



West Buckinghamshire Area Planning Committee agenda

Date: Wednesday 15 November 2023

Time: **8.00 pm (please note revised start time)**

Venue: High Wycombe Council Chamber, Queen Victoria Road, High Wycombe, HP11 1BB

Membership:

A Alam, M Ayub, A Baughan, S Guy, I Hussain, D Johncock, N Marshall (Chairman), C Oliver (Vice-Chairman), S Raja, M Turner, P Turner and K Wood

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Agenda Item **Page No**

1 Apologies for Absence

2 Declarations of Interest

To receive any disclosure of disclosable pecuniary interests by Members relating to items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the Monitoring Officer prior to the meeting.

Members are reminded that if they are declaring an interest they should state the nature of that interest whether or not they are required to withdraw from the meeting.

3 Minutes of the Last Meeting

To note the minutes of the meeting held on 18 October 2023.

3 - 4

Planning Applications

4 23/06374/FUL - Sylvan, Manor Road, Hazlemere, HP10 8JA

5 - 28

5 23/06989/R9FUL - The Liberal Club, Queen Victoria Road, High Wycombe, HP11 1BG

29 - 36

6 Date and Time of Next Meeting

Wednesday 13 December 2023 at 6.30pm

7 Availability of Members Attending Site Visits (if required)

To confirm members' availability to undertake site visits on Tuesday 12 December 2023 if required.

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

For further information please contact: Liz Hornby on 01494 421261, email democracy@buckinghamshire.gov.uk.



West Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the West Buckinghamshire Area Planning Committee held on Wednesday 18 October 2023 in High Wycombe Council Chamber, Queen Victoria Road, High Wycombe, HP11 1BB, commencing at 6.31 pm and concluding at 6.38 pm.

Members present

A Alam, M Ayub, A Baughan, S Guy, I Hussain, D Johncock, N Marshall, C Oliver, S Raja, M Turner and K Wood

Others in attendance

K Asif, B Dadi and A Dodd

Apologies

P Turner

Agenda Item

1 Declarations of Interest

2 Minutes of the Last Meeting

The Minutes of the meeting held on 27 September 2023 were agreed as an accurate record.

3 WITHDRAWN. 22/08238/FUL - Land Adjacent The Rise, Hammersley Lane, High Wycombe, HP13 7BX

This application was withdrawn from the agenda prior to the meeting.

4 23/06696/VCDN - Silver Birches, Hawks Hill, Bourne End, SL8 5JQ

Variation of condition 2 (plan numbers) attached to 21/08547/VCDN (Demolition of existing dwelling and erection of replacement dwelling with parking and amenity space) to allow for substitution of drawings.

This application was the subject of a site visit.

Members voted in favour of the motion to approve the application.

It was proposed by Councillor C Oliver and seconded by Councillor D Johncock.

Resolved: that the application be approved.

5 Date and Time of Next Meeting

Wednesday 15 November 2023 at 6.30pm.

6 Availability of Members Attending Site Visits (if required)

Resolved: that in the event it was necessary to arrange site visits on Tuesday 14 November 2023 in respect of the agenda for the meeting to be held on Wednesday 15 November 2023, the following members be invited to attend:

Councillors: D Johncock, N Marshall and C Oliver.



Report to West Area Planning Committee

Application Number:	23/06374/FUL
Proposal:	Proposed sub-division of Sylvan plot to create the construction of 1 x 3-bed dwelling with associated outbuilding and new drive.
Site Location:	Sylvan Manor Road Hazlemere Buckinghamshire HP10 8JA
Applicant:	Mr Robert Berry
Case Officer:	Matthew McKane
Ward(s) affected:	Hazlemere
Parish-Town Council:	Hazlemere Parish Council
Date valid application received:	25 May 2023
Extension of time:	15 November 2023
Recommendation	Refusal

1.0 Summary & Recommendation

- 1.1 Planning permission is sought for subdivision of Sylvan to facilitate the construction of 1 x 3-bed dwelling with detached garage and creation of access with drive and entrance gates.
- 1.2 There is a three-member call-in to west area committee if planning officers are minded to refuse because it is thought that the proposal is considered to be of innovative design and sympathetic to its surroundings. The application has therefore been brought forward to committee for debate.
- 1.3 The development proposal by reason of it being within a TPO woodland would intensify the conflict between the current residential use and the trees adjacent. It would involve some tree works, which would not otherwise have been necessary without this development. The proximity of the dwelling within the woodland and Priority Habitat would undoubtedly place pressure on the dell from increased human activity. As such, there would be unnecessary disruption and disturbance to the trees nearby, their long-term viability and harm to the character and biodiversity value of the wood as a Priority Habitat.
- 1.4 Furthermore, the position of the dwelling respectively would fail to provide a legible entrance on Manor Road. By reason of its close proximity to Sylvan, ancillary structures

(stores) would likely been seen as an incidental Sylvan rather than a standalone structure serving a separate dwelling. The issue with legibility would be exacerbated by the natural terrain of the site, meaning the new dwelling would be largely discreet in the street scene. The long sloping ramp is symptomatic of an illegible arrangement. For these reasons, the proposed layout would fail to adhere to the design principles set out in Policy DM35 of the adopted Wycombe District Local Plan (2019) and Section 12 of the National Planning Policy Framework.

