existing dwelling. – Refused for the following reasons:
- “1. The proposed dwelling, by reason of its design in combination with its siting and relationship to existing development, would be visually prominent in a sensitive backland location. It would have an unacceptable impact on the visual amenities of the site, its setting and the surrounding area, contrary to policy GP35 of AVDLP, policy BE2 of the emerging VALP, the New Houses in Towns & Villages Design Guide and advice contained in the NPPF.*
- 2. The proposal would not preserve the architectural or historic interest of the adjacent listed building and non-designated heritage asset (No.43 and 41 High Street) and would not preserve the character or appearance of the Haddenham Conservation Area, with no public benefits that would outweigh the less than substantial harm caused. As such the proposal fails to accords with guidance contained within the NPPF and with the aims of policy GP53 of the AVDLP and BE1 of VALP. In addition, it would not comply with sections 66 & 72 of the Planning (Listed Building and Conservation Areas) Act 1990.*
- 3. The applicant has provided insufficient information to demonstrate that the development would not preserve existing trees and hedgerows on the site. It would therefore not accord with policy SRL3 of the Haddenham Neighbourhood Plan, policies GP.39 and GP.40 of Aylesbury Vale District Local Plan, NE8 of emerging Vale of Aylesbury Local Plan and with the advice in the National Planning Policy Framework.”*
- 3.6 21/01351/ALB - Demolition of garage and sheds. Erection of 1no. two bed dwelling with associated access and landscaping. Insertion of dormer to north elevation replacing gable end window of existing dwelling. – Listed Building Refused
- 3.7 22/00426/ALB - Erection of 1no. 2-bed dwelling with associated access, landscaping and demolition works, extension and alteration of existing dwelling – Pending consideration

4.0 Representations

- 4.1 Objection from Cllr Greg Smith received as follows:

“Should officers be minded to accept this planning application I would like to call in the proposal to the Central Planning Committee. The concern expressed by residents justify a full discussion in committee.”

- 4.2 Parish Council Comments (verbatim):

“Haddenham Parish Council objects as follows:

Taken together, the Inspectors and BCs own conclusions are strong objections to development in principle; any development would be a jarring inclusion in this setting and would harm heritage assets.

Cumulative harm to the Conservation Area

The applicant points to other developments in the vicinity as justification. The Parish Council is very concerned about the cumulative harm caused by creeping garden grabbing and back-land style infill developments, of which there have been several examples in the last 20 years along and/or adjoining the length of High Street. Over time, these developments change the special character of an area, damage the heritage legacy, as well as increase vehicle and parking intrusion. In this case, the new house would occupy a narrow garden plot still close to the existing boundaries with neighbouring properties to both east and west. The argument in the heritage statement that the form of building would emulate enclosure in the traditional style of, say, Manor Farm is fantasy; places like Manor Farm have evolved through centuries on spacious plots, not built on garden backland.

Harm to the amenities of 41 High Street 41 High Street will be renovated as a 3 bed home likely to be suitable for a family with children. This proposal will cut 41 adrift from its natural and historic setting as a former farm or smallholding with an orchard, leaving only minimal amenity land for a family and which immediately adjoins a parking forecourt, thereby greatly reducing the desirability of this heritage asset. By contrast the new dwelling will be a smaller property but will have most of the garden.

Development close to a watercourse

The application form states that the development is not within 20m of a watercourse. This is incorrect. The part culverted Haddenham watercourse is designated a main river by the Environment Agency. It flows north to south under the adjoining properties at The Croft and re-emerges a short distance away in both directions. Has the Environment Agency been consulted?

Tree Protection

The PC still has concerns about tree protection per policies SRL3 of the Neighbourhood Plan and NEB of VALP, particularly with respect to tree roots from the neighbouring gardens of The Croft. These concerns were supported by BC in its grounds for refusal of 21/01350/APP and 21/01351/ALB and presumably remain given the marginal change in position of the proposed dwelling.

Highway and pedestrian safety

There are restricted visibility splays on exiting this site by vehicles. This is particularly important because High Street is well used by pedestrians as a safe north-south village connecting route. Although a no-through road to vehicles, pedestrians can pass through via the path immediately before the Kings Head pub, and thereby forming an easy and relatively safe link between Church End and the village centre at Fort End/Banks Road. Intensified use of the access by introducing a second dwelling will increase the risk, particularly if walking northwards along the footpath on the east side of High Street. Moreover, vehicles exiting the site are forced well into the road in order to see whether it is safe to proceed, and encounter parked cars on the far (west) side of High Street. The Parish Council doubts from the Highway comments that their appraisal is aware of the full picture, or of the Parish Councils agenda to promote safer walking and cycling through our Streetscape project which BC is part funding.

Works to 41 High Street

The Parish Council has no objection to the proposed dormer on the north elevation of the 1st floor extension.”

4.3 7 public representations were received, all objecting to the application. These raised the following summarised issues:

- Not suitable for plot at 41 High Street and it inflicts harm to setting of listed building at No.43.
- Loss of privacy to No.43 as bedrooms look into its garden and studio.
- Pedestrians will be endangered due to increased vehicles and poor visibility existing No.41
- Loss of privacy to No.33 The Croft. Garden and patio will be overlooked.
- Large tree in garden of 41 will be lost and other trees are at risk.
- Application follows 2 similar applications that were refused and an appeal that was dismissed. Latest application has left dwelling in virtually same location.
- Dwelling would be visually prominent in sensitive backland location.
- Significant amounts of asbestos will be handled during demolition.
- Heritage Officer has not addressed the impact on the setting of the listed building.
- Lack of information concerning drainage from the applicant.
- A new dwelling in this protected area is not required or justified.
- This building will make parking problems on the High Street worse.

