



## South Buckinghamshire Area Planning Committee agenda

Date: Tuesday 13 July 2021

Time: 2.30 pm

Venue: King George V House, King George V Road, Amersham HP6 5AW

### Membership:

T Egleton (Chairman), D Anthony, M Bracken, T Broom, S Chhokar, P Griffin, G Hollis, Dr W Matthews, G Sandy and A Wheelhouse

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<b>Agenda Item</b>	<b>Page No</b>
<b>1 Apologies for Absence</b>	
<b>2 Appointment of Vice-Chairman</b>	
<b>3 Declarations of Interest</b>	
<b>4 Minutes</b> To note the minutes of the meeting held on 16 March and 26 May 2021.	<b>3 - 6</b>
<b>Applications to be Determined</b>	
<b>5 PL/20/4026/FA - Former Tilehouse Day Opportunity Centre, Nightingale Way, Denham Green, Buckinghamshire, UB9 5JL</b>	<b>7 - 44</b>
<b>6 PL/21/0067/VRC - 50A Hogfair Lane, Burnham, Buckinghamshire, SL1 7HQ</b>	<b>45 - 56</b>
<b>7 Date of Next Meeting</b> 10 August 2021 at 2.30pm – Amersham Council Offices	

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For further information please contact: Clare Gray on 01494 421261, email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).



## South Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the South Buckinghamshire Area Planning Committee held on Wednesday 26 May 2021 in Main Sports Hall, Stoke Mandeville Stadium, Guttman Road, Aylesbury, HP21 9PP.

### Members present

D Anthony, M Bracken, T Broom, S Chhokar, T Egleton, G Hollis, Dr W Matthews and Z Mohammed

### Agenda Item

**1 Apologies**  
Councillors P Griffin, G Sandy and A Wheelhouse.

**2 Election of Chairman**  
RESOLVED –

That Councillor Egleton be elected Chairman of the Committee for the ensuing year.

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# Buckinghamshire Council

## South Buckinghamshire Area Planning Committee

### Minutes

**MINUTES OF THE MEETING OF THE SOUTH BUCKINGHAMSHIRE AREA PLANNING COMMITTEE HELD ON TUESDAY 16 MARCH 2021 VIA MICROSOFT TEAMS COMMENCING AT 2.30 PM AND CONCLUDING AT 3.22 PM**

#### **MEMBERS PRESENT**

D Anthony, S Chhokar, T Egleton, B Gibbs, P Griffin, G Hollis, M Lewis, Dr W Matthews and R Reed

#### **OFFICERS IN ATTENDANCE**

Mr B Robinson, Ms M Turney, Ms C Gray, and Mrs I Malik.

#### **Agenda Item**

##### **1 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor M Bradford

##### **2 DECLARATIONS OF INTEREST**

No declarations of interest were received

##### **3 MINUTES**

**RESOLVED:** That the minutes of the last meeting of the South Area Planning Committee held on 16 February 2021 be confirmed as a true record.

##### **4 PL/20/3520/FA - 9 GRENVILLE CLOSE, BURNHAM, BUCKINGHAMSHIRE, SL1 8HG**

PL/20/3520/FA – 9 Grenville Close, Burnham, Buckinghamshire, SL1 8HG

Proposal: Demolition of existing side garage and store and erection of single storey front, part single and part two storey side and rear extension.

#### **Updates provided at the meeting by the Planning Enforcement Officer**

The agent had submitted an amended plan which was to amend the “2m boundary fence” as

result of which conditions 6 and 7 would be updated.

Speaking as a Local Ward Member: Councillor P Kelly

Speaking on behalf of the objectors: Mr P Lerner

Speaking as the applicant: Mr S Mughal

It was proposed by Councillor S Chhokar and seconded by councillor R Reed and,

**RESOLVED:** That the application be granted conditional permission subject to the conditions outlined in pages 14 and 15 of the report and with two further additional conditions to be incorporated as follows;

- (i) The Boiler room windows be obscured, glazed and fixed to safeguard privacy
- (ii) The permitted development rights under class A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015 be removed to address any issues of concern relating to over development of the site.

## **5 DATE OF NEXT MEETING**

The next meeting was scheduled to take place on 13 April 2021.



## Buckinghamshire Council

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### Report to South Area Planning Committee

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<b>Application Number:</b>	PL/20/4026/FA
<b>Proposal:</b>	Redevelopment of site to provide 7 dwellings, comprising 4 open market dwellings and 3 affordable dwellings, with access, landscaping and associated works.
<b>Site location:</b>	Former Tilehouse Day Opportunity Centre, Nightingale Way, Denham Green, Buckinghamshire, UB9 5JL
<b>Applicant:</b>	Buckinghamshire Council
<b>Case Officer:</b>	Richard Regan
<b>Ward affected:</b>	Denham
<b>Parish-Town Council:</b>	Denham Parish Council
<b>Valid date:</b>	9 December 2020
<b>Determination date:</b>	16 July 2021
<b>Recommendation:</b>	Conditional permission

#### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application proposes the redevelopment of the site to provide 7 dwellings, comprising 4 open market dwellings and 3 affordable dwellings, with access, landscaping and associated works.
- 1.2 The site is located within the developed area of Denham where the principle of providing additional dwellings is considered appropriate. The proposed development is considered to be of an appropriate design, layout and appearance which would not adversely impact upon the character and appearance of the site or locality in general.
- 1.3 The development would provide a 40% contribution towards affordable housing, with 3 of the 7 units being affordable.
- 1.4 The proposal would result in the loss of an existing community facility, however its loss is considered justified by virtue of the relevant Development Plan Policies being complied with – that being that another local need would be met in the form of affordable housing.

- 1.5 It is concluded that there are no policies that protect areas or assets of particular importance, that provide a clear reason for refusing the development proposed and there are no adverse effects of the proposal that would significantly and demonstrably outweigh the benefits.
- 1.6 Taking all of the above into account it is considered that the proposal would provide for a sustainable form of development that meets the requirements of the NPPF and relevant Development Plan policies.
- 1.7 The application has been referred for determination by the South Area Planning Committee by virtue of the applicant being Buckinghamshire Council and following a call in by Cllr Guy Hollis.
- 1.8 Recommendation - That permission be deferred and delegated to the Director of Planning and Environment to grant permission subject to conditions as considered appropriate by Officers and completion of a memorandum of understanding between the Service Director of Property and Assets and the Service Director of Planning and Environment in order to secure the provision of affordable housing.

## **2.0 Description of Proposed Development**

- 2.1 The application proposes the redevelopment of the site to provide 7 dwellings, comprising 4 open market dwellings and 3 affordable dwellings, with access, landscaping and associated works.
- 2.2 The existing buildings on the site will be demolished and removed from the site as part of the proposals.
- 2.3 The layout of the scheme involves siting a row of three terraced properties (plots 1 to 3) at the front of the site, fronting onto the highway, Nightingale Way. A new vehicular access point will be created to the south of these dwellings which will extend to the rear and will firstly lead to a parking area that is immediately to the rear of the row of terraced properties, and a pair of semi-detached properties (plots 4 and 5). Further to the rear still, will be another pair of semi-detached properties (plots 6 and 7), and these will be sited in the northwestern corner of the site.
- 2.4 All of the dwellings would be two storey in nature, and would display the same architectural appearance, which pitched roofs that display ridge lines that run parallel with the highway.
- 2.5 The application is accompanied by:
  - a) Planning Statement
  - b) Design and Access Statement
  - c) Transport Assessment
  - d) Drainage Strategy Report
  - e) Arboricultural Impact Assessment
  - f) Ecological Assessment

2.6 Amended plans have been received during the course of the application which revised the design and appearance of the proposed dwellings, as well as incorporate minor changes to the layout and landscaping of the site.

### **3.0 Relevant Planning History**

3.1 None

### **4.0 Summary of Representations**

4.1 Objections have been received from Denham Parish Council regarding the proposed development. A summary of consultation responses and representations made on the application can be viewed in Appendix A.

### **5.0 Policy Considerations and Evaluation**

- National Planning Policy Framework (NPPF), February 2019.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;
- South Bucks District Local Plan Appendix 5 (Conservation Areas)
- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Townscape Character Study 2017
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
- Draft Denham Parish Neighbourhood Plan 2020-2036

#### **Principle and Location of Development**

Core Strategy Policies:

CP1 (Housing provision and delivery)

Local Plan Saved Policies:

H2 (Housing allocation)

5.1 The site is located within the developed area of Denham where new dwellings can be acceptable provided that they do not adversely affect any interests of acknowledged importance, which include factors such as the character and appearance of the area and the amenity of neighbouring properties.

5.2 The South Bucks Townscape Character Study does designate this site as having a 'Suburban' typology, however it is not considered that this designation prevents the introduction of additional dwellings, provided they would not adversely affect the character and appearance of the site or locality in general.

5.3 In addition to the above, chapter 11 of the NPPF encourages local planning authorities to make an effective use of land. Paragraph 117 of the NPPF states that planning policies and decisions should promote an effective use of land in

meeting needs for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

5.4 Paragraph 122 of the NPPF highlights that planning decisions should support development which makes the efficient use of land, taking into account; housing need, local market conditions, availability and capacity of infrastructure, maintaining the area's prevailing character and securing well-designed places.

5.5 In summary, the site is located within the developed area of Denham where new dwellinghouses are considered acceptable subject to other material planning considerations such as the impact on the character area and neighbouring residential amenities. Furthermore, the proposal would align with the aims of the NPPF in providing an additional homes and making effective use of land. This would result in a benefit and given the number of units (net increase of six) this is attributed limited weight in the planning balance.

### **Affordable Housing and Housing Mix**

Core Strategy Policies:

CP1 (Housing Provision and Delivery)

CP2 (Housing Type and Size)

CP3 (Affordable Housing)

5.6 With regard to affordable housing, CP3 of the Core Strategy sets out the Councils affordable housing requirements. It requires that schemes of 5 or more units, or on sites of 0.16ha and above, where there is a net gain in the number of dwellings, must provide 40% of the proposed units as affordable housing. If this cannot be achieved, then it would be for the applicant to demonstrate and justify this, providing a viability assessment setting out what they consider to be a more appropriate amount or justifying zero provision. The NPPF states in para 63 that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (which include the AONB). For housing, major development is defined in the glossary 10 or more homes, or the site has an area of 0.5 hectares or more.