- 1.5 To conclude, the development proposal would give rise to significant conflicts with multiple policies contained in the Development Plan. The harm resulting from its failure to comply with the relevant policies would not be outweighed by other material planning considerations. The current scheme does not represent a form of sustainable development as defined in the National Planning Policy Framework and is thus recommended for refusal.

2.0 Description of Proposed Development

- 2.1 The proposal is for sub-division of Sylvan plot to create the construction of 1 x 3-bed dwelling with associated outbuilding and new drive, gate. The new dwelling would be built into a slope at the rear of Sylvan, forming part of a TPO'd woodland.
- 2.2 The dwelling would be two storeys in height with a contemporary façade comprising full height windows and balconies with glass balustrade. The external walls would be faced with corten whereas the roof with flat roof membrane. Access would be provided from Manor Road via a ramp and steps. The undeveloped part of the woodland would then be used as a domestic garden associated with the dwelling.
- 2.3 This application is a resubmission of recently refused application 22/07173/FUL, differences include the car port being omitted from the proposal and the originally proposed fan gates have been replaced with gates of a differing design/appearance. The application is supported by revised documents, including an Ecological Impact Assessment (the ES) and Design and Access Statement.
- 2.4 The application is accompanied by:
 - a) Application Form
 - b) Covering letter
 - c) Planning design and access statement
 - d) Bat report by Elite Ecology Dated 24th June 2022.
 - e) Ecology impact assessment by Elite Ecology Dated 19th May 2023
 - f) New Habitat Map by Elite Ecology dated 02.05.2023
 - g) Drainage Strategy by Hydrotec and Engineering Consultants dated August 2022
 - h) Arboricultural and Planning Integration Report by GHA Trees dated 11th July 2022
 - i) Drawing Title: Arboricultural Impact Assessment Rev B, May 2023
 - j) Drawing Title: Tree Constraints Plan Rev B, May 2023
 - k) Internal daylight sunlight study by BASEENERGY dated 20th April 2023
 - l) Location and site plan
 - m) Topographical survey
 - n) Proposed site plan drawing
 - o) Proposed floor plan
 - p) Proposed elevations sheet 1
 - q) Proposed elevations sheet 2
 - r) Store and gate elevations

- s) Proposed site section A
- t) Proposed site section B
- u) Renders
- v) Site boundary clarification
- w) Analysis of the private road

3.0 Relevant Planning History

Reference	Development	Decision	Decision Date
12/07705/TPO	Various maintenance / management works to trees on adjacent woodland subject to TPO 31/1993 as set out in tree inspection report.	PER	8 January 2013
13/05087/FUL	Householder application for construction of first floor side extension and insertion of 3 x front and 3 x rear dormer windows in connection with loft conversion	PER	11 March 2013
16/05414/FUL	Householder application for construction of first floor side extension and insertion of 3 x front and 3 x rear dormer windows in connection with loft conversion	PER	4 May 2016
19/07194/TPO	Tree works as per schedule	SPTPCZ	30 October 2019
20/08108/TPO	Fell x 4 Beech due to lack of stability (T17, T32, T33 and T34)	PER	10 February 2021
22/07173/FUL	Subdivision of Sylvan to facilitate the construction of 1 x 3-bed dwelling with detached garage and creation of access with drive and entrance gates	REF	29 November 2022

3.1 Reasons for the refusal of application reference number 22/07173/FUL:

1. The development proposal by reason of its siting and proposed construction would increase human activity in a woodland, protected by a Tree Preservation Order and designated as a Priority Habitat, with potential roosting features for bat. Given its proximity to the trees adjacent, its fenestration detail and landscaping, the proposal would intensify the conflict between the current residential use and the woodland and would thereby unduly prejudice the integrity, character and biodiversity value of the woodland and the bat roosting features presented on site. Furthermore, the Biodiversity Net Gain Report fails to acknowledge the impact on Priority Habitat in

full and to formulate mitigation and enhancement measures that are specific for the existing woodland habitat. Consequently, to permit the development in its current form would put protected species, priority habitat and protected trees at risk of undue disruption and disturbance, contrary to Policy DM34 of the adopted Wycombe District Local Plan (2019), Section 2 of the adopted Biodiversity Net Gain SPD (2022) and Section 15 of the National Planning Policy Framework (2021).