5.0 Policy Considerations and Evaluation

Haddenham Neighbourhood Plan (HNP) was ‘made’ in 2015. However, Chapter 6, relating to housing matters, was quashed by the High Court following a legal challenge and cannot be given material weight in the determination of application. However, those policies contained within the remaining chapters of the plan remain in force and attract full weighting.

Vale of Aylesbury Local Plan (VALP) was adopted on 15th September 2021 and therefore has full weight.

National Planning Policy Framework (NPPF) 2021

Planning Practice Guidance (PPG)

Adopted Design Guide: New Houses in Towns & Villages

Recycling and Waste: Advice note for developers 2015

6.0 Principle and Location of Development

Vale of Aylesbury District Local Plan (VALP): S1 (Sustainable development for Aylesbury Vale) carries considerable weight; S2 (Spatial strategy for growth), S3 (Settlement hierarchy

and cohesive development), D3 (Proposals for non-allocated sites at strategic settlements, larger villages and medium settlements)

- 6.1 Haddenham is defined in the Settlement Hierarchy Assessment Report September 2017 as one of the five strategic settlements that have a substantially greater range of facilities and services in comparison to the other settlements within the district.
- 6.2 Haddenham is identified as a strategic settlement. These settlements provide the greatest range of services and facilities in the Aylesbury Vale area, playing an important role in supporting the smaller rural settlements. They are also well- served by public transport with hourly or more bus services.
- 6.3 Policy D3 of the VALP supports small scale housing development at strategic settlements to small scale areas of land within the building up areas of settlements, including infilling of small gaps and development that consolidates existing settlement patterns.
- 6.4 Haddenham is a sustainable location for development subject to the scale of growth that could reasonably be considered sustainable not only in terms of its impact on the localised site and surrounding but also in terms of the wider capacity of the town.
- 6.5 The latest Five-Year Housing Land Supply Position Statement (October 2021) for the Aylesbury Vale area is 5.47 years' worth of deliverable housing supply. The proposal would contribute to housing land supply, tempered by the scale of the development and its limited contribution. It is considered that there would also be economic benefits in terms of the construction of the dwelling as well as the resultant increase in population which would contribute to the local economy. This is a benefit of the proposal, although very limited.
- 6.6 Therefore, in broad sustainability terms, the provision of one new dwelling in this location which falls within the built-up area of a strategic settlement is considered acceptable. However, this proposal still has to be assessed against all other material considerations.

Affordable Housing and Housing Mix

SPD – Affording Housing

VALP policy H6a Housing Mix

- 6.7 With regard to affordable housing, the provision of 1 dwelling would not meet the thresholds for requiring affordable housing contributions to be made. With regard to housing mix, there would be one 2 bedroom dwelling. The finding of the Housing and Employment Development Needs Assessment (HEDNA) set out in the emerging VALP indicate that, based on current figures and population growth, 3 bedroom homes are of the highest need followed by 4-bed houses.

- 6.8 Given the scale of the proposal, the provision of one 2 bedroom dwellings would be acceptable and in this instance does not require a mix of sizes, given the small number of units proposed. This would accord with VALP Policy H6a of VALP.

Transport matters and parking

VALP policies T5 (Delivering transport in new development) and T6 (Vehicle parking), T8 (Electric vehicle parking), Appendix B (Parking Standards)

- 6.9 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, and that safe and suitable access can be achieved, taking account of the policies in the NPPF.
- 6.10 In respect of transport suitability, the site is located in Haddenham, close to many village services, is well served by footways and public transport links are located approximately 0.3 miles away with bus services to Aylesbury and Thame. The site is considered sustainable in transport terms in the context of the requirements of the NPPF and would not be reliant on the use of the private motor vehicle.
- 6.11 High Street is an unclassified road which in this location is subject to a speed restriction of 30mph.
- 6.12 A number of local residents raised objections on highway grounds. A Transport Statement was submitted, but this is dated January 2019 and appears to relate to a previous scheme, however its content remains valid when assessing this current scheme.
- 6.13 The proposed development has been considered by the Highway Authority. As the proposals would see the net gain of one dwelling on the site, the site would be subject to intensification in use in the region of 4-6 vehicular movements (two-way) per day.
- 6.14 The proposal will utilise an existing access from High Street. This access onto High Street needs to comply with the visibility requirements stated by Manual for Streets of 2.4m x 43m from both directions to the near side carriageway. After assessing the site, the Highways Officer believes that a lower level of visibility can be accepted because High Street is a lightly trafficked cul-de-sac and vehicles would travel far below 30mph given the narrow carriageway and presence of on street parking. The Highway Officer also considers a set-back distance of 2m to be acceptable given the lightly trafficked context.
- 6.15 The Highways Officer is therefore satisfied that the visibility splays shown on Appendix D in the Highway Report would be acceptable, and these splays can be secured by way of condition. A refusal on this point would not be sustainable if challenged at appeal.