5.7 It is noted that the number of homes being proposed in this instance is less than 10, and the site area is less than 0.5ha. As such, in accordance with the guidance set out in the NPPF, development of this nature would not ordinarily be required to provide any form of affordable housing. However, in this instance, notwithstanding this guidance, the proposal includes a 40% on-site provision of affordable housing in accordance with policy CP3, with 3 of the 7 units being allocated as affordable. The justification for the inclusion of such housing in this instance, even though national policy does not require it, is that it is required in order to justify the loss of the existing community facility, and meet the requirements of policy COM2. This matter is addressed later within this report.

- 5.8 With regard to tenure, in this instance, whilst the policy requires about two thirds of affordable units to be social rented and the remainder as intermediate affordable dwellings, given that the greatest need and demand for affordable homes are social rented properties, it has been agreed that all three affordable units will be social rented.
- 5.9 Taking the above into account, and having regard to the requirements of the NPPF, the proposal for three social rented units would exceed the number of affordable units that would normally be required. This would result in a benefit that should be given limited weight in the planning balance.
- 5.10 The provision of these affordable units also forms the basis of the applicant's justification for the loss of the existing Community Facility as set out below. Affordable housing would normally be secured through the completion of a S106 Legal Agreement. However, the applicant for this development is Buckinghamshire Council and the proposal is on Council's own land. In this scenario the Council, as Local Planning Authority, is not able to have a Legal Agreement with itself as the applicant. Taking this into account it is considered the most appropriate way to secure the affordable housing is for any planning permission to be subject to a Memorandum of Understanding between the Service Director of Property and Assets and the Service Director of Planning and Environment.

### **Community facilities**

Core Strategy Policies:

CP6 (Local infrastructure needs)

Local Plan Saved Policies:

COM2 (Loss of community facilities)

- 5.11 The site was last used as a day opportunity centre and therefore constitutes a community facility. Paragraph 92 of the NPPF states as follows:
- "To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
  - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
  - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
  - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
  - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services"*

5.12 The relevant Development Plan Policies relating to such facilities are set out in Core Policy 6 and Local Plan Policy COM2. These Policies are considered to be broadly in accordance with the above provisions set out in the NPPF and should therefore be given full weight in the assessment of this application. Core Policy 6 relates to Local Infrastructure Needs and states that existing facilities and services which serve older people will be protected. Local Plan Policy COM2 provides the Criteria used to assess applications involving the loss of such community facilities. It states as follows:

*“Proposals involving the loss of community facilities will only be permitted where:-*

- a) a replacement facility would be provided in an equally or more convenient location which would comply with policy COM1. Applicants may be asked to enter into a legal agreement with the Council to ensure that acceptable alternative facilities are provided as part of a proposal; or*
- b) it is demonstrated that there is no longer a need in the District for the facility or for any other community use which could be appropriately provided on the site without conflict with any of the other policies in the Plan; or*
- c) the community facility is provided within part of a dwelling and the proposal involves the reversion of the whole of the dwelling to residential use; and*
- d) in the case of community facilities provided by a local authority, the site is proposed to be put to a use which would meet other local needs for leisure and recreation or affordable housing.”*

5.13 Criterion ‘d’ of Local Plan Policy COM2 is of most relevance as the community facility was provided by the local authority, Buckinghamshire Council, and the proposed development will be providing a use that would meet other local needs in the form of 40% of the units being provided as social rented affordable housing. On this basis, and provided that the affordable housing is secured, the loss of the community facility is considered to meet with the adopted Development Plan Policies above.

5.14 It is noted that the Parish Council has objected to the loss of the community facility on the grounds that the building is specifically identified as a Local Community Use in the emerging Denham Neighbourhood Plan. The emerging Denham Neighbourhood Plan is currently at the examination stage having completed the public consultation stage (Reg 16). The Neighbourhood Plan does not currently form part of the Development Plan, however, it is a material consideration. In this instance the Neighbourhood Plan is still an emerging plan which is awaiting the Examiners Report and has not proceeded to Referendum. There are also unresolved objections to the Neighbourhood Plan. As such, at this stage, only limited weight can be given to the Denham Neighbourhood Plan in the planning balance.

5.15 The most relevant policy of the Denham Neighbourhood Plan is DEN9 which relates to community facilities. This states as follows:

*“Proposals that will harm or result in the loss of a local community use or pub will be resisted unless it can be clearly demonstrated that:*

*- all reasonable efforts have been made to market the premises for its existing use and no other potential occupier can be found;*  
*- all reasonable efforts have been made to improve the operation and management of the business or facility;*  
*- the land is no longer a suitable location for a local community use or pub;*  
*- in the case of the loss of a public house, suitable alternative public houses exist to meet the needs of the local community; and*  
*- in the case of the loss of a local community use, suitable alternative uses exist to meet the needs of the local community.”*

5.16 The application has not been accompanied by details of marketing of the premises. However, the Cabinet Member for Property and Assets at Buckinghamshire Council has provided a response to the Parish Council’s concerns. He confirms that the property had previously been used as a Day Opportunity Centre for Adult Social Care and in 2015 the building was no longer in use and was declared surplus to requirements by the Adult Social Care (ASC) team. The property remains empty today. The ASC has also confirmed there is enough service capacity within existing day centres and there are no plans to create any new ASC sites. In October 2020, an application from Denham Parish Council for the building to become an Asset of Community Value (ACV) was also received. A full review of the application and evidence submitted was carried out and the decision was taken to for the building not to be listed as an ACV. Legislation requires that sufficient evidence must be submitted that shows the building had been previously used to further the social wellbeing of the local community and as this building has not been in use for the past five years, this was not considered to be the case. This response also sets out that if this planning application is successful it will still need to be ratified by the Council’s elected members to decide whether building housing on the land is the best way to proceed or whether to consider other options. With this in mind, it has been confirmed that interest from organisations such as the Parish Council for alternative uses for the site are welcomed.

5.17 Given the above it is acknowledged that the proposal would not meet with all the requirements of Policy DEN9 of the emerging Denham Neighbourhood Plan as no marketing information has been provided. However, it is also of relevance that the building has been empty for over five years and the Adult Social Care Team has confirmed it is surplus to requirements, that there is enough service capacity within existing day centres and that there are no plans to create any new Adult Social Care sites. In any event, only limited weight can be given to policy DEN9 and given that the proposal would otherwise comply with the relevant Development Plan Policies, which carry full weight in this assessment, it is not considered that there are grounds to refuse planning permission for reasons relating to the loss of a community facility.

**Transport matters and parking**

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR4 (Provision for those with special needs)

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

5.18 In terms of trip generation, the Councils Highways Officer has advised that when compared to the vehicular movements that could be generated by the sites existing use, the proposed development would result in a reduction of vehicular movements to and from the site.

5.19 They also do not raise any objections to the proposed vehicular access, and consider that the proposed parking spaces are of an appropriate size and layout to enable vehicles to park, turn and leave the site in a forward gear.

5.20 In terms of parking provision, the standards set out in the Buckinghamshire Countywide Parking Guidance September 2015 document, require at least 16 parking spaces to be provided to serve the development. The proposed scheme provides a total of 18 parking spaces, which include two spaces which have been indicated as being available for visitors. In light of this, it is considered that an appropriate and acceptable level of parking would be provided.

5.21 Overall therefore, it is considered that the proposed development would not lead to any adverse highway or parking implications.

### **Raising the quality of place making and design**

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

EP4 (Landscaping)

EP6 (Designing to Reduce Crime)

H9 (Residential development and layout)

5.22 It is considered that an assessment of the resultant density of the scheme still forms an important part of the overall consideration of the proposal. The proposal would result in a density of approx. 25.9dph. This density is not considered to be significantly out of keeping with the prevailing density of the area, and when balanced against the need to make efficient use of land, it is considered that the proposed density of the scheme would not appear inappropriate.

5.23 It is acknowledged that the prevailing pattern of development along Nightingale Way is that of detached dwellings set towards the front of their plot, and fronting onto the highway. There are some exceptions to this pattern of development, with the application site being one of them, as well as the immediately adjacent properties set within Ranston Close. Within Ranston Close, whilst there is built form at the front of the site that fronts onto the

highway, to the rear of this initial built form are further buildings set behind the traditional building line, with dwellings extending all the way to the rear of the site. The application site differs in that it provides a very open frontage with the first building on the site being set well back from its frontage. Behind this building is then a further building that is set at the rear of the site.

- 5.24 The proposed development seeks to follow the existing pattern of development within the street scene by siting a row of terraced properties at the front of the site, so that they front onto the highway, and sit in line with the existing built form to either side. Behind this, a pair of semis are sited, and these are located in the same location as that of the existing main building on the site. Behind these are a further pair of semis, and these will be located towards the rear of the site, and in a similar location to that of the existing dwelling on the site. The proposed development would, in effect, maintain the presence of buildings towards the middle and rear of the site, which is currently the case, and which reflects the pattern of development on the adjoining site at Ranston Close, whilst also introducing additional built form at the front of the site, which itself reflects the existing pattern of development seen along Nightingale Way of dwellings front the highway.
- 5.25 Therefore overall, it is considered that the general layout of the proposed development would not appear out of context or out of keeping with the existing pattern of development in the immediate vicinity, and as such, would not be significantly detrimental to the existing pattern of development or character of the area which includes its designation as 'Suburban' within the South Bucks Townscape Character Study.
- 5.26 It is considered that there is a wide variety of dwellings in terms of their style, appearance and size. It is acknowledged that the prevailing house type within the area is that of a detached dwelling. However, whilst not the norm, the presence of flats and terraced properties within the Ranston Close development do also form part of the context within which the application site sits. Plots 4 to 7 consist of two pairs of semi's, and are set back from the frontage of the site, whilst plots 1 to 3 consist of a row of terraced properties. Whilst such properties are not generally seen elsewhere along Nightingale Way, they would be set in the context of Ranston Close, which does display a departure from the prevailing characteristics of the area. The application site itself does not currently reflect the prevailing characteristics of the area, so can also be seen as a departure. It is considered that when travelling along Nightingale Way, the presence of a row of terraced properties, with semi detached properties to the rear, when seen in the context of the existing form of development within Ranston Close, would not be so out of keeping or detrimental to the character or the area, so as to warrant refusing the scheme.
- 5.27 The design of the dwellings have been revised during the course of the application in an attempt to better reflect prevailing architectural approaches that are along Nightingale Way. The main revision has been to the alter the design of the roofs so that they pitch away from the highway, and create a

ridge line that runs parallel with the highway. The eaves heights have also been lowered. This has resulted in the omission of the front gable features and helped to reduce the bulk and massing of the dwellings and their prominence within the street scene.