2. The development proposal by reasons of its tandem layout and poor pedestrian and vehicular access from Manor Road would fail to provide a legible entrance to the new dwelling and to respect the prevailing character and appearance of the curl-de-sac, forming part of Manor Road. Furthermore, the erection of a fan gate in this location would represent an incongruous and alien feature that would be unduly harmful to the local street scene. To permit the development in its current form would give rise to substantial harm to visual amenity, contrary to Policy DM35 of the adopted Wycombe District Local Plan (2019), Sections 2 and 4 of the adopted Residential Design Guide SPD (2017), Page 19 of the adopted Housing Intensification Design Guide SPD (2011), and Section 12 of the National Planning Policy Framework (2021).
3. The development proposal by reason of its failure to provide a step-free pedestrian access within the curtilage of the dwelling and a direct vehicular access at the front of the dwelling would not achieve the relevant standards in Building Regulations Approved Document M4(2). The proposed access arrangement would therefore disadvantage those with reduced mobility and others such as older people. Therefore, to permit the development in its current form would give rise to a significant conflict with Policy DM41 of the adopted Wycombe District Local Plan (2019).

4.0 Policy Considerations and Evaluation

Principle and Location of Development

The Hazlemere Neighbourhood Plan has recently been the subject of a public consultation on the Regulation 16 version of the plan. The NP was submitted to the Planning Inspectorate for examination in December 2022. The appointed Examiner has produced a report with suggested modifications. Further modifications have been the subject of public consultation and it has been formally decided to proceed to referendum later this year. The emerging plan therefore carries significant weight.

No Neighbourhood plan policies relate to the principle of development.

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP3 (Settlement Strategy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation).

DSA: DM1 (Presumption in favour of sustainable development), DM6 (Mixed-use development).

- 4.1 The application site is within the settlement boundary of Hazlemere. It appears to be used as an extended garden associated with Sylvan, which is a two-storey detached house on Manor Road. Since the site is already in residential use and is surrounded by houses to all aspect, it is in a location that might be suitable for residential development, subject to other material considerations.
- 4.2 Although there is no public transport currently available on Manor Road, regular bus services are available on Amersham Road in walking distance from the site.

Furthermore, the site is in the urban area of High Wycombe, where the majority of new homes are expected to be delivered.

- 4.3 The proposal, if permitted, would make a modest but positive contribution to the supply of homes. It would generally be in conformity with the settlement and housing strategies set out in the adopted Wycombe District Local Plan. The principle of development is not necessarily inappropriate, provided that it also complies with all other policies contained in the Local Plan.
- 4.4 Set out within page 5 of the design and access statement the applicant has provided a number of example developments which were each for the addition of 1 dwelling, (21/07771/FUL, 20/08466/FUL, 19/07816/FUL, 21/08269/FUL, 19/06931/FUL) 4 of which are in Manor Road and 1 in The Woodlands, considering these to be precedents. The example application sites are not located within a Woodland or sites that have TPO status across their sites, neither were they priority habitat or identified within Hazlemere green infrastructure network within the Neighbourhood Plan. The topography of the land at Sylvan Manor Road, where the proposed dwelling is to be located, is bowl-shaped and complex, very different to the example sites which are relatively flat and commensurate with their surroundings. The planning constraints and physical circumstances of the application site is not considered to be directly relatable to these examples. This application has therefore been considered on its own merits throughout the report.

Transport matters, parking and public footpath

Hazlemere Neighbourhood Plan 2023-2033 Referendum version of the plan (August 2023): Policy HAZNP4 (Promoting Sustainable Transport).

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM2 (Transport requirements of development sites)

- 4.5 Manor Road is a private estate road that gains access from the public highway at respective junctions with Amersham Road, Hearn Close, and St Johns Road/Kingswood Road.
- 4.6 Permission is sought for the construction of a new dwelling adjacent to *Sylvan*, in addition to the creation of a new access from a privately maintained spur off Manor Road. Due to the relatively remote location of this access compared with the nearest section of adopted highway, there are no concerns to the proposed means of access.
- 4.7 For a residential scheme of this size, the number of vehicular movements it generates is likely to be between four and six per day. The additional vehicular movements resulting from this development are not anticipated to cause a significant intensification of the three junctions of Manor Road. Similarly, the site is of sufficient size to accommodate the requisite number of parking spaces as suggested by the Buckinghamshire Countywide Parking Guidance.
- 4.8 For these reasons, the proposal could be supported from highway safety and car parking perspective. To promote the use of ultra-low emission or electric vehicles and consequently to mitigate the development impact on air quality, a condition could be imposed to require the provision of one 32 amp electric vehicle charging point adjacent to the outbuilding located toward the front of the site near the access where cars would be parked or in location that is first agreed in writing by the Local Planning Authority.