- 6.16 Turning on the on-site parking provision, VALP Policy T6 states that all development must provide an appropriate level of car parking, in accordance with the standards set out in Appendix B. A two bedroom dwelling is required to provide two spaces. Policy T8 requires that a new house with a garage or driveway provide one electric vehicle charging point.
- 6.17 TGA1 of the HNP seeks to ensure that proposals meet minimum parking standards through allocated on-site car parking spaces. For a dwelling with 2 bedroom, two parking spaces plus 2 cycle spaces are required as a minimum.
- 6.18 The proposed development includes at least two car parking spaces each to serve both the new 2-bed dwelling and the 3-bed existing dwelling. The Highways Officer is happy with the proposed parking provision and believes it meets the criteria laid out in the parking standards. He also confirms that the parking arrangement would allow for vehicles to park, turn and leave the site in a forward gear. The Highways Officer requested that each parking space be 2.8m x 5m and for one electric charging point to be provided for each dwelling. An amended drawing was submitted with the parking spaces expanded to 2.8m x 5m. The electric charging points can be secured by condition.
- 6.19 The proposed parking provision would meet the Council's guidelines and comply with policy TGA1 of the HNP, policies T6 and T8 of the VALP and the advice within the NPPF.

Raising the quality of place making and design

VALP policy BE2 (Design of new development)

Design Guide: New Houses in Towns & Villages

- 6.20 Policy BE2 of VALP states that new development should respect and complement the character of the site and its surroundings and the local distinctiveness and vernacular character of the locality, as well as important public views. The NPPF at paragraph 8, states that one of the overarching principles of the planning system is a social objective, including fostering well-designed, beautiful, and safe places.
- 6.21 The Council's adopted supplementary planning guidance in the form of the New Houses in Town and Villages Design Guide states that traditional houses in the area have a distinctly rural character, with pitched roofs over narrow spans, using a limited range of materials. Whilst the preferred option is a contemporary interpretation of these characteristics in a traditional context, there is no presumption against modern design provided that the context is recognised, and a sense of local identity is evident.
- 6.22 Planning application 21/01350/APP was refused, in part, because the proposal would have been visually prominent in a sensitive backland location, and because it would

have had an unacceptable impact on the visual amenities of the site and the surrounding area. The previous scheme was considered to have been cramped and a contrived form of development, shoehorned into the narrow site.

- 6.23 The applicant engaged in pre-application discussions with the Council's Heritage team to address their concerns raised during the application. The current design, informed by those discussions, would be for a materially smaller dwelling. The traditional materials originally proposed (lime render, vertical boarding, timber fenestration and clay roof tiles) are unchanged and are appropriate. The overall design concept would be similar, but it would now have a footprint of about 75 sqm and instead of an L shape it would have a simpler linear form. It would be the same height (6.2m) and length (12.1m) as the refused scheme, but the overall width would be reduced from 12m to 6.6m due to the absence of the single storey sitting room element. Although the main one and a half storey element would be about 2m wider to compensate for the loss of the sitting room element, it would have a catslide roof on the western elevation, which would further reduce the overall mass and bulk of the building. There are fewer large openings than on the previous scheme and due to the reduction in mass and greater separation gaps to its western and eastern boundaries, it would appear subservient and less prominent in this sensitive location. When compared to the previous scheme it is considered the amendments now proposed overcome the previous objections regarding appearance.
- 6.24 It is noted that some neighbours have argued that the dwelling would be visually prominent, using a mock up of the proposed house to illustrate how it would look in the street scene. The accuracy of this mock up cannot be assumed and as with all such documents must be treated with caution and not necessarily relied upon.
- 6.25 Taking into account all documents the Heritage Officer considers that the amended design provides a greater sense of separation and leaves more of the site open and therefore leaves more of the prevailing character intact. The Heritage Officer still has some concerns that the backland nature of the development but notes that there is a precedent for barns and traditional outbuildings and the design now responds to the conservation area context. As such, the Heritage Officer is satisfied that the revised design and layout has minimised conflict with the heritage assets.
- 6.26 While the proposal would still constitute backland development, which is deemed a departure from the linear pattern of development in High Street. It is important to recognise that the appeal Inspector for the earlier proposal (19/00005/APP) did raise objection to the principle of a dwelling being erected on this site per se, and the heritage officer is satisfied that the design responds to the conservation area context. It is therefore considered that the amended design respects the prevailing rural character and is sympathetic to the surrounding heritage assets. It is not considered sustainable to raise an objection relating to the departure from the linear pattern of development.

- 6.27 The proposed first floor extension of the existing dwelling reflects that permitted under 20/02648/APP. The insertion of a single dormer window to the north elevation and rear wing of no.41 is in-keeping with the character of the host building and would not harm the setting of the heritage asset. This element of the proposal has previously been deemed acceptable and as such it would be unreasonable to object to this element now.
- 6.28 As such, the proposal would accord with Policies BE2 of the VALP, the Design Guide: New Dwellings in Towns and Villages and the guidance set out in the NPPF.

Amenity of existing and future residents

VALP policy BE3 (Protection of the amenity of residents).