- 5.28 Given the overall mix in dwelling types and styles in the locality, it is considered that the proposed dwellings would not be so out of keeping so as to be detrimental to the character and appearance of the street scene or locality in general.
- 5.29 The max. height of the proposed dwellings would range from 8.1m for plots 1 to 3 at the front of the site, 8.3m for plots 4 and 5, and 8.6m for plots 6 and 7 which are located at the rear of the site. It is considered that this is not excessive for the locality, and it is comparable with other existing properties within the vicinity. Combined with this height, given the overall size and scale of the proposed dwellings, it is considered that they would not appear overdominant or obtrusive within the street scene.
- 5.30 The level of spaciousness retained on site is considered acceptable. The gaps retained to the site's boundaries and between the dwellings themselves are considered sufficient, and would not appear out of place for the general vicinity. Residential outdoor amenity space for the proposed dwellings is also considered sufficient. As such, overall, it is considered that the development would not appear cramped or out-of-place, nor would it represent an overdevelopment of the site.
- 5.31 Overall, it is considered that the proposed development would have no material adverse impacts on the character and appearance of the street scene and locality in general, nor would it not threaten the areas characteristics as set out in the Townscape Character Study.

#### **Amenity of existing and future residents**

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

- 5.32 With regard to potential impacts on the amenities of existing properties, minimum distances of 23m and 54m would be retained between the front of the dwellings proposed on plots 4 and 7 and the rear of No.23 Nightingale Way, respectively. These distances exceed the minimum back to back distance of 21m as set out in the South Bucks Residential Design Guide, and as a result, it is considered that sufficient distances are retained to prevent these dwellings resulting in an unacceptable loss of privacy or light to No.23 Nightingale Way, nor would they appear overdominant or obtrusive. The closest proposed dwelling to No.23, would be plot 1, but given the level of separation between the two properties, and due to their juxtaposition to one another i.e. they are sited approximately on the same building line as one another, it is considered

that the dwelling on plot 1 would not adversely impact upon the amenities of No.23.

- 5.33 With regard to No.12 Ranston Close, Plot 5 would be located to the south east of this property, and it would maintain a distance of approximately 24.8m to No.12. This distance is considered sufficient to prevent any unacceptable loss of privacy or light, and it would not appear overdominant or obtrusive. The proposed dwelling on plot 6 would be located to south west of No.12, and its flank elevation would face towards No.12. Given this relationship, combined with a distance of approx. 18.3m being retained between the properties, it is considered that this dwelling would also not lead to any adverse impacts on the amenities of No.12.
- 5.34 With regard to the existing flats on Ranston Close that are located at the front of the site and adjacent to the boundary with the application site, the proposed dwelling on plot 5 would retain a distance of 8m to the site boundary. Given this level of separation, combined with the juxtaposition of the buildings to one another, it is considered that this dwelling would not appear overdominant, nor would it lead to an unacceptable loss of light. With regard to privacy, the first floor windows within plot 5 would afford some views towards the flats and the ground floor courtyards that serve the two ground floor units. Distances of approx. 15.2m and 19.2m would be retained to these two respective flats, but the views from the first floor windows would be very oblique. As such, it is considered that they would not lead to an unacceptable loss of privacy.
- 5.35 In terms of the relationship of the row of terrace properties and the adjacent flats, a similar relationship would be created as with plot 5, but they would be sited closer to the boundary. Whilst sited closer, they are not set immediately behind the ground floor courtyards of the existing flats within Ranston Close, and given the distances retained and the oblique angles of any overlooking opportunities, it is considered that they would not result in an unacceptable relationship or lead to unacceptable impacts on their amenities. It is important to note that when planning permission was granted for the development on Ranston Close, ref. 08/01627/FUL, it included an element that has never been constructed. That approved scheme incorporated the erection of a block of flats in the same location as plots 1 to 3 are now being proposed. It would have resulted in a two storey building of similar scale and bulk as that currently being proposed and the presence of a number of first floor windows in its rear elevation. As such, that approved scheme, if built out in full, would have created a very similar form of development and relationship that will be created as a result of this current application. It is therefore important to note that this relationship was previously considered acceptable.
- 5.36 Overall therefore, it is considered that the proposed development would not lead to any unacceptable impacts on the amenities of existing residential properties. This is attributed neutral weight in the planning balance.

### **Environmental issues**

Core Strategy Policies:

CP12 (Sustainable energy)

CP13 (Environmental and resource management)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

EP17 (Aerodrome/air traffic safeguarding)

- 5.37 The Councils' Environmental Health Officer raises no objections to the proposals from a contamination point of view subject to a condition being attached to any permission that requires the submission of a contaminated land report.
- 5.38 Given the layout of the development, and the fact that the access road would not be adopted, the Councils waste collection vehicles would not enter the site to collect waste. Plots 1 to 3 would have the ability to position their bins adjacent to the highway, whilst there is a bin collection area located a small distance into the site, adjacent to the access drive where waste operatives would be able to collect the remaining bins from.
- 5.39 It is noted that the drag distance to this collection point from plots 6 and 7 exceeds the desirable drag distances set out in Manual for Streets, however, it is noted that these are desirable drag distances, and therefore there may be instances when they are exceeded, but can be still be considered acceptable. In this instance, given the distances involved, and the fact the Highways Officer has indicated that it is not an issue that would warrant refusing the scheme on, it is considered that the proposed methods of waste collection are considered acceptable. This is attributed neutral weight in the planning balance.

### **Flooding and drainage**

Core Strategy Policies:

CP13 (Environmental and resource management)

- 5.40 A Drainage Strategy Report has been submitted with the application and is informed by infiltration testing. Environment Agency Flood Maps indicate the site is within Flood Zone 1 (lowest risk) and that the majority of the site is at very low risk of surface water flooding.
- 5.41 Sustainable Drainage Systems (SuDS) including cellular infiltration tanks and permeable pavement arrangements will be included as part of the scheme. The SuDS will be used to control water quantity off the site and improve water quality discharged off the site. Foul water drainage is proposed to be connected and discharged into the existing Thames Water foul sewer located in Nightingale Way.

5.42 In light of the above it is considered that the proposed development would not result in an increase in flood risk within the site or to neighbouring sites. This is attributed neutral weight in the planning balance.

### **Landscape Issues**

Core Strategy Policies:

CP9 (Natural environment)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP4 (Landscaping)

L10 (Proposals involving felling or other works affecting trees covered by a Tree Preservation Order)

5.43 The application is accompanied by a detailed landscape plan, and the Councils Landscape Officer has advised that the proposed landscaping is acceptable. Of particular note is the provision of natural landscaping and hedging along the front of the site, a characteristic of the existing street scene.

5.44 The Councils tree officer raises no objections to the proposals in arboricultural terms. He does note that the application site is immediately adjacent to ancient woodland and that this needs to be taken into consideration in the assessment of the proposed development. It is also noted that whilst not providing specific comments on the acceptability or not of the current proposals, the Forestry Commission highlight the presence of the Ancient Woodland and advise that the standing advice for such woodlands should be referred to and taken into account in the assessment of the application.

5.45 The Woodlands Trust have raised an objection to the proposals on the basis of the schemes potential impact on the adjacent Ancient Woodland, and that the proposed scheme does not adhere to Natural England's Standing Advice on Ancient Woodland which among other things, advises that a 15m buffer zone should be allowed between new development and the Ancient Woodland. The Standing Advice also advises that the presence of gardens within these buffer zones should be avoided.

5.46 The Standing Advice is a material planning consideration in the assessment of this application, and it is acknowledged that the proposed development would not adhere to the guidance set out within it, by virtue of the presence of residential gardens within the recommended buffer zones. However, it is considered that there are circumstances in this case that allow for a relaxation to this advice. This view is based on the fact that there is already a building in a similar location to that as where plots 6 and 7 are to be sited. This existing building is a residential property served by its own residential garden, which covers the same area as that of the gardens of plots 6 and 7. Therefore, the 15m buffer zone at present currently consists of residential garden land. As such, the proposed development would not be introducing residential gardens into the buffer zone, as this use already exists within it, therefore all of the potential activity that the Woodlands Trust advise could happen and cause

harm to the Ancient Woodland, could currently take place. It is therefore considered that the proposed development would not result in a greater impact on the adjacent Ancient Woodland as a result of the use of the land within the buffer zone as gardens for plots 6 and 7.

- 5.47 It is noted that the Councils Tree Officer raises no objections in terms of the proposed buildings impact on the actual trees within the Ancient Woodland.
- 5.48 Overall, it is considered that the proposed development would not result in the loss or deterioration of the adjacent Ancient Woodland, and as such, the proposal would adhere to policy CP9 of the Core Strategy and para. 175 of the NPPF. To help maintain this view, it is considered appropriate to remove the properties permitted development rights to prevent the enlargement of the dwellings and siting of outbuildings within closer proximity to the adjacent Ancient woodland. This is attributed neutral weight in the planning balance.

### **Ecology**

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

- 5.49 The Councils Ecology Officer has assessed the application and raises no objections. They advised that protected species (bats and slowworm) have been confirmed on site and therefore the proposals are likely to have a negative impact upon biodiversity if unmitigated.
- 5.50 Mitigation measures are proposed to ensure the favourable conservation status of the bat species present are maintained, with the mitigation including precautionary working measures and the provision of replacement bat roosting opportunities. Mitigation measures have also been proposed to avoid harm to reptile species present on site during site clearance and to relocate and captured individuals to a suitable receptor site.
- 5.51 Overall, the Councils Ecologist advises that the ecology report provides an accurate assessment of baseline ecological conditions and surveys have been completed in line with published industry guidance. He goes on to advise that the proposed mitigation measures for bats and reptiles are acceptable and should be secured via suitably worded planning condition. It is noted that the Parish Council have requested that a condition relating to lighting be attached to any permission related to impact on bats. The proposed mitigation measures that will need to be followed and implemented include specific requirements to the type and location of lighting. Notwithstanding this, a condition can be included on any permission granted that would require specific details of any lighting to be approved prior to its installation.
- 5.52 In line with the advice provided by the Councils Ecologist, it is considered that the proposed development would not adversely impact upon any protected

species or wildlife in general. This is attributed neutral weight in the planning balance.