- 4.9 In addition, a secure bike storage facility as indicated on drawing no. 22 666 PL17 should be secured by planning condition so that it is implemented on any grant of approval in order to be made available to the future occupiers of the dwelling. With these conditions imposed, the proposal would accord with Policy HAZNP4 (Promoting Sustainable Transport) of the Neighbourhood plan & Policy DM33 of the adopted Wycombe District Local Plan.
- 4.10 The site is accessible via Manor Road, which also hosts a public footpath. The Council's senior strategic access officer has been consulted on this development. The gate of the new dwelling would be set back considerably from the edge of Manor Road. The provision of a new turning area for delivery vans and other vehicles would be a benefit of the application by avoiding long reversing.
- 4.11 As such, despite the likely increase in number of vehicular movements on the public footpath, the development is not considered to pose a significant risk to users of the public footpath, taking into account the enhancement as discussed earlier. The impact on the adjoining public footpath would be acceptable.

Raising the quality of place making and design

Hazelmere Neighbourhood Plan 2023-2033 Referendum version of the plan (August 2023): Policy HAZNP1 (Delivering Homes for First Time Buyers & Downsizers), Policy HAZNP2 (Protecting and Improving Green Infrastructure), Policy HAZNP3 (Delivering Zero Carbon Buildings), Policy HAZNP4 (Promoting Sustainable Transport).

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

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

Housing intensification SPD

Residential Design Guidance SPD

- 4.12 The dwelling would be two storeys in height and set at a considerably lower level than those on Manor Road. The footprint of the dwelling would not appear disproportionate to the size of the site. By reason of its discreet position, the development would also not be visually prominent in the street scene. Consequently, the scale of development is not necessarily inappropriate from a visual amenity perspective.
- 4.13 There are substantive concerns however about the site layout. The new dwelling would be set at the rear of a row of existing detached houses on Manor Road. It falls to be considered a tandem development, which is identified in the Housing Intensification SPD as an inappropriate form of development, "due to the difficulties of access to the house at the back and the disturbance and lack of privacy suffered by the house in front, as well as not being comprehensive in concept."
- 4.14 Some issues identified in the SPD are evident in the current scheme. Access for both pedestrian and vehicle to the new dwelling, for example, is very poor and so is the level of natural surveillance. Whilst removal of the car port from the previously refused proposal has occurred, the cars when in park would be barely visible from the dwelling due to the natural terrain as well as the separation distance. The only openings directed towards the parking area from the proposed dwelling would be the front entrance porch at first floor and window from the study area at ground floor which sits below the car parking area. This layout raises concern from a crime prevention perspective.
- 4.15 The proposed dwelling is located on a lower ground level than the building and proposed site of what is known as 'Sylvan'. Whilst the issue with privacy is unlikely to arise from

this development because of the site-specific circumstances mentioned, the erection of a new dwelling on land that is currently undeveloped would expose the current residents to higher levels of noise and disturbance due to the proposed property being in close proximity to 'Sylvan'. Furthermore, with a relatively narrow frontage abutting Manor Road, the site is not capable to provide a legible entrance to the new dwelling. This can be seen through having to have a stepped entrance and an unusually long ramped entrance for those with mobility difficulties.

- 4.16 The proposed garden store, bin store and bike store structures would be visible from Manor Road are likely to be seen as being ancillary to the adjacent dwelling, Sylvan, rather than serving a separate dwelling. For these reasons, the development pattern and layout would not be visually satisfactory.
- 4.17 As mentioned in paragraph 4.4 of this report the design and access statement refers to other permitted residential schemes. Nonetheless, these are not considered to be directly comparable and the proposal is to be considered on its own merits. Sylvan is on a cul-de-sac, characterised by detached houses with spacious gardens; none of which have a substantial building at the rear. Given the above, the Local Planning Authority could only afford these other examples limited weight when assessing the current proposal.
- 4.18 The contemporary design is not necessarily a cause of concern as the houses in this neighbourhood vary noticeably in size, age, form, appearance and architectural style. The design is considered to be responsive to its immediate context, for instance, the natural terrain within and beyond the site. The choice of materials, despite not identical to those used in the construction of the houses nearby, could be, on balance, acceptable in visual terms when taking into account its discreet position.
- 4.19 The installation of green roof would soften the impact on the character of the woodland. However, transforming the existing semi-natural woodland into a separate domestic garden, together with the proposed balconies, stairs and ramp would substantially prejudice the unique character and distinctiveness of the woodland, contrary to Policy DM35 of the adopted Wycombe District Local Plan (2019).
- 4.20 To conclude, whilst the scale and appearance of this development are not necessarily unacceptable, its layout fails to provide the new dwelling a legible entrance and adhere to the crime prevention principle. Furthermore, the construction of a new dwelling on land that is currently undeveloped forming an integral part of a wider woodland is unduly harmful to its character and distinctiveness. The design of the dwelling appears to be responsive to the natural terrain, but this does not in itself make the design innovative. The use of green roof is something required of a scheme of this scale anyway by Policy DM34. This element is welcomed and policy compliant but by no mean innovative in terms of Paragraph 134 of the National Planning Policy Framework.
- 4.21 The applicants planning statement sets out that "by any measure, this is an innovative and exceptional design". Without having been before a design review panel there is no evidence in support of this assertion. The council's view differs, in terms of the overall contemporary appearance of the dwelling in isolation as being acceptable, but unremarkable. The applicant has not demonstrated why they consider this design to be innovative and exceptional.
- 4.22 To permit the development in its current form would thus give rise to a significant conflict with Policy DM35 of the adopted Wycombe District Local Plan (2019), Sections

2 and 4 of the adopted Residential Design Guidance SPD (2017), Page 19 of the adopted Housing Intensification SPD (2011), and Section 12 of the National Planning Policy Framework.