- 6.29 The NPPF at paragraph 130 states that authorities should always seek to create places that have a high standard of amenity for all existing and future users.
- 6.30 Policy BE3 of VALP seeks to protect the amenity of existing residents and achieve a satisfactory level of amenity for future residents.
- 6.31 The case officer for the previous application (21/01350/APP) concluded that there would be no unreasonable loss of amenity to No.41 or 43 High Street and that, on balance, the proposal would not result in unacceptable impacts on the amenity of 33-37 The Croft to the east of the site. It was also noted that the appeal Inspector 19/00005/APP, for a larger house, found that whilst the proposed new dwelling in that scheme would not dominate the outlook for No.43 and 41 to such an extent that it would be overpowering, adding that the occupants at No.43 would be able to enjoy their garden without being overlooked and that the living conditions of other neighbours would be sufficiently protected.
- 6.32 Several neighbours have objected on the grounds of a loss of amenity, including those at No.43 High Street and 33 The Croft. It is claimed by the occupant of No.43 that there would be a loss of privacy as the bedrooms would look into his garden and studio. The occupant of No.33 The Croft suggests that his garden and patio would be overlooked. However, the separation gap to both No.43 to the west and No.33 to the east would be greater than in the most recent scheme, at 6.5m (to the western boundary) and 2.2m (to the eastern boundary) respectively. The distance from the new dwelling and No.43 would be 8m, compared to 3.5m previously. The west elevation would have no windows or doors, other than a narrow, low level window that would not afford any views of No.43. The only window on the eastern elevation would be a very small window serving a WC and would be fitted with obscure glazing.
- 6.33 There would be oblique views from the south facing first floor window of the new dwelling into the rear garden of No.33 The Croft. Whilst it is acknowledged No.33-37 The Croft would all have their current outlook altered by the proposed dwelling, and there would be the potential for some limited overlooking into the garden of No.33, on balance it is considered that the proposal would not result in unacceptable

impacts on their amenity, particularly as there is now a greater separation distance proposed compared to the previous scheme. An objection on this point is not considered sustainable if challenged.

- 6.34 All habitable rooms of the new dwelling would be well lit by windows, although the kitchen would only be served by a narrow, low window. There is sufficient private amenity space associated with the new dwelling to ensure that satisfactory private amenity space is provided for this dwelling. The remaining garden space for the existing dwelling (No.41) would be fairly small, about 80 sq.m in area. However, on balance, this is considered to be acceptable.
- 6.35 It is concluded therefore that the residential amenities of nearby dwellings and the occupiers of the new dwellings would not be materially affected and that this would accord with policy BE3 of VALP and the NPPF.

Flooding and drainage

VALP policy I4 (Flooding)

- 6.36 Paragraph 167 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere.
- 6.37 The site is located within Flood Zone 1 and is not within an area susceptible to surface water flooding and so the development would therefore be at low risk of flooding. As the site area is less than 1 hectare, there is no requirement to submit a Flood Risk Assessment.
- 6.38 The Parish Council have raised a concern that the proposed development is within 20m of a watercourse, which could trigger the need to consult the Environment Agency (EA). The Council's records show that there is a watercourse running under the houses along The Croft. However, the proposed dwelling would be over 35m from the watercourse at its closest point and therefore consultation with the EA is not necessary in this instance.
- 6.39 As such, it is considered the proposed development would be resilient to climate change and flooding and would not increase flood risk elsewhere in accordance with Policy I4 of the VALP and the Framework.

Landscape, trees and hedgerows

VALP policies NE4 (Landscape character and locally important landscape) and NE8 (Trees, hedgerows and woodlands)

HNP - SRL3 (Enhancing, Protecting and Providing new Natural Environment Habitats, Trees and Hedgerows)

- 6.40 The site sits within a built up area in the town of Haddenham and so there are no wider landscape character issues.

- 6.41 Policy SRL3 of the HNP states that proposals impacting on trees, other than those of poor quality, should be accompanied by a Tree and Hedgerow Survey. VALP Policy NE8 has a similar requirement.
- 6.42 Some of the representations received claimed that a number of trees would be threatened, including one in the garden of No.41.
- 6.43 The Council's Tree Officer was consulted and stated that the supporting arboricultural information includes 9 individual trees within the survey. The proposal requires the removal of a single low quality tree and encroaches into the Root Protection Area (RPA) of 3 others. The Tree Officer noted that the area of this encroachment is relatively minor, and that established mitigation measures are proposed ("no-dig" surfacing).
- 6.44 The Tree Officer concluded that the supporting evidence lacks information on several points: future pressure, protection of the RPA of T2, replacement of T6, but overall is sufficient to demonstrate that the proposal is feasible without significant harm to trees. Ideally further information on these points, and fuller detail on tree protection, would be provided prior to determination, but all of the concerns outstanding can be adequately covered by conditions. As such, there is no objection from the Tree Officer.
- 6.45 Therefore, it is considered that with mitigation, the proposal would comply with policy NE4 and NE8 of VALP, policy SRL3 of HNP and the NPPF in this regard.

Ecology

VALP NE1 (Biodiversity and geodiversity)

HNP - SRL3 (Enhancing, Protecting and Providing new Natural Environment Habitats, Trees and Hedgerows).

- 6.46 Regard must be had as to how the proposed development contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF.
- 6.47 Policy NE1 of VALP is also reflective of the NPPF in requiring all development to deliver a biodiversity net gain. SRL3 of the HNP states that whenever possible, all new buildings must provide integrated Swift nesting features. It adds that proposals requiring the provision of ecological information should demonstrate that they have taken BS42020 into account.
- 6.48 The Council's Ecology Officer stated that in line with recognised good practice and government policy on biodiversity and sustainability, all practical opportunities should be taken to harmonise the built development with the needs of wildlife. In

this instance, the Ecology Officer considers that it is appropriate for provisions for wildlife to be built into the development, namely 1 swift box, a bee brick, as well as hedgehog holes. It is also recommended that local provenance fruit trees are planted.

- 6.49 Overall, it is considered that in terms of impact upon the natural environment, the proposal would have an acceptable impact on protected species and their habitats and would therefore comply with VALP policy NE1 and relevant NPPF advice.