### **Infrastructure and Developer Contributions**

Core Strategy Policies:

CP6 (Local infrastructure needs)

5.53 The development is a type of development where CIL would be chargeable.

5.54 It is considered that there would not be other types of infrastructure, other than the provision of affordable housing, that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.

## **6.0 Weighing and balancing of issues / Overall Assessment**

6.1 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.

6.2 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 (such as CIL if applicable), and,
- c. Any other material considerations

6.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.4 It is acknowledged that the council cannot demonstrate a 5 year supply in the South Bucks Area and paragraph 11(d) of the NPPF is engaged.

- 6.5 As set out above it is considered that the proposed development would accord with development plan policies, and the site's proposed redevelopment will make effective and efficient use of previously developed land.
- 6.6 The proposal would not meet with all the requirements of Policy DEN9 of the emerging Denham Neighbourhood Plan. However, this carries limited weight in the assessment of the application and the development would otherwise comply with the relevant Development Plan Policies relating to community facilities to which full weight is given.
- 6.7 Housing delivery is a strategic aim of the Core Strategy. The proposed development would make a positive contribution to the Council's housing needs and supply, and provide a contribution to affordable housing within the local area. This housing provision, and the affordable housing provision both represent benefits that weigh in favour of the proposal and these have been attributed limited weight.
- 6.8 Compliance with Core Strategy and Local Plan policies have been demonstrated in terms of visual impact, preserving residential amenities, parking and access, meeting the challenge of climate change and flooding, and conserving and enhancing the natural environment, however these do not represent benefits of the scheme but rather demonstrate an absence of harm to which weight should be attributed neutrally.
- 6.9 In terms of applying paragraph 11 d of the NPPF it is concluded that there are no policies that protect areas or assets of particular importance, that provide a clear reason for refusing the development proposed and there are no adverse effects of the proposal would significantly and demonstrably outweigh the benefits.
- 6.10 Taking all of the above into account it is considered that the proposal would provide for a sustainable form of development that meets the requirements of the NPPF and relevant Development Plan policies.
- 6.11 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

## **7.0 Working with the applicant / agent**

- 7.1 In accordance with paragraph 38 of the NPPF (2019) 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.
- 7.2 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.

- 7.3 In this instance amended plans were submitted during the course of the application which revised the design and appearance of the proposed dwellings, as well as reducing their overall height and bulk.

## **8.0 Recommendation**

That permission be deferred and delegated to the Director of Planning and Environment to grant permission subject to conditions as considered appropriate by Officers and completion of a memorandum of understanding between the Service Director of Property and Assets and the Service Director of Planning and Environment in order to secure the provision of affordable housing.

Subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice. (SS01)

Reason: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 (or any statutory amendment or re-enactment thereof).

2. No works or development shall take place until full details of the proposed finished floor levels of the buildings hereby approved, and of finished ground levels in relation to the surrounding buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with these approved details.

Reason: To ensure that construction is carried out at suitable levels having regard to the character and appearance of the area and the amenities of neighbouring properties. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

3. No construction shall take place above ground level until a schedule of materials to be used in the elevations of the development, including the dwellings and any retaining walls, hereby permitted have been submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To safeguard and enhance the visual amenities of the locality. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

4. The materials to be used for the areas of hardsurfacing of the site and retaining walls shall be in accordance with the details submitted and approved as part of this application and as shown on plan no. 361/01B.

Reason: To ensure that such works do not detract from the development itself or from the appearance of the locality in general. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

5. The development hereby permitted shall be constructed in accordance with the details of landscaping submitted and approved as part of this application, and as shown on plan no. 361/01B. None of the trees, shrubs or hedgerows to be planted or shown for retention shall be removed or felled, lopped or topped within a period of five years from the date of this permission, without the prior written permission of the Local Planning Authority.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

6. 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 development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, 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 gives written consent to any variation. (ST02)

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

7. Notwithstanding the provisions of Article 3 and Classes A, B & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and/or re-enacting that Order with or without modification), no enlargement, improvement or other alteration (including the erection of a garage, stable, loosebox or coach-house within the curtilage) of or to any dwellinghouse the subject of this permission, shall be carried out nor shall any building or enclosure required for a purpose incidental to the enjoyment of any said dwellinghouse as such be constructed or placed on any part of the land covered by this permission. (SD12)

Reason: The nature and density of the layout requires strict control over the form of any additional development which may be proposed in the interests of maintaining a satisfactory residential environment and to protect the adjacent Ancient Woodland. (Policies EP3 and H9 of the South Bucks District Local Plan (adopted March 1999) and Policy CP9 of the Core Strategy (2011) refers.)

8. No works or development (including for the avoidance of doubt any works of demolition) shall take place until a tree constraints plan and method statement (in

accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction' (or any replacement thereof or EU equivalent)) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall provide, as required, details of a no dig driveway; phasing of demolition and construction operations; siting of work huts and contractor parking; areas for the storage of materials and the siting of skips and working spaces; the erection of scaffolding. Protective fencing detailed in the method statement shall consist of a vertical and horizontal scaffold framework, braced to resist impacts, with vertical tubes spaced at a maximum level of 3m. On to this, weldmesh panels shall be securely fixed with wire scaffold clamps. The fencing shall be erected to protect existing trees and other vegetation during construction and shall conform to British Standard 5837:2012 'Trees in Relation to Construction' or any replacement thereof or EU equivalent. The approved fencing shall be erected prior to the commencement of any works or development on the site including any works of demolition. The approved fencing shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without prior written agreement from the Local Planning Authority. (ST17A)

Reason: To ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction and in the long term interests of local amenities. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

9. The approved development must be carried out in accordance with the recommendations for biodiversity mitigation and enhancement as detailed in the Ecological Assessment (Sections 4, 5 and 6) by GS Ecology (dated 20th November 2020), submitted in support of the application. The condition will be considered discharged on receipt of a letter from the ecologist to confirm that all mitigation and enhancement measures have been implemented in accordance the approved measures.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Policy 9: Natural Environment of the South Buckinghamshire Core Strategy and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

10. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A preliminary risk assessment which has identified:
  - o all previous uses
  - o potential contaminants associated with those uses
  - o a conceptual model of the site indicating sources, pathways and receptors

o potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority. Following

completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.

13. No other part of the development shall be occupied until the existing means of access has been altered in general accordance with the approved drawings and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access within the Public Highway".

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development. (Policy TR5 of the South Bucks District Local Plan) Adopted March 1999).

14. 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. (Policy TR5 of the South Bucks District Local Plan) Adopted March 1999).

15. Prior to the commencement of any works on the site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of a banksman, on-site loading/unloading arrangements and parking of site operatives vehicles) shall be submitted and approved in writing by the Planning Authority in consultation with the Highway Authority. Thereafter, the development shall be carried out in accordance with such approved management plan.

Reason: To prevent danger, obstruction and inconvenience to users of the highway and of the development. (Policy TR5 of the South Bucks District Local Plan) Adopted March 1999).

16. The development hereby permitted shall be carried out in accordance with the surface and foul water drainage strategy as set out in the Drainage Strategy Report dated May 2021, submitted and approved as part of this application.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to ensure that surface water is managed in a sustainable manner, in accordance with Paragraph 163 of the National Planning Policy Framework and Policy CP13 of the South Bucks District Core Strategy (adopted February 2011) refers.

17. No external lighting shall be placed or installed within the site without the prior approval of details by the Local Planning Authority. Details of such lighting shall include full elevational drawings and details of the luminance and light spillage. Any such lighting shall then only be installed in accordance with the approved details and

no alterations shall take place the approved scheme, including the type, layout and number of lights, thereafter. The lighting shall be designed to avoid illumination of new and existing features of benefit to wildlife.

Reason: To protect the amenities of the neighbouring properties and the character of the area and in order to minimise potential disturbance to bats.

18. The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings:

### **INFORMATIVE(S)**

1. Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.

By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at [www.ccscheme.org.uk](http://www.ccscheme.org.uk). (SIN35)

2. 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.
3. The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request.

Please contact Highways Development Management at the following address for information:-

Highway Development Management (Delivery)  
Buckinghamshire Council  
6th Floor, Walton Street Offices  
Walton Street,  
Aylesbury

Buckinghamshire HP20 1UY

4. A legal agreement has been entered into with Buckinghamshire Council in conjunction with this grant of planning permission to require the provision of affordable housing.

## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments

Cllr John Chilver:

Email sent to Denham Parish Council:

Dear Dr Walsh,

Further to my previous email of 8th January Cllr Angela Macpherson and I now have agreed a joint response as follows:

We are writing in response to your correspondence regarding the former Tilehouse Day Opportunity/Red Cross Centre in Denham.

We acknowledge your interest in this site clearly extends back some years. Please accept our apologies for the initial delay in addressing your enquiries regarding this property. For a number of reasons there was clearly some delay in enquiries coming through to the correct owner of the property from the outset and this may have inadvertently resulted in some avoidable confusion and delay.

The property in question was previously owned by Buckinghamshire County Council and as you are aware, had been used as a Day Opportunity Centre for Adult Social Care (ASC). In 2015 the building was no longer in use and was declared surplus to requirements by the ASC team. The property remains empty today. ASC has confirmed there is enough service capacity within existing day centres and there are no plans to create any new ASC sites. As a result our Property & Assets team began to look for suitable alternative uses for the site. Options available include potential development of the site to help meet the Council's requirement to provide housing in the local area but all other options for use and development of the building will be fairly considered.