Amenity of existing and future residents

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM40 (Internal space standards)

Housing intensification SPD

Residential Design Guidance SPD

- 4.23 The proposed three-bedroom dwelling would exceed the minimum gross internal areas stipulated in the Nationally Described Space Standards. It would conform to Policy DM40. All habitable rooms would be served by at least one window with a view of the woodland/garden. There would appear to be adequate indoor and outdoor amenity spaces for the future residents.
- 4.24 The nearest house to this development is Sylvan, which is approximately 11m away, elevated considerably from land where the development is proposed to be built. Although the separation distance between these two houses appears to be rather short, the issue with privacy could be satisfactorily mitigated by the natural terrain together with the carefully designed fenestration.
- 4.25 With the substantial change in levels, the development is unlikely to cause a significant overbearing impact upon Sylvan and its garden. In addition, the proposed boundary treatment would minimise the chance of overlooking between the residents of the houses concerned.
- 4.26 The existing residents of Sylvan would continue to enjoy a reasonable sized garden, a relatively open outlook at the front and the rear, and a satisfactory level of natural light. Consequently, despite its close relationship with the house adjacent, there is not considered to be an undue detrimental impact upon the amenity of those living immediately adjacent to the development. The impact on residents of Spinneys, another detached house on Manor Road, would be minimal for similar reasons.
- 4.27 The development would be set back from the northern and western boundaries by no less than 27m. This would minimise the potential overlooking impact upon those houses on The Woodlands. The trees surrounding this development would partly screen the new house from the view of those living nearby. Hence, the impact of overshadowing and overbearing upon these neighbours would be low and negligible.
- 4.28 In short, the proposal is of a design that could provide the future residents a reasonable level of privacy, while avoiding a negative impact on the living conditions of the neighbouring occupiers.
- 4.29 Application reference number 22/07173/FUL did not include a residential amenity reason for refusal. Noting the differences between the previous application and the current it is not considered the changes would result in a change in position in terms of proposal and its impact on the residential amenity on surrounding property and sites, including future occupiers of the proposed dwelling.

Environmental issues

Hazelmere Neighbourhood Plan 2023-2033 Referendum version of the plan (August 2023): Policy HAZNP2 (Protecting and Improving Green Infrastructure), Policy HAZNP3 (Delivering Zero Carbon Buildings), Policy HAZNP4 (Promoting Sustainable Transport).

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF), Integrate renewable technologies into development (DM33)

- 4.30 Policy CP12 promotes mitigation and adaptation to climate change and supports the integration of renewable technologies into residential and commercial developments of all sizes. Policy DM33 also requires the integration of renewable technologies into developments. The Planning Design & Access Statement states that the new house is energy efficient without providing any specific detail.
- 4.31 To meet the above policy requirement, a condition should be imposed to require the submission of a scheme for renewable technologies to the Local Planning Authority for approval. The scheme could include measures such as solar panels or air source heat pumps, which should be adequate for a proposal of this size and nature in respect of Policy DM33.
- 4.32 The recently adopted Air Quality SPD requires the provision of car charging points in connection with all minor developments. This is to reduce air pollution within the Council's Air Quality Management Areas (AQMA). To mitigate the development impact on air quality by promoting the use of ultra-low emission or electric vehicles, it is considered necessary and proportionate to seek an electric vehicle charging point, which should be installed at the front of the site where the cars would inevitably be parked, this could be controlled by a condition.
- 4.33 With that in mind, the proposal would accord with the objectives of Policies CP12 and DM33 to address carbon emissions and climate change.