Historic environment

VALP policies BE1 (Heritage Assets)

- 6.50 Policy BE1 (Heritage Assets) of VALP states that all development including new buildings, alterations, extensions, change of use and demolitions, should seek to conserve heritage asset in a manner appropriate to their significance, including their setting and seeking enhancement wherever possible. The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 189 of the NPPF identifies heritage assets as an irreplaceable resource which should be conserved in a manner appropriate to their significance.
- 6.51
- 6.52 The site lies within the designated Haddenham Conservation Area and adjoins the grade II listed 43 High Street and its curtilage listed wicket walls. The site also lies in close proximity to 46-48 and 35-37 High Street also grade II listed. In addition to the above, 41 High Street and the associated barn have been identified as 'Buildings of Local Note' and can therefore be considered as non-designated heritage assets (NDHA's).
- 6.53 Several objections have been made on the basis of heritage concerns, stating that the proposal would have a detrimental effect on the conservation area and on the nearby Grade II listed buildings, including No.43.
- 6.54 A Heritage statement accompanied the application.
- 6.55 The previous application (21/01350/APP) was refused, in part, because the proposals would not preserve the architectural or historic interest of the listed building and would not preserve the character or appearance of the conservation area. Following this refusal, the applicant engaged in pre-application discussions with the Heritage team.
- 6.56 The Council's Heritage Officer was consulted on the current application and stated that the site lies within the historic core of the village and along the southern section of the High Street. This part of the conservation area is characterised by a high concentration of designated and non-designated heritage assets and a strong sense

of enclosure with vernacular buildings and boundary walls forming hard edges to the streetscene.

- 6.57 There are a number of key viewpoints along this section of the High Street with channelled views being terminated by the Kings Head Public House. Agricultural outbuildings are prominently positioned in this section of the street with buildings typically semi-detached or forming part of a row. The buildings have an understated appearance and follow a predominantly linear pattern, the extensive use of witchert construction contributes to the local distinctiveness of the area.
- 6.58 The south elevation of no. 41 is directly adjoined by the grade II listed 43 High Street. This cottage dates back to the C17th and is characterised by its vernacular construction including witchert colourwashed and roughcast elevations, rubble stone plinth and timber casement windows. The pair of cottages form a cohesive grouping and are further linked by the presence of witchert curtilage walls to the garden spaces reinforcing this affinity and contribution to the setting of the heritage assets.
- 6.59 The Heritage Officer added that the 1878-1880 extract map and 2021 aerial photograph portray the surviving settlement pattern with the linear emphasis of properties addressing the streetscene, strong sense of enclosure and limited backland forms. The continued presence of green space on land previously an orchard to the east of 41 and 43 remains an identifiable feature and continues to provide a verdant setting to the heritage assets.
- 6.60 The historic pattern and morphology of development along this southern section of the High Street remains discernible, there is a clear building line, coarse grain with an emphasis on attached or semi-detached forms, precedent for spacious rear gardens. These characteristics combine to contribute to the character and appearance of the area and to the setting of the heritage assets.
- 6.61 Turning to impact, the Heritage Officer stated that the proposals facilitate the demolition of the existing garage and sheds, the erection of a two-storey dwelling as well as extension and alterations to no.41 High Street. The proposals for the extension and alterations to 41 High Street have already been granted approval under application ref. 20/02648/APP and 20/03949/ALB; therefore, the precedent has been set and no further amendments from the approved plans are proposed. To this end, subject to the conditions below this aspect of the proposals will not harm the significance of the heritage assets.
- 6.62 The existing modern shed and asbestos garage are of no architectural or design interest and therefore their demolition will not harm the significance of the heritage assets.
- 6.63 With regard to the erection of a new dwelling, the Heritage Officer stated that this part of the site is currently characterised by open grassed space and the presence of a specimen tree. The current garden space is enclosed to eastern side by close bordered fencing and to the southern and western side by vernacular witchert walls.

These historic enclosures are a prevailing feature of Haddenham and make a significant contribution to the heritage assets.

- 6.64 The latest proposals have addressed heritage concerns raised in relation to application ref. 21/01350/APP. The 'L' plan footprint has been lost and instead the dwelling takes on a simple linear form. The Heritage Officer's comments on the design of the proposed dwelling are covered above in the section on design and placemaking.
- 6.65 The Heritage Team are mindful that only the upper levels of the roof structure would likely be glimpsed from the streetscene and therefore the impact on key viewpoints within the conservation area will be minimal. The reduction in scale and re-siting will also mean the dwelling will no longer transcend its neighbouring heritage assets. The Heritage Team are satisfied that the revised design and layout has now minimised conflict with the heritage assets.
- 6.66 Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the Conservation Area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, and to the statutory test of preserving the significance of the Listed Building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which are accepted is a higher duty. It has been concluded that the character of the Conservation Area would be preserved, and so the proposals accord with section 72 of the Act. In addition, the proposal would cause no harm to the significance of the listed buildings and so would accord with section 66 of the Act.
- 6.67 With regards to archaeology, the site is situated within Haddenham Historic Core Archaeological Notification Area. The Council's Archaeologist was consulted and stated that the proposed development may have an impact on the historic environment. The proposed site is located within the historic settlement core of Haddenham and to the rear of 19th century buildings fronting the High Street. The discovery of medieval pits, 20m to the west, and pits and ditches to the north of development indicate its location within an area of medieval activity. Further to this, historic mapping suggests that the development area has remained undisturbed for over 130 years, indicating a potentially high level of preservation of any archaeological remains that may be present.
- 6.68 The Archaeologist added that should permission be granted, it is likely to harm a heritage asset's significance and so a condition should be applied requiring further investigation, recording, publication and archiving in accordance with paragraph 205 of the NPPF. This can be secured through a condition.
- 6.69 As such the proposal accords with guidance contained within the NPPF and with the aims of policy BE1 of VALP.