Having received an application from Denham Parish Council in October 2020 for the building to become an Asset of Community Value (ACV), in line with Buckinghamshire Council's normal ACV process, the proposal was considered by a Standing Panel comprising representatives from Legal, Property and Localities Services. A full review of the application and evidence submitted was carried out and the unanimous recommendation was made for the building not to be listed as an ACV. For an application of this kind to be successful, legislation requires that sufficient evidence must be submitted that shows the building had been previously used to further the social wellbeing of the local community. As this building has not been in use for the past five years, this was clearly not the case. Buckinghamshire Council is supportive of ACVs where there is sufficient evidence to support their listing and we are always happy to answer questions and discuss applications both before and after they are submitted.

A planning application to build a number of properties on this piece of land is currently being processed through the normal channels. If this planning application is successful it will still need to be ratified by our elected members to decide whether building housing on the land is the best way to proceed or whether to consider other options.

With this in mind, we would welcome interest from other organisations such as Denham Parish Council for alternative uses for the building and site. As part of Buckinghamshire Council's devolution strategy we are committed to enabling and empowering town and parish councils to take on leases or management of local assets or services for the benefit of their local community.

We would encourage any interested party to develop an appropriate business case proposing their intentions for the property. This would need to include how the service would be funded (including repairs to the building), evidence demonstrating the perceived need for such a facility in the area and any other pertinent information to be taken into account by our elected members when making their final decision on the future use of the site.

We are happy to support the development of any such business case in whatever way we can.

Should access to the building to carry out an internal inspection be needed for example, this can be arranged by contacting Jo West (Strategic Asset Manager, [jo.west@buckinghamshire.gov.uk](mailto:jo.west@buckinghamshire.gov.uk) )

Many thanks and best wishes,  
John

#### Parish/Town Council Comments

Denham Parish Council (DPC) formally objects most strongly to the above planning application. The site and buildings thereon (also formerly known as The Red Cross Centre) have been vacant and un-used for over five years when the much needed, and appreciated, community facility was closed. The stated reason (dated 19th November 2015) for the premises being declared "surplus to requirements" was that the operator, Buckinghamshire Care's lease, was to expire at the end of that month.

Since that time DPC have lobbied for the site to be used for alternative "care in the community" uses and have made application more recently for the premises to be an asset of community value. Further, DPC have the support of Buckinghamshire Council's Deputy Leader and Cabinet Member for Adult Social Care for the premises to be used for community purposes within a partnership arrangement between Buckinghamshire and Denham Parish Councils.

DPC would therefore advocate that the application is ill-conceived, inappropriate and should be withdrawn with immediate effect. It is regrettable that this situation has arisen, and the people of Denham could be so badly served by the unitary authority because of this seeming misunderstanding between departments in the Council. It is DPC's understanding that the application has already been "called in" by a Councillor and so these unfortunate circumstances, if the application is not withdrawn, would ordinarily be exposed to further public scrutiny at a future Planning Committee.

Attached is a copy of a letter addressed to the Leader of Buckinghamshire Council which will

provide more detail on the matter (Appendix 1).

If however this application were inexplicably to be progressed, DPC would cite a number of reasons why the proposal should be refused, including: -

Contrary to the South Bucks Local Plan and the Buckinghamshire Infrastructure Study, the proposal promotes the unacceptable loss of a community facility.

Indeed the scheme is contrary to the NPPF which militates against loss of buildings which are earmarked for future use by the Local Authority. The site is specifically identified as a building of community value in DPC's emerging Neighbourhood Plan, which is expected to be approved later this year.

The application promotes the housing development on the basis that the existing buildings are "dilapidated" and only worthy of demolition. It appears that there has been no formal or validated survey carried out by the applicant to substantiate such a professional opinion. DPC has taken its own opinion and been advised that whilst the building will obviously need some repair, it is not necessary or appropriate to demolish it.

The proposed buildings are out of character with the surrounding properties having such limited floor areas and garden space. Such properties are contrary to the Denham Neighbourhood Plan.

The development is far too proximate to the neighbouring Ancient Woodland and will result in unacceptable loss or deterioration of the habitat. Protected species are present on the site and it is DPC's belief that the proposed development will have a negative impact and insufficient mitigation and enhancement measures have been proposed.

Appendix 1:

Dear Cllr. Tett

RE: Tilehouse Day Opportunity Centre

I am writing to you following the notification of planning application 20/4026 to Denham Parish Council. The application relates to demolition of the Tilehouse Day Opportunity Centre, known locally as the Red Cross Centre and replacing it with a new development of 7 houses.

Denham Parish Council has liaised with South Bucks District Council for many years requesting the devolution of unused assets. The formation of a Unitary Council promised an active demonstration of Localism and movement on our request for devolved assets. Most recently following a request from Unitary a list was prepared and submitted on 22nd January 2020.

Silence has prevailed on the Tilehouse Day Opportunity Centre until the formal submission of the above mentioned application to the Parish Council.

I have been in discussions with Cllr. Macpherson for plans for this centre in a partnership arrangement with Buckinghamshire Council offering dementia care and related services. She supports fully the proposal and in her words "very hopeful we can move things forward in a

really positive manner for the community”.

The proposal has also received support from local unitary councillors, the commissioning managers responsible for Adult Social Care, and the senior partner of the Denham Medical Centre.

The Parish Council members are most concerned to discover that not only was the application to make this an Asset of Community Value refused but now the asset is due for demolition and the site earmarked for housing. This site has not been one which has been identified for housing either in the demised Local Plan 2036 or in the Denham Parish Neighbourhood Plan. The site has lain empty for 5 years as resistance was met from South Bucks District Council in devolving the asset to the Parish.

The Joint Strategic Needs Assessment report provides stark recognition of the growing costs of Adult Social Services in the future. It would appear however that you and your colleagues in Planning favour short term profit over community benefit.

A professional estimate of £750,000 profit for such a development has to be set against £ 14.5million for the cost of dementia care. This latter figure is based on a dementia population of 450 obtained from the June 2020 census in the Community Board which encompasses Denham and the average price of care for life of £ 32,250 per patient gained from the Alzheimer’s society. Whereas the Parish Council does not purport to be able to offer care to all these vulnerable people, the Red Cross Centre received 35 residents per day, every day, when in operation and even at this level, a similar programme will go some way to closing the Unitary Council’s severe shortage of funds discussed in the JSNA report. It supports the need for “More meaningful cost effective and local day opportunities for people with dementia.....” “Improved and innovative ways of providing advice”

The partnership way forward also follows the recommendations in the 2020 Annual Report by the Director for Public Health in Bucks.

Denham Parish Council has provided a local and innovative partnership way forward but has been answered by a slap in the face and a complete dismissal of the proposal in favour of short term gain by the Planning Department.

The Dementia Services in Buckinghamshire June 2011 report stressed both the importance of day centres and activities to support independence. The South Bucks Core strategy Adopted February 2011 Core Policy 6 Local Infrastructure Needs paragraph 3.2.40 makes the point that the Core Strategy “seeks to protect existing facilities and services and ensure they are improved or expanded when needed” and paragraph 3.2.41” seeks to protect existing facilities serving older people, for example venues where the County Council and other agencies provide day care....”

How is the planning application able to fly in the face of this core policy? The reason is that the Red Cross had temporary use of the centre whilst in the grand plan of centralising adult social care in vogue at the time; the centre at Burnham was being refurbished. It appears that when this was complete then the land would be declared “surplus” to enable the

Property Department “to obtain a valuation of the site and take advice on potential schemes to allow the best outcome for BCC”. This has clearly been interpreted as best financial outcome for the now Unitary Council.

The decision was taken in 2015; what point is there having a core policy adopted in 2011 which clearly supports the increasing infrastructure needs for elderly residents and had a centre already demonstrating its’ role as a viable day centre? The further elapsed time since 2015 has added greatly to our understanding of dementia and this is borne out in the JSNA report.

The decision taken in 2015 was identified as a delegated non key decision and has not been revisited since. As a result, an asset of community value cited in the Denham Parish Council’s Neighbourhood Plan which has been approved by Council and has gone for inspection has a recommendation on it for demolition. There has been no formal survey to support demolition. An enquiry by the Unitary Councillor for Denham has elicited a response from the relevant officer that the condition of the property is based on a visual inspection and that break -ins have resulted in metal being stripped out causing water damage. This latter point is due to the complete neglect of the asset principally by South Bucks District Council.

The officer has stated that “I am inclined to believe that the buildings cannot be put back into a useable state.” Does this cursory unquantified inspection warrant demolition of a brick built building which has recently been occupied and where fitments can be replaced? One of our Parish Councillors, who is a Chartered Surveyor, recently retired, has undertaken a detailed external inspection of the buildings and has concluded that with the necessary reparations they can be made serviceable and certainly do not warrant demolition.

Further confirmation of the condition of the buildings is mentioned in the GS Ecology report Bat Survey paragraphs 3.12-3.18 submitted as part of the Planning Application. The centre is described as brick built with cavity walls and “the roof in good condition” and in the loft cobwebs suggesting a dry internal structure. Due to the intact nature of the building it is described as having “low” potential to host a bat roost. The bungalow and garage were found to be in similar condition and were “assessed as having negligible potential to host a bat roost.” Does this warrant demolition?

The Parish Council does not have a community centre and relies on private halls to run events. The practice of relying on taking vacant slots in between Zumba and keep fit sessions does not sit well with moving vulnerable residents to different venues on different days.

I am now seeking the Planning Committee’s intervention, having explained the intended use for the building: instead of replacing it by a development which despite the reduction in housing density in this latest application is not in keeping with the street scene described in the Parish Neighbourhood Plan.

In my view the future of this asset deserves discussion at Cabinet given the community proposal put forward by the Parish Council.

Where to from here?

Denham Parish Council is requesting the following:

1. Withdraw the planning application
2. Give time to allow the Parish Council to carry out an in depth survey including structural intactness of the centre.
3. Give time to provide an estimate of reparation to provide a proper basis to discuss the context of demolition and development versus the value as a community building delivering quality services.
4. Give time to prepare of a business plan to support the way forward assuming development of the asset for community use.

A period of 6 months is requested to enable the Parish Council to carry out our proposals.

Yours sincerely

Cllr.Dr. Julia Walsh

Chair Denham Parish Council

Further comments received 1st June 2021:

The Parish Council feel that it is very important that conditions on lighting are imposed and adhered to. Any replacement bat roosts should not be lit and nor should the flight path from the roost to the feeding area. So no light should be directed near the roosts. To note, slow worms are a nocturnal species but they are to be relocated.