Flooding and drainage

Wycombe District Local Plan (August 2019): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 4.34 The site is not in Flood Zone 2 or 3, nor is it in an area with surface and ground water flooding issues. However, part of the site is identified as being in a critical drainage area, where the use of SUDS as a way to manage surface water runoff is prioritised.
- 4.35 The proposal, if permitted, would increase the area of impermeable surface and would therefore have the potential to increase the level of surface water runoff within and beyond the site. Without a suitably designed drainage strategy, the proposal is likely to exacerbate the drainage issue that already exists in the area.
- 4.36 This application is supported by a Flood Risk Assessment and Drainage Strategy by Hydrotec and Engineering Consultants. It concludes that the risk of pluvial and fluvial flooding on site is relatively low. The Local Planning Authority has no objection to this conclusion.
- 4.37 Since the new dwelling would be elevated above the ground, it would not significantly increase the area of impermeable surface, nor would it obstruct the overland flow of surface water. The ground conditions, the Strategy suggests, are suitable for infiltration. Whilst the above information is noted, the Strategy does not appear to have provided an estimate of the level of surface water runoff that might arise from this development and the attenuation capacity of the sustainable drainage system.
- 4.38 Indeed, details about the sustainable drainage system is minimal in the Drainage Strategy. There are few recommendations contained in the Strategy, which include for

example rainwater harvesting and water butts. No further explanation is provided as to how this might assist the proposal to comply with the drainage hierarchy.

- 4.39 The information available before the Local Planning Authority is not adequate to demonstrate compliance with the hierarchy of drainage methods. However, mindful of the site-specific circumstances, it is considered that the issue with drainage is capable of being addressed through the imposition of a pre-commencement condition, requiring further details about the sustainable drainage system be submitted to and approved in writing by the Local Planning Authority.
- 4.40 The matter of drainage and foul water drainage was considered acceptable under application 22/07173/FUL. Whilst noting the objections that have been received to this application, the changes to the proposal under the current application does not give rise to a change in the position on this matter.
- 4.41 Subject to this condition, the proposal could be made compliant with Policy DM39 of the adopted Wycombe District Local Plan (2019) and Section 13 of the National Planning Policy Framework (2021).

Ecology and green infrastructure

Hazelmere Neighbourhood Plan 2023-2033 Referendum version of the plan (August 2023): Policy HAZNP2 (Protecting and Improving Green Infrastructure), Policy HAZNP3 (Delivering Zero Carbon Buildings), Policy HAZNP4 (Promoting Sustainable Transport).

Wycombe District Local Plan (August 2019): DM34 (Delivering Green Infrastructure and Biodiversity in Development).

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development).

- 4.42 The application is supported by an Ecological Impact Assessment (EIA) (Elite Ecology, May 2023), The EIA is based upon the data collected during the Preliminary Ecological Appraisal (PEA) (Elite Ecology, May 2022) that was submitted with the previously refused application 22/07173/FUL. It covers topics ranging from protected species to priority habitats.
- 4.43 Both the Bat report and BNG report find no harm to either bats or their habitat because all trees with potential to be used by roosting bats are said to be unaffected by this development as they are not proposed to be removed and the trees have TPO status. Whilst the BNG reports concludes that there would be a negligible impact on bats, this is somewhat underplayed, as whilst only one tree was assessed, it was found to have some potential for roosting bats and it was also acknowledged that due to the habitats within the local landscape there is likely to be foraging and commuting bats within the local landscape.
- 4.44 Although the exiting roosting features might not necessarily be directly affected by this development, light spillage resulting from the fenestration of the new dwelling and the intensification of the use of the site as a garden could render the beech trees unsuitable as a habitat anymore. Whilst a number of "suitable lights" have been recommended within the Biodiversity Net Gain Report (June 2022) no discussion or assessment is available in terms of which lights would be implemented and how the development overall might impact on bat flight paths. In absence of the information identified earlier, the Local Planning Authority is not persuaded that the proposal could be carried out without causing disturbance to bats and their habitat.

- 4.45 The majority of the application site is designated as priority deciduous woodland and is currently covered by W1 of Tree Preservation Order 31/1993. Paragraph 179 of the National Planning Policy Framework states that plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species. Development that results in the loss of deterioration of irreplaceable habitat should be refused.
- 4.46 Following the previous application reference 22/07173/FUL the supporting information now contends that the site is no longer section 41 Priority Habitat. Notwithstanding, the council's ecologist endorses the results of the National Forest Inventory, which is published by the Forestry Commission, as much of our planning policy relates to priority habitat that is designated this way. The habitat survey provides more of an overview of what's on site rather than a detailed assessment of individual habitats. The BNG assessment is flawed and the assessment of the proposal and its impact on bats is very limited. The Council's ecologist is therefore not inclined to accept the position that the site is no longer a section 41 Priority Habitat.
- 4.47 At present, the woodland forms part of the garden of the applicants dwelling, Sylvan. Although the new dwelling is proposed for construction on stilts to avoid root protection zones of existing trees, this would still result in the degradation of the shrub layer and soils beneath the dwelling's footprint and the subsequent loss of priority woodland habitat. This has not been accounted for within the biodiversity net gain calculations (see 'Biodiversity Net Gain'). The Ecology impact assessment states that the proposed development would result in an improvement to the existing habitats on site, including the woodland, however it has not appropriately considered the potential detrimental impacts of the proposed development, such as pressures from increased human activity.
- 4.48 The application site where the new dwelling is siting is within the Hazlemere Green Infrastructure Network identified in Policy HAZNP2, appendix A on pg 26 of the Neighbourhood Plan. Hazlemere Green Infrastructure Network identifies sites comprising of biodiversity value, woodlands, significant trees and hedgerows... Development proposals that lie within or adjoining the Green Infrastructure Network must demonstrate how they will maintain or improve the functionality of this Network.
- 4.49 In this case, whilst the supporting information accompanying this application concludes that development would not have a negative impact on root protection area of the trees adjacent, the construction phase and future use of a dwelling in a priority habitat is considered to increase and intensify the potential for conflict between the existing residential use and the green infrastructure, due to the impact of human traffic, construction and heavy shading of the woodland.
- 4.50 Whilst the daylight/sunlight report demonstrates that the property meets a standard on receipt of daylight/sunlight into the dwelling, the proposed property (including its balconies) and application site (garden area) would inevitably be overshadowed in comparison to a dwelling not located in and amongst a woodland area. It should also be noted that within the design and access statement on pg 6 it does state that "the beech tree canopy will aid reduction in overheating in the summer months". The decision to live in close proximity to trees is subjective and it is acknowledged that potential new residents will decide whether the setting is suitable for them. Tolerance/preference for shade is personal to the individual. One would hope that a prospective purchaser would take the proximity of the trees into account, however this is not always the case. It is important to understand that a permanent building is expected to be around for a