7.0 Weighing and balancing of issues / Overall Assessment

- 7.1 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.
- 7.2 The site lies within the built up area of a strategic settlement and so this is considered to be a sustainable location in principle for new housing development. It is accepted that there would be economic benefits in terms of the construction of the dwelling itself, although the weight to be afforded to such benefit is tempered due to its scale. The scheme would also deliver one additional dwelling, thereby adding to the Aylesbury Area's housing supply.
- 7.3 The scheme has also been considered acceptable in terms of its impact to housing mix, transport and parking, design, flooding and drainage, landscape, residential amenity, ecology, trees and historic environment. However, these do not represent benefits of the scheme but rather demonstrate an absence of harm.
- 7.4 Taking all the relevant factors into account, and having regard to the NPPF as a whole, all relevant policies of the VALP, HNP and NPPF, it is considered that proposal would accord with an up-to-date development plan and is therefore recommended for approval.

8.0 Working with the applicant / agent

- 8.1 In accordance with paragraph 38 of the NPPF (2021) the Council 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.
- 8.2 The Council 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.
- 8.3 In this case, the agent was informed of the issues arising from the proposal and given the opportunity to submit amendments and additional information in order to address those issues prior to determination. The agent responded by submitting amended plans and additional information which were found to be acceptable, so the application has been approved.

9.0 Recommendation

- 9.1 The officer recommendation is that the application be APPROVED 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 (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 above damp-proof course shall take place on the dwellings 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. The development shall be carried out using the approved materials.

Reason: To ensure a satisfactory appearance to the development and to comply with policies BE1 and BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

3. No development shall take place until details of the proposed slab level of the building 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 building shall be constructed in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development and to comply with policies BE2 and NE4 of the VALP 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 minimises its impact on the appearance of the area in accordance with the submitted details.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the window on the east side elevation must not be glazed or re-glazed other than with obscured glass to a minimum of level 3 and non opening. No additional windows not shown on the drawing No. 1600 12a shall be inserted on the west or east side elevations, unless these are glazed or re-glazed 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 dwellings and to comply with BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

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

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

6. Prior to the occupation of the development minimum vehicular visibility splays of 43 metres from 2 metres back from the edge of the carriageway to the south of the access and minimum vehicular visibility splays of 18 metres from 2 metres

back from the edge of the carriageway to the north of the access onto High Street shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

7. Prior to the occupation of the development, details of the provision of electric charging points shall be submitted to and approved in writing by the Local Planning Authority, and the electric charging points shall be implemented in accordance with the approved details and shall thereafter be retained as approved.

Reason: To ensure adequate provision is made for electric vehicles and to accord with the NPPF and Policies T6 and T8 of the Vale of Aylesbury Local Plan.

8. Prior to the commencement of any works on the site, a construction traffic management plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide for the following:

- The routing of construction vehicles.
- Construction access details, temporary or otherwise.
- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials storage of plant and materials used in constructing the development.
- Operating hours.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused.

The approved CTMP shall be adhered to throughout the construction period.

9. No site clearance works or development shall take place until there has been submitted to the Local Planning Authority for their approval a tree protection plan showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise 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.

No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective

fencing shall remain undisturbed during the course of the works, and in particular 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 unless these are elements of the agree tree protection plan.
 4. No materials or waste shall be burnt nor within 20 metres of any retained tree;
- 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 NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

10. No site clearance works or development shall take place until details of any tree pruning required to accord with guidance set out in BS3998:2010 is submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: In order to minimise damage to the trees during building operations and to comply with policy NE8 of Vale of Aylesbury Local Plan, SRL3 of the Haddenham Neighbourhood 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.

11. The development hereby approved shall not be occupied until a full details of soft and hard landscape works, including new planting in accordance with BS8545:2014, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate new trees and trees to be retained, species, plant sizes and proposed numbers/densities and shall be carried out as approved 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 policies BE3, NE1, NE4 and NE8 of VALP, SRL3 of the Haddenham Neighbourhood Plan and the National Planning Policy Framework.

12. 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 NE8 of the VALP, SRL3 of the Haddenham Neighbourhood Plan and the National Planning Policy Framework.

13. Prior to first occupation of the dwellings hereby permitted, 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. The development shall thereafter only be carried out in accordance with the approved details and the dwellings hereby approved shall not be occupied until the details have been fully implemented and thereafter retained as approved.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and to comply with policy BE2 of Vale of Aylesbury Local Plan, and the National Planning Policy Framework.

14. Prior to the first occupation of the development hereby approved 1 integrated swift box and 1 bee brick shall be incorporated into the building in accordance with manufacturers guidelines and a hedgehog hole shall be provided on site..

Reason: To comply with the requirement to achieve a net gain in biodiversity through ecological enhancements in line with policy NE1 of the Vale of Aylesbury Local Plan and Policy SRL3 of the Haddenham Neighbourhood Plan.

15. Prior to their installation a detailed specification including sample sections of joinery work (glazing bars, sills etc.) or working drawings (scale 1:20, 1:10, 1:5, half or full size etc.) fully detailing the new / or replacement windows (cross sections for full glazing bars, sills, heads etc.) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved specification and retained thereafter.

Reason: To ensure that the proposed works can be effected without detriment to the special architectural and historic interest of the heritage assets and to ensure a satisfactory appearance to the development and to comply with policies BE1 and BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

16. Prior to their installation, full details / specifications and drawings as appropriate for proposed metal rainwater goods shall be provided. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed works can be effected without detriment to the special architectural and historic interest of the listed building and to comply with policy BE1 of Vale of Aylesbury Local Plan and the National Planning Policy Framework.