### **Consultation Responses**

#### Highways Officer:

Nightingale Way is an unclassified road, which in this location is subject to a speed restriction of 30mph.

Proposals include the demolition of the existing day centre and the erection of 7 dwellings. In terms of trip generation, having interrogated the TRICS® (Trip Rate Information Computer System) database, I would expect a dwelling in this location to generate in the region of 4-6 vehicular movements (two-way) per day. As this is the case, the development as a whole would have the potential to generate in the region of 28 – 42 vehicular movements (two-way) per day. The existing use of the site as a 425sqm day care centre/nursery, would have the potential to generate in the region of 151 movements (two-way) per day. As this is the case, the proposals would be expected to result in a reduction in movements.

Within the site, 18 parking spaces are proposed. Whilst I trust that you will consider the adequacy of the level of parking provided, I can confirm that the spaces proposed are of adequate dimensions and would allow for vehicle to park, turn and leave the site in a forward gear, eliminating the need for vehicles to reverse for long distances onto the publicly maintained highway.

A swept-path analysis has been submitted, showing an 11.2m refuse vehicle entering the site, turning and leaving the site in a forward gear. Whilst this is acceptable, I consider that refuse vehicles are unlikely to enter the site and would collect from roadside. This may result in residents dragging their refuse in excess of the recommended dragging distance in

Manual for Streets, however, given that the access point will not be adopted by the Highway Authority, I do not consider that this is a significant issue in itself.

Mindful of the above, I have no objection to the proposals, subject to the following conditions being included on any planning consent that you may grant:

**Condition 1:**

No other part of the development shall be occupied until the existing means of has been altered in general accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access within the Public Highway".

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

**Condition 2:**

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.

**Condition 3:**

Prior to the commencement of any works on the site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of a banksman, on-site loading/unloading arrangements and parking of site operatives vehicles) shall be submitted and approved in writing by the Planning Authority in consultation with the Highway Authority. Thereafter, the development shall be carried out in accordance with such approved management plan.

Reason: This is a pre-commencement condition as development cannot be allowed to take place, which in the opinion of the Highway Authority, could cause danger, obstruction and inconvenience to users of the highway and of the development.

**Informatives:**

The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Highways Development Management at the following address for information:-

Highway Development Management (Delivery)  
Buckinghamshire Council  
6 th Floor, Walton Street Offices  
Walton Street,

Aylesbury  
Buckinghamshire HP20 1UY

Forestry Commission:

Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on Ancient Woodland. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of Government Policy relating to ancient woodland
- Information on the importance and designation of ancient woodland

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover.

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "there are wholly exceptional reasons and a suitable compensation strategy exists" (National Planning Policy Framework paragraph 175).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

One of the most important features of Ancient woodlands is the quality and inherent biodiversity of the soil; they being relatively undisturbed physically or chemically. This applies both to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). Direct impacts of development that could result in the loss or deterioration of ancient woodland or ancient and veteran trees include:

- damaging or destroying all or part of them (including their soils, ground flora or fungi)
- damaging roots and understory (all the vegetation under the taller trees)
- damaging or compacting soil around the tree roots
- polluting the ground around them
- changing the water table or drainage of woodland or individual trees
- damaging archaeological features or heritage assets

It is therefore essential that the ancient woodland identified is considered appropriately to avoid the above impacts.

Planning Practice Guidance emphasises: 'Their existing condition is not something that ought to affect the local planning authority's consideration of such proposals (and it should be borne in mind that woodland condition can usually be improved with good management)'.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions and legal agreements in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that “Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal”.

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

This response assumes that as part of the planning process, the local authority has given due regard as to whether or not an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended. If there is any doubt regarding the need for an Environmental Impact assessment (Forestry).

We would also like to highlight the need to remind applicants that tree felling not determined by any planning permission may require a felling licence from the Forestry Commission.

We hope these comments are helpful to you. If you have any further queries please do not hesitate to contact me on the email address provided above.

Landscape Officer:

The landscape/ planting proposals shown on drawing 361/01 on planning application PL/20/4026/FA - Former Tilehouse Day Opportunity Centre, Nightingale Way, Denham Green – are acceptable.

The adjacent woodland must be protected during and after construction.

Ecology Officer:

Summary:

No Objection subject to conditions.

Protected species (bats and slow worm) have been confirmed on site (GS Ecology, November 2020). The ecological assessment submitted in support of this planning application clearly sets out the ecological constraints and opportunities for the site and proportionate and appropriate measures are recommended for biodiversity mitigation and enhancement. The following condition should be attached to any approval.

Condition: The approved development must be carried out in accordance with the recommendations for biodiversity mitigation and enhancement as detailed in the Ecological Assessment (Sections 4, 5 and 6) by GS Ecology (dated 20th November 2020), submitted in support of the application. The condition will be considered discharged on receipt of a letter

from the ecologist to confirm that all mitigation and enhancement measures have been implemented in accordance the approved measures.

#### Discussion

The application is supported by an Ecological Assessment (GS Ecology, November 2020). These proposals involve the demolition of buildings and the loss of reptile habitat. Protected species (bats and slow worm) have been confirmed on site and therefore the proposals are likely to have a negative impact upon biodiversity if unmitigated.

#### Summary of Ecological Assessment

Habitats within the site include Buildings, hardstanding, overgrown lawn (poor semi improved grassland) and a mosaic of dense and scattered scrub, tall ruderals, introduced shrub and overgrown grassland.

None of the habitats within the site are “priority habitats” (as defined in the NPPF) and their loss would not be a constraint to the proposals.

The woodland adjacent to the western boundary of the application site is listed on Natural England’s Ancient Woodland Inventory. Natural England’s standing advice on Ancient Woodland states that new development should be kept at least 15m away from the edge of the woodland. The woodland that borders the south west corner falls within the description of the priority habitat “Lowland Mixed Deciduous Woodland” and a 10m buffer would normally be recommended to minimise any adverse impact on the woodland. A three-unit terrace will be erected at the western end of the site, approximately 13m from the western site boundary (and the ancient woodland edge) and, at its closest point, 5m from southern site boundary (and the woodland in the south west corner). Within the context of this scheme it is not be possible to retain a 15m buffer from the ancient woodland or a 10m buffer from the south west woodland. The local planning authority will therefore need to weigh up whether the need for housing outweighs the impact of the proposals on this woodland. However as there is already a building in this location and the new buildings will be located slightly further from the south west woodland the additional impact of the proposals on the woodland will be reduced.

The former Tilehouse Centre has ‘Low’ potential to support roosting bats. The other buildings have ‘negligible’ potential. Bat activity surveys confirmed the presence of day roosts for individual common and soprano pipistrelle. The site will need to be registered under the Bat Mitigation (Low Impact) Class Licence prior to works commencing. Mitigation measures are proposed to ensure the favourable conservation status of the bat species present are maintained. Mitigation includes precautionary working measures and provision of replacement bat roosting opportunities.

The habitats present have the potential to host common species of reptiles. Reptile presence/absence surveys confirmed a ‘Low’ population of slow worm. Surveys were also conducted of two potential translocation sites in the ownership of the applicant and a suitable receptor site identified (Denham Country Park). Mitigation measures have been proposed to avoid harm to reptile species during site clearance and to relocate and captured individuals to a suitable receptor site.

Recommendations are made for wildlife-friendly planting.

#### Ecology Comments

The report provides an accurate assessment of baseline ecological conditions and surveys

have been completed in line with published industry guidance.

The proposed mitigation measures for bats and reptiles are acceptable and should be secured via suitably worded planning condition.

#### Informatives

##### Protection of breeding birds during construction

Informative: 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

#### Environmental Health Officer:

The historical maps indicate that the site has had an agricultural use, inferred by the presence of field boundaries on the map for the 1869-1888 epoch, the site is shown as being occupied by the Tilehouse County Infant School during the 1955-1974 epoch, no subsequent maps are available. Information submitted with the application states that the building has been vacant for some time and is in state of dereliction. The existing building is believed to be of 1960's/70's origin. The site has been previously developed. A large proportion of the site is covered by hardstanding, there could be significant thicknesses of made ground beneath the site. Made ground could contain contaminants of concern and asbestos containing materials. These materials could be unsuitable for reuse.

The proposed development will result in a sensitive end use. An assessment of the risks associated with the site is considered necessary.

Based on this, the following contaminated land condition is recommended on this and any subsequent applications for the site.

The application requires the following condition(s):

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation

measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Tree Officer:

Comments received 5th February 2021

Newstead Wood is designated as Ancient Woodland and is within 500m of the above

property. Forestry Commission and Woodland Trust is a non-statutory consultee on developments in or within 500m of an AW which outlines what LPA's should consider when development is near ancient woodland or/and veteran trees.

This woodland is subject to a Woodland designated Tree Preservation Order known as no.3, 1968 and trees situated on adjacent southern boundary are also protected by an Area designated Tree Preservation Order known as no.1, 1955. Three trees within the site are also covered by Tree Preservation Order known as no.17, 2007.

I have reviewed the submitted Arboricultural Impact Assessment by RPS Group (November 2020). Paragraph 8.10-8.16 outlines the removal of a number of trees and I agree that majority are category C with T2 being compensated by proposed replacement planting. Paragraph 8.22 outlines a no-dig construction for the alder (T6) because of the proposed car parking area for plot 7 is within its RPA. T6 & T8 (alders) are likely to be original planting of the centre. Ideally I would have liked to have seen the proposed layout take into account the future size of these trees so that the design of this layout was more sympathetic to their successful long term retention because their juxtaposition is likely to cause apprehensions or conflict with future occupants especially with T6. However, I'm aware that the layout has had pre-application advice which means the juxtaposition/layout of these buildings has been already been considered as outlined in the Planning Statement paragraph 3.5 and as fully detailed in the submitted DAS.

Paragraph 8.28 outlines crown lifting to T6 to help with landscaping of the site as well as pruning to G5 (self-set sycamore and ash) which are situated off site and paragraph 8.29 outlines that proposed tree work is subject to change. In my opinion G5 should be considered for removal in discussions with landowner with appropriate shrub replacement planting because these young saplings are only going to cause issues to the proposed car parking area because of honeydew.