prolonged period of time and accommodate a number of different occupants over the lifetime of the development. It is considered that in the insertion of a dwelling amongst the TPO woodland of the site will undoubtedly change the tree-management requirements and the perception of tree-related risk over the short and long term. There are concerns that this change from woodland garden space to a more intensified residential use will draw more complaints regarding light/safety/tree-related detritus. Many of these issues can be managed through good arboricultural husbandry, but it is anticipated that there will be increased pressure to carry out unnecessary works and for the strong sylvan character to be eroded through over-management. Whilst it is proposed to retain all of the existing trees (with TPO status) on site it is not considered that the development can provide a sustainable, harmonious relationship between the trees and the new dwelling in the long term due to the dwelling's proximity to TPO trees and priority habitat. This is contrary to the guidance set out in the British Standard.

- 4.51 It may be the case that technical solutions/specially engineered foundations, such as those mentioned above would physically allow construction of the dwelling & having balconies would attempt to limit the “domestic” intrusion into the dell. However, the proximity of the retained (TPO) trees/priority habitat to the new dwelling raises concern as to whether the proposed dwelling is too close to the trees/priority habitat from the outset. This issue is echoed by the tree officer and the ecologist in their respective consultation responses. The proposed engineered solution would still require works within the tree protection area of trees where there wouldn't otherwise be required as a result of the development, i.e. the proposal would result in an impact on the root protection area of TPO trees within the site. As such, there would be unnecessary disruption and disturbance to the trees nearby, their long-term viability and harm to the character and biodiversity value of the wood as a Priority Habitat.
- 4.52 A woodland is made up of more than its trees and the loss of shrub layer, ground flora and soil biota should also be considered. The footprint of the development within the woodland should be considered as a loss. The impact on woodland resulting from this development, primarily through increased human activity is considered underplayed. By reason of the proximity of the dwelling within the woodland serving as the garden area to this new dwelling, it would result in an intensification in the residential use and pressure applied on the woodland and priority habitat. Whereas, the dwelling and immediate garden area serving Sylvan is currently not located within the woodland/priority habitat. It can be deduced that there would be a greater impact upon the woodland/priority habitat in comparison to existing.
- 4.53 The proposal has not appropriately considered the potential detrimental impacts of the proposed development, such as pressures from increased human activity, or additional dwelling siting within priority habitat. Based on the submitted information, the Local Planning Authority is not convinced that the development could be carried out without having a detrimental impact upon the woodland protected by a Tree Preservation Order and designated as a priority habitat.
- 4.54 Nor, does the application provide any details of the mechanisms that could be put in place to ensure the long-term beneficial management of the woodland for biodiversity. Even if the proposed enhancements to the priority deciduous woodland are successfully implemented, it is not possible to enforce long-term management of the habitat as it falls within a private garden. As such, there is a lack of confidence in the woodland achieving moderate condition and contributing to the offset of the proposed development.