17. No development shall take place, unless authorised by the Planning Authority, until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work (which may take place over a number of phases) in accordance with a written scheme of investigation

which has been submitted by the applicant and approved by the planning authority. The development shall only be implemented in accordance with the approved scheme.

Reason: To record or safeguard any archaeological evidence that may be present at the site and to comply with Policy BE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

18. The development hereby permitted shall only be carried out in accordance with drawing numbers 1600 -01b; 1600-7c; 1600-08b; 1600-09c and 1600-14 all received on 8.2.2022; 1600 12c and 1600-13d received on 16.3.2022 and in accordance with any other conditions imposed by this planning permission.

Reason: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.

Informatives

1. It is an offence under S151 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.
2. 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 S137 of the Highways Act 1980.
3. The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the appropriate Water Authority may be necessary.
4. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
5. Your attention is drawn to the "Recycling and Waste: Advice Note for Developers 2015" to assist developers and planning applicants by highlighting Buckinghamshire Council's current management of refuse and recycling collections and what provisions will be expected when proposals for new dwellings and commercial premises come forward in the future and the adopted policy on waste container charges. Developers should contact

the Council's Operations and Waste Management Section for specific advice on current recycling collection arrangements.

6. 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. [...Buildings, trees and other vegetation...] are likely to contain nesting birds between 1st March and 31st August inclusive, therefore removal of scrub, dense bushes, ivy, trees or parts of trees (or other location where birds are likely to nest) during this period could lead to an offence under the Act. Likely nesting habitat must not be removed during the nesting period unless a survey has been undertaken by a competent ecologist, immediately prior to the works commencing and it has been established that bird nesting is not taking place.

Appendix A: Consultation Responses and Representations

Councillor Comments

Objection from Cllr Greg Smith received on 18.3.2022 as follows:

“Should officers be minded to accept this planning application I would like to call in the proposal to the Central Planning Committee. The concern expressed by residents justify a full discussion in committee.”

Parish/Town Council Comments

“Haddenham Parish Council objects as follows:

Taken together, the Inspectors and BCs own conclusions are strong objections to development in principle; any development would be a jarring inclusion in this setting and would harm heritage assets.

Cumulative harm to the Conservation Area

The applicant points to other developments in the vicinity as justification. The Parish Council is very concerned about the cumulative harm caused by creeping garden grabbing and back-land style infill developments, of which there have been several examples in the last 20 years along and/or adjoining the length of High Street. Over time, these developments change the special character of an area, damage the heritage legacy, as well as increase vehicle and parking intrusion. In this case, the new house would occupy a narrow garden plot still close to the existing boundaries with neighbouring properties to both east and west. The argument in the heritage statement that the form of building would emulate enclosure in the traditional style of, say, Manor Farm is fantasy; places like Manor Farm have evolved through centuries on spacious plots, not built on garden backland.

Harm to the amenities of 41 High Street 41 High Street will be renovated as a 3 bed home likely to be suitable for a family with children. This proposal will cut 41 adrift from its natural and historic setting as a former farm or smallholding with an orchard, leaving only minimal amenity land for a family and which immediately adjoins a parking forecourt, thereby greatly reducing the desirability of this heritage asset. By contrast the new dwelling will be a smaller property but will have most of the garden.

Development close to a watercourse

The application form states that the development is not within 20m of a watercourse. This is incorrect. The part culverted Haddenham watercourse is designated a main river by the Environment Agency. It flows north to south under the adjoining properties at The Croft and re-emerges a short distance away in both directions. Has the Environment Agency been consulted?

Tree Protection

The PC still has concerns about tree protection per policies SRL3 of the Neighbourhood Plan and NEB of VALP, particularly with respect to tree roots from the neighbouring gardens of The Croft. These concerns were supported by BC in its grounds for refusal of 21/01350/APP and 21/01351/ALB and presumably remain given the marginal change in position of the proposed dwelling.

Highway and pedestrian safety

There are restricted visibility splays on exiting this site by vehicles. This is particularly important because High Street is well used by pedestrians as a safe north-south village connecting route. Although a no-

through road to vehicles, pedestrians can pass through via the path immediately before the Kings Head pub, and thereby forming an easy and relatively safe link between Church End and the village centre at Fort End/Banks Road. Intensified use of the access by introducing a second dwelling will increase the risk, particularly if walking northwards along the footpath on the east side of High Street. Moreover, vehicles exiting the site are forced well into the road in order to see whether it is safe to proceed, and encounter parked cars on the far (west) side of High Street. The Parish Council doubts from the Highway comments that their appraisal is aware of the full picture, or of the Parish Councils agenda to promote safer walking and cycling through our Streetscape project which BC is part funding.

Works to 41 High Street

The Parish Council has no objection to the proposed dormer on the north elevation of the 1st floor extension."

Consultation Responses

Highways –

First response (17/2/22):

- I am therefore satisfied that the visibility splays shown on Appendix D in the Highway Report would be acceptable, and I will secure these splays by way of condition.
- The site is considered sustainable in transport terms in the context of the requirements of the NPPF and would not be reliant on the use of the private motor vehicle.
- Whilst I am generally satisfied with this scheme, I must request that each parking space is expanded to 2.8m x 5m and for one electric charging point to be provided for each dwelling in order to comply with the newly adopted VALP.
- Mindful of the above, I require additional information before I can comment further.