I have no objection in arboricultural terms based on the overall benefits of this development. If planning permission is permitted I recommend planning condition ST17 because of the various types/phases of ground protection required during the demolition and constructions phases of development.

2nd comments received 18th June 2021

The amended layout on drawing 1585.P.001 has no arboricultural improvements to the juxtaposition of proposed dwellings or trees being shown as being retained so I have no further comments to add following previous comments on the 5 February 2021.

In regards to the Woodland Trust comments It would appear plots 6 & 7 should be removed from the proposed scheme and this area is then developed into an amenity or woodland area to comply with Natural England's standing advice.

Woodland Trust:

Thank you for the opportunity to provide comment on the following application:

Application: PL/20/4026/FA

Proposal: Redevelopment of site to provide 7 dwellings, comprising 4 open market dwellings

and 3 affordable dwellings, with access, landscaping and associated works. | Former Tilehouse Day Opportunity Centre Nightingale Way Denham Green Buckinghamshire UB9 5JL

The Woodland Trust holds concerns regarding this development on account of potential detrimental impact to Newstead Wood (grid reference: TQ03498812), an area of ancient semi-natural woodland designated on Natural England's Ancient Woodland Inventory. We have deduced from the application documents provided that Newstead Wood will be approximately 15 metres away from the two proposed dwellings to be sited to the rear of the development site. However, the proposed gardens to these properties will adjoin Newstead Wood. Gardens of adjacent housing must not be included within buffer zones as there is limited control over how they may be used or developed in the future; for example, additional development may occur via permitted development rights which could impact on the adjacent ancient woodland. Furthermore, where gardens abut woodland, this can result in the increase of garden-related problems i.e. waste tipping, littering, spreading of invasive and non-native plants species, disturbance, pet intrusion, etc. In addition, Natural England's Standing Advice clearly states that "You should avoid including gardens in buffer zones."

As such, the Woodland Trust would like to lodge a holding objection to this application unless the site is re-configured to allow for a full 15m buffer zone as per Natural England's Standing Advice, excluding gardens. Ideally, the buffer zone should be permanently fenced off, to reduce encroachment from the adjacent garden areas.

We hope our comments are of use to you; if you would like to discuss any of the points raised above further, please do not hesitate to get in touch.

## APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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## Buckinghamshire Council

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### Report to South Area Planning Committee

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<b>Application Number:</b>	PL/21/0067/VRC
<b>Proposal:</b>	Variation of condition 10 (approved plans) of planning permission PL/19/2297/FA (Erection of new detached dwelling (alterations to Planning Permission PL/18/2313/FA) to allow for minor amendments to approved plans.
<b>Site location:</b>	50A Hogfair Lane, Burnham, Buckinghamshire, SL1 7HQ
<b>Applicant:</b>	Mr H Sran
<b>Case Officer:</b>	Adam Pegley
<b>Ward affected:</b>	Cliveden
<b>Parish-Town Council:</b>	Burnham Parish Council
<b>Valid date:</b>	15 January 2021
<b>Determination date:</b>	16 July 2021
<b>Recommendation:</b>	Conditional permission

#### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application is for retrospective planning permission for the variation of condition 10 (approved plans condition) of planning permission PL/19/2297/FA. The variations involve the alterations in shape and size of the rear dormer windows, repositioning of the rear rooflights, change from a pitched roof to a crown roof on the single storey side extension, and alterations to fenestration.
- 1.2 The application has been called to Committee for determination by Councillor Sandy as he has concerns regarding the scale of the extensions and impact of the development on the neighbouring amenity and the surrounding area.
- 1.3 The recommendation for this application is Conditional Permission.

#### 2.0 Description of Proposed Development

- 2.1 The application is for retrospective planning permission for the variation of Condition 10 (approved plans condition) of planning permission PL/19/2297/FA. The variations involve the alterations in shape and size of the rear dormer windows, repositioning of the rear rooflights, change from a pitched roof to a crown roof on the single storey side extension, and alterations to fenestration.

- 2.2 The application site consists of formerly part of the rear garden of No. 50 Hogfair Lane. The area is bounded on all sides by residential properties, with some screening in place along these boundaries. The site falls within the developed area of Burnham, and the area is characterised by a variety of different dwellings in terms of their size and design. The application site is located within an area designated as a 'Suburban Road' in terms of its character and appearance, as set out within the Townscape Character Study.
- 2.3 Amended plans were submitted on 8 March 2021 to more accurately show what had been constructed on site and subject of this application. The application was re-consulted upon at this stage. A further amended plan submitted on 20 May 2021 made corrections only to the side elevation profiles.

### **3.0 Relevant Planning History**

- 3.1 Enforcement Notice EN/20/0010/EN/1 served on 21 February 2020. *The Notice required the demolition of the property, the main grounds being that a very large rear dormer window (now since removed) deviated so much from the approved plans that it constituted another development entirely. This enforcement notice was appealed against, and during the appeal proceedings this very large rear dormer window was removed. The Notice was quashed by the Planning Inspectorate on 20 October 2020, in part because the very large rear dormer had been removed during the appeal. The Inspector was not clear what was now being enforced against.*
- 3.2 PL/19/2297/FA – Conditional Permission. 19 December 2019. Erection of new detached dwelling (alterations to Planning Permission PL/18/2313/FA). Conditional Permission.
- 3.3 PL/18/2313/FA – Conditional Permission. 20 August 2018. Detached dwelling on the land to the rear of 50 Hogfair Lane. Conditional Permission.
- 3.4 17/00111/FUL – Conditional Permission. Detached dwelling on the land to the rear of 50 Hogfair Lane.

### **4.0 Summary of Representations**

- 4.1 Parish Council: Object to the application. It was deemed changes would further compound the existing catalogue of divergences from the original application. The Committee felt a comprehensive site visit was necessary to enable the Case Officer to properly determine the applicant has deviated from approved plans.
- 4.2 Public consultation responses:  
Objecting (10 representations)
- Interference with adjacent property and loss of privacy.
  - Overbearing in appearance.
  - Concern over the development on site differing from approved plans.
- Officer's note: Following consultation with the applicant's planning agent,*

*an amended plan has been accepted which is considered to show the changes as made on site and applied for.*

- The development is visible from Hogfair Lane/public areas.
- Poor design and out of character.
- Loss of amenity space.
- Concern over expansion of the site/overdevelopment of the plot.
- The changes are not minor changes.

*Officer's note: It is considered the changes did not amount to a "minor amendment", and therefore an application for a variation to a condition (subject of this report) was required and submitted.*

- Contrary to Local Plan policies.
- Insufficient parking.
- Does not preserve character of the village.
- May set precedent for further similar developments.

In support (4 responses)

- Good design which enhances the village and does not detract from it.
- Contemporary design of the building has merit.
- Burnham is a historic village and enhances the character of the village.

## **5.0 Policy Considerations and Evaluation**

- National Planning Policy Framework (NPPF), February 2019.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;
- South Bucks District Local Plan Appendix 6 (Parking standards)
- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Townscape Character Study 2017

### **Principle and Location of Development**

- 5.1 The principle of erecting a detached dwelling on this site has already been established via the granting of planning permission PL/19/2297/FA, PL/18/2313/FA, and prior to that planning permission 17/00111/FUL. There has been no change in planning policy of the circumstances of the site to warrant a different view now being taken.
- 5.2 This application therefore falls to consider the changes since the previous approval (PL/19/2297/FA). Those only changes from the approved scheme are as specified in "The Application" section, and are namely:
- The change in shape and size of the rear dormer windows
  - The repositioning of the rear rooflights
  - The change of roof form of the single storey side/rear extension
  - Alterations to fenestration.

Core Strategy Policies:  
CP8 (Built and Historic Environment)

Local Plan Saved Policies:  
EP3 (The Use, Design and Layout of Development)  
EP4 (Landscaping)  
H9 (Residential development and layout)

- 5.3 The National Planning Policy Framework (NPPF) states at paragraph 124 that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that developments, among other requirements, should function well and add to the overall quality of the area, should be visually attractive as a result of good architecture, layout and landscaping, and should be sympathetic to local character and history. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 5.4 Core Strategy policy 8 states that all new development must be of a high standard of design and make a positive contribution to the character of the surrounding area. Local Plan policy EP3 states that development will only be permitted where its scale, layout, siting, height, design, external materials and use are compatible with the character and amenities of the site itself, adjoining development and the locality in general. Poor designs which are out of scale or character with their surroundings will not be permitted.
- 5.5 The applied for alterations would result in slightly taller dormer windows set in the rear roof slope compared to previous approvals. They were previously, and remain, a significant feature of the rear of the dwelling. The four evenly spaced dormer windows serve first floor bedrooms and bathrooms. Whilst the dormer windows now proposed are slightly taller, they still do not exceed the highest point of the roof and remain subservient to the dwelling in their character overall, with no substantial change from the previous approval. Therefore, the design of the dormer windows is consistent with the approved host dwelling and as such, no objections are raised in this regard.
- 5.6 In relation to the other alterations applied for, the crown roof is at single storey level only and therefore does not significantly influence the design of the dwelling as a whole, and does not represent a significant increase in bulk. Overall it is considered this amendment is acceptable with regard to the Council's Development Plan Policies.

## **Amenity of existing and future residents**

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

- 5.7 The NPPF at paragraph 127 sets out a number of design related principles to be applied in consideration of new development. It supports (f) the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.8 Local Plan policy EP3 requires regard to the amenities of adjacent properties. Policy EP5 states that development will be permitted only if it would provide for adequate daylight, and where possible sunlight, to reach into spaces around and between buildings and other physical features and would not result in a significant loss of daylight or sunlight to adjacent buildings or land. Policy H11 states that the impact of proposals on the amenities of dwellings and their gardens will be considered, to ensure that the extension would not adversely affect the amenities of any adjacent properties.
- 5.9 The Council's Adopted Residential Design Guide SPD states in relation to minimum back to back distance (para 5.3.7): that *"as a guide, it is considered that the distance in between rear elevations of dwellings should be a minimum of 21m"* Paragraph 5.3.9 further states that *"Reduced distances may be possible if:*
- *The dwelling's main aspect and habitable windows are at oblique angles to each other;*
  - *Fences, walls and other screening is secured by planning conditions; and/or*
  - *The distances are in character with the area and the privacy of any existing properties would not be further reduced. For example, where some overlooking already occurs, additional windows may not materially diminish privacy"*
- 5.10 The rear dormer windows have been increased in height by approximately 0.5m which will result in those features being slightly more prominent from views of the dwelling particularly from the Western (rear facing) side of the property. As with the previous permissions, the northern most window serving a bathroom will be conditioned to be obscure glazed. The proposal would also include minor changes to the fenestration, the positioning of the rear rooflights and a change of roof form of the single storey side/rear extension.
- 5.11 The rear dormer windows have not moved position relative to the neighbouring properties compared to those previously approved. When granting permission previously it was noted that that the back to back distances with the neighbouring property directly to the rear, No. 218a Windsor Lane, were such that the property would not be adversely impacted upon in terms of loss of light, loss of privacy, or appearing over dominant or

obtrusive. Measurements taken on site by the case officer confirm that the distance between the rear dormer windows subject of this planning application and the neighbouring property to the rear remains above the 21m recommended back to back distance set out in the adopted Residential Design Guide. Furthermore, the dormers and other changes proposed would have a similar relationship to neighbouring properties than was the case with the previously approved scheme. The changes do not therefore result in unacceptable levels of overlooking and/or loss of privacy or result in an obtrusive appearance to neighbouring properties.

5.12 The proposal would therefore comply with the with Local Plan Policies EP3, EP5 and H11.

### **Transport matters and parking**

Local Plan Saved Policies:

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

5.13 There is no proposed change to the previously approved details (see Planning History) in relation to parking, access and highway implications. As such, given the previous approvals on those matters, no objections raised in this regard. Concerns over land ownership are noted this is however a civil matter and not one for consideration of this application.

## **6.0 Weighing and balancing of issues / Overall Assessment**

6.1 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.

6.2 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 (such as CIL if applicable), and,
- c. Any other material considerations

6.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or

assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 6.4 Compliance with Core Strategy and Local Plan policies has been demonstrated in terms of visual impact, preserving residential amenities and parking and access. However, these do not represent benefits of the scheme but rather demonstrate an absence of harm to which weight should be attributed neutrally.
- 6.5 In terms of applying paragraph 11 d of the NPPF it is concluded that there are no policies that protect areas or assets of particular importance, that provide a clear reason for refusing the development proposed and there are no adverse effects of the proposal would significantly and demonstrably outweigh the benefits.
- 6.6 Taking all of the above into account it is considered that the proposal would provide for a sustainable form of development that meets the requirements of the NPPF and relevant Development Plan policies.
- 6.7 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 6.8 It is considered that a fair and reasonable balance would be struck between the interests of the community and the human rights of the individuals concerned in the event of planning permission being granted in this instance.

## **7.0 Working with the applicant / agent**

- 7.1 The applicant has submitted amended plans during the course of the application.
- 7.2 In accordance with paragraph 38 of the NPPF (2019) 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.
- 7.3 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. In this instance the applicant/agent was updated of any issues after the initial site visit and was provided the opportunity to submit amendments to the scheme and address issues.

## 8.0 Recommendation

Conditional permission

Subject to the following conditions:-

1. Within 3 months of the date of this permission, a scheme of landscaping shall be submitted and approved by the Local Planning Authority. None of the trees, shrubs or hedgerows shown for retention on a subsequently approved landscaping plan shall be removed or felled, lopped or topped within a period of five years from the date of this permission, without the prior written permission of the Local Planning Authority. (ST01)

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

2. 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 approval of a landscaping plan. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, 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 gives written consent to any variation. (ST02)

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

3. Notwithstanding the provisions of Article 3 and Classes A, B & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and/or re-enacting that Order with or without modification), no enlargement, improvement or other alteration (including the erection of a garage, stable, loosebox or coach-house within the curtilage) of or to the dwellinghouse the subject of this permission, shall be carried out nor shall any building or enclosure required for a purpose incidental to the enjoyment of any said dwellinghouse as such be constructed or placed on any part of the land covered by this permission. (SD12)

Reason: The nature and density of the layout requires strict control over the form of any additional development which may be proposed in the interests of maintaining a satisfactory residential environment. (Policies EP3 and H9 of the South Bucks District Local Plan (adopted March 1999) refer.)

4. No windows shall be inserted at or above first floor level in the north or south side elevations of the dwellinghouse hereby permitted. (ND05)

Reason: To prevent overlooking and loss of privacy in the interests of the amenities of the adjoining properties. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

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. (NH46)

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. (Policy TR7 of the South Bucks District Local Plan (adopted March 1999) refers.)

6. Prior to the occupation of the dwelling, visibility splays must have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall thereafter be kept permanently free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway. (NH39)

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access. (Policy TR5 of the South Bucks District Local Plan (adopted March 1999) refers.)

7. The northern most first floor dormer window in the rear elevation of the dwellinghouse hereby permitted shall be fitted and permanently maintained with obscure glass. (ND04)

Reason: To prevent overlooking and loss of privacy in the interests of the amenities of the adjoining properties. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

8. This permission relates to the details shown on the approved plans as listed below:

**List of approved plans:**

<u>Received</u>	<u>Plan Reference</u>
5 Jan 2021	Site Plan 50AHOGFAIR/DIMEN/01
20 May 2021	Elevations and Floor Plan 50AHOGFAIR/PL40/D
5 Jan 2021	Ground and First Floor Plans

## **APPENDIX A: Consultation Responses and Representations**

### Parish Council Comments:

The Committee RESOLVED to OBJECT to the application, as it was deemed the changes would further compound the existing catalogue of divergences from the original application. The Committee felt a comprehensive site visit was necessary to enable the Case Officer to properly determine the extent the applicant had already deviated from the approved plans.

### Public Consultation Responses

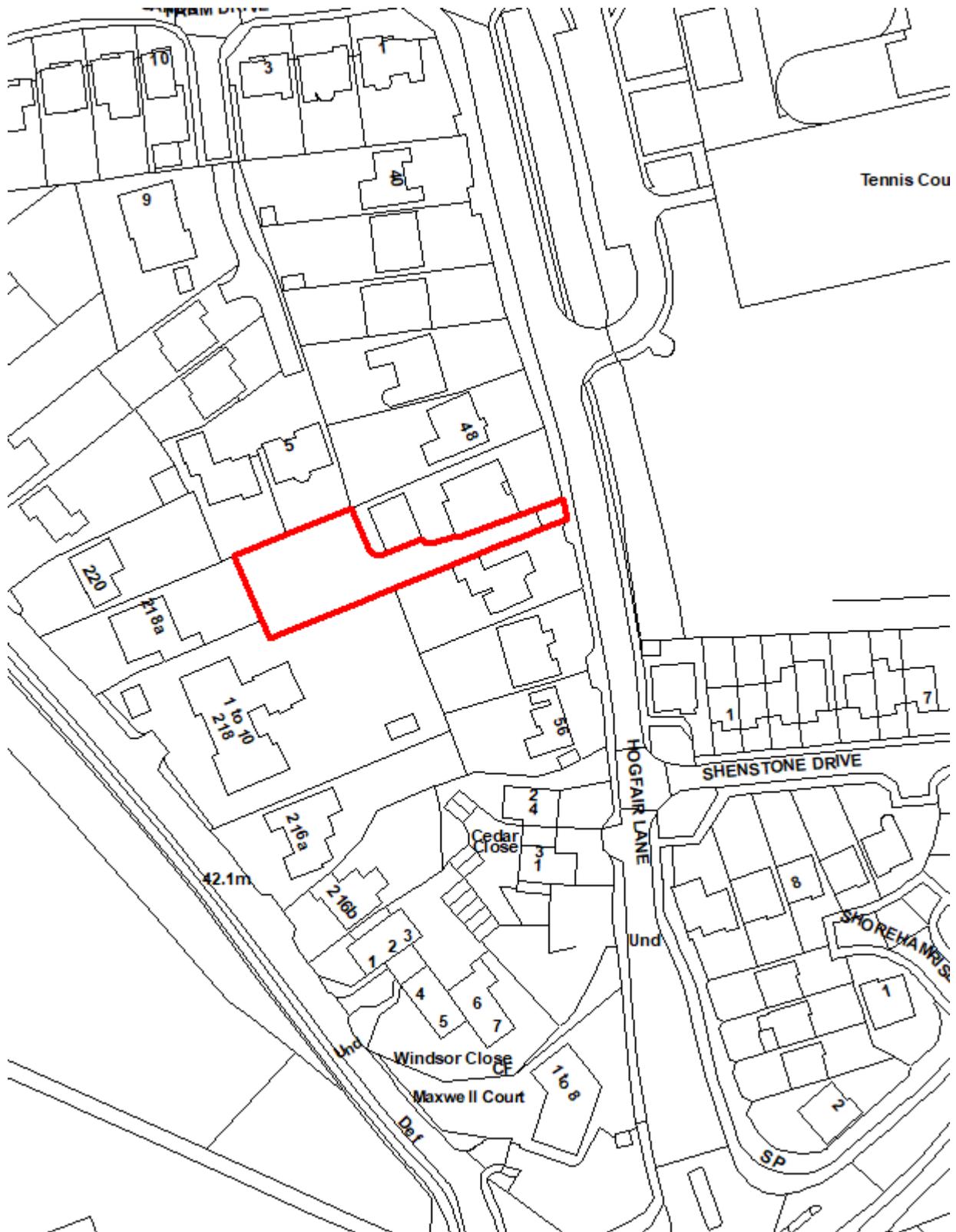
#### Objecting (10 representations)

- Interference with adjacent property and loss of privacy.
- Overbearing in appearance.
- Concern over the development on site differing from approved plans.
- The development is visible from Hogfair Lane/public areas.
- Poor design and out of character.
- Loss of amenity space.
- Concern over expansion of the site/overdevelopment of the plot.
- The changes are not minor changes.
- Contrary to Local Plan policies.
- Insufficient parking.
- Does not preserve character of the village.
- May set precedent for further similar developments.

#### In support (4 responses)

- Good design which enhances the village and does not detract from it.
- Contemporary design of the building has merit.
- Burnham is a historic village but this building enhances the character of the village.

## APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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