Second response (18/3/22)

- Since then, the applicant has submitted a new site plan showing the parking spaces have been expanded to 2.8m x 5m. I will secure the electric charging points by way of condition.
- Mindful of the above, I do not have any objections to this proposal subject to the following conditions and informative points imposed in any consent you may grant

Environment Health (13/1/22) – No environmental health objections to this application.

Ecologist – (14/2/22): No Objection subject to condition securing biodiversity features within the proposed development. A bird informative has been provided below.

Tree Officer – 21/3/22: No objection – subject to conditions.

Heritage Officer – (7/3/22): Subject to conditions, the proposed development will not harm the significance of the heritage assets and complies with local and national heritage policy.

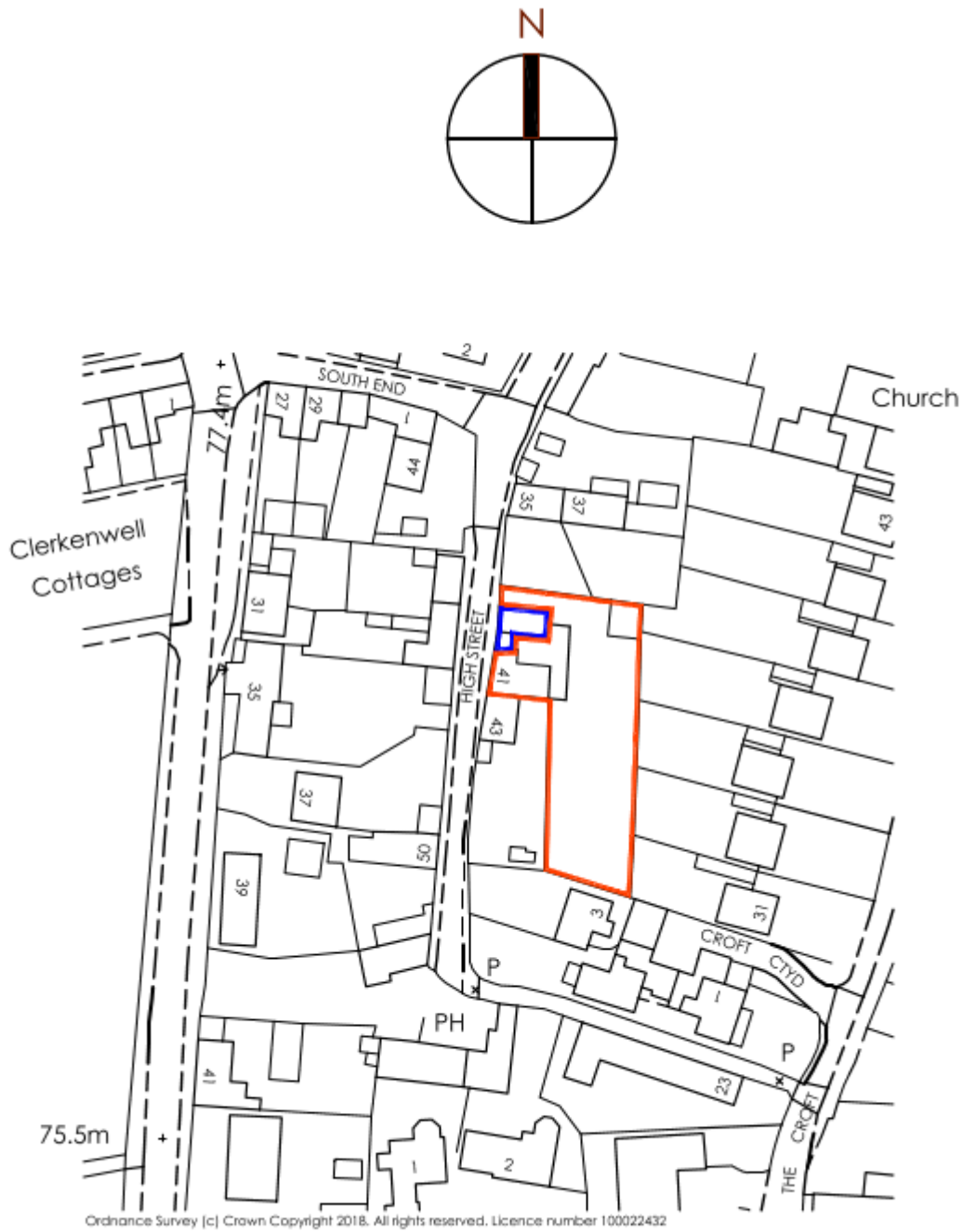
Archaeologist – (21/2/22): If planning permission is granted for this development then it is likely to harm a heritage asset's significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 205.

Representations

7 public representations were received, all objecting to the application. These raised the following summarised issues:

- Not suitable for plot at 41 High Street and it inflicts harm to setting of listed building at No.43.
- Loss of privacy to No.43 as bedrooms look into its garden and studio.
- Pedestrians will be endangered due to increased vehicles and poor visibility existing No.41
- Loss of privacy to No.33 The Croft. Garden and patio will be overlooked.
- Large tree in garden of 41 will be lost and other trees are at risk.
- Application follows 2 similar applications that were refused and an appeal that was dismissed. Latest application has left dwelling in virtually same location.
- Dwelling would be visually prominent in sensitive backland location.
- Significant amounts of asbestos will be handled during demolition.
- Heritage Officer has not addressed the impact on the setting of the listed building.
- Lack of information concerning drainage from the applicant.
- A new dwelling in this protected area is not required or justified.
- This building will make parking problems on the High Street worse.

Appendix B: Site Location plan



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