- 4.55 The council's ecologist critiques the classification that the applicant has placed on the priority woodland as 'Other woodland; broadleaved' when the species assemblage identified seems to suggest that the woodland would more likely fall under 'Lowland Beech and Yew Woodland', a higher distinctiveness habitat.
- 4.56 Additionally, the condition assessment of the woodland does not seem wholly correct as the descriptions state that saplings are present on site, yet criteria A and G have been given the lowest score in the condition assessment. Also, much of the species listed as present within the woodland are native, yet the scoring of criteria E indicates that <50% of the canopy and understorey are native.
- 4.57 To conclude, the documents submitted are not sufficient to demonstrate that the development could be undertaken without exposing protected species, priority habitats and protected trees to an unacceptable level of risk and disturbance through increased human activity.
- 4.58 The new habitats and species to be introduced as part of this development are not necessarily complementary to the existing woodland. The way in which the biodiversity net gain is calculated is also not acceptable to the Council's ecologist. To permit the development in its current form would give rise to significant conflicts with the Hazelmere Neighbourhood Plan 2023-2033 Referendum version of the plan (August 2023): Policy HAZNP2 (Protecting and Improving Green Infrastructure) & Policy DM34 of the adopted Wycombe District Local Plan (2019) and Section 15 of the National Planning Policy Framework (2021).

Building sustainability

Hazelmere Neighbourhood Plan 2023-2033 Referendum version of the plan (August 2023): Policy HAZNP1 (Delivering Homes for First Time Buyers & Downsizers), Policy HAZNP2 (Protecting and Improving Green Infrastructure), Policy HAZNP3 (Delivering Zero Carbon Buildings), Policy HAZNP4 (Promoting Sustainable Transport).

Wycombe District Local Plan (August 2019): CP12 (Climate Change), DM41 (Optional Technical Standards for Building Regulations Approval)

- 4.59 Policy DM41 of the adopted Wycombe District Local Plan requires all new dwellings to achieve the standards in Building Regulations Approved Document M4(2). They should make reasonable provision for most people to access them and incorporate features that make them potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users.
- 4.60 Reasonable provision is deemed to have been made if "within the curtilage of the dwelling..., it is possible to approach and gain step-free access to the dwelling and to any associated parking space...intended for the occupants to use". On this occasion, the proposal provides a ramp. Whilst unusually long this ramp would provide step free access to the dwelling, in accordance with the requirement of policy DM41.
- 4.61 It would also be necessary to condition water efficiency in accordance with Policy DM41.

5.0 Weighing and balancing of issues / Overall Assessment

- 5.1 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.
- 5.2 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 (in this case, CIL)
- c) Any other material considerations

- 5.3 The Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. On this occasion, the Local Planning Authority concludes that the proposal is in conflict with multiple policies contained in the development plan. The material considerations identified in this report as well as those in the application documents do not outweigh the substantial harm caused by the conflicts with the relevant policies. As such, this application is recommended for refusal.
- 5.4 The proposal, if permitted, would make a positive contribution to the supply of housing for the Wycombe Area and it is acknowledged that the additional dwelling would attract short term financial benefits from its construction and long term benefits such as potential commerce arising from future occupants of the dwelling in the local area.
- 5.5 Nonetheless, the Wycombe area does have an up to date local plan, has a spatial strategy for housing and can demonstrate a 5 year housing land supply so that the presumption in favour of sustainable development, contained in paragraph 11(d) of the National Planning Policy Framework is not engaged.
- 5.6 The addition of one dwelling to the Wycombe area whilst a benefit would only attract limited weight in favour of the development due to the small quantum of development being proposed.
- 5.7 The proposal would be detrimental to design & character, TPO trees and ecology. As such the proposal is not considered a form of sustainable development due to the multiple conflicts with policies set out within the neighbourhood and local plan. The benefits of the scheme do not outweigh its adverse impacts. Thus, the proposal is recommended for refusal.

6.0 Working with the applicant / agent

- 6.1 In accordance with paragraph 38 of the NPPF (2023) 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.
- 6.2 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.
- 6.3 In this instance, the applicant has been fully informed about the issues with this application and the application is to be considered at committee.

7.0 Recommendation

It is recommended this application be **REFUSED**, for the following reasons:

1. The development proposal, by reason of its siting and proposed construction, would increase human activity in a woodland, protected by a Tree Preservation Order and designated as a Priority Habitat, with potential roosting features for bat. Given this is a proposal for an additional dwelling, its proximity to the trees within the site, its fenestration detail and proposed landscaping, the proposal would intensify the conflict between the current residential use and the woodland and would thereby unduly prejudice the integrity, character and biodiversity value of the woodland and the bat roosting features presented on site. Furthermore, the Biodiversity Reports fail to acknowledge the full impact on a Priority Habitat or to formulate mitigation and enhancement measures that are specific to the existing woodland habitat. Consequently, to permit the development in its current form would put protected species, priority habitat and protected trees at risk of undue disruption and disturbance, contrary to the Hazelmere Neighbourhood Plan 2023-2033 Referendum version of the plan (August 2023) Policy HAZNP2 (Protecting and Improving Green Infrastructure) & Policy DM34 of the adopted Wycombe District Local Plan (2019), Section 2 of the adopted Biodiversity Net Gain SPD (2022) and Section 15 of the National Planning Policy Framework (2023).
2. The development proposal by reasons of its tandem layout and poor pedestrian and vehicular access from Manor Road would fail to provide a legible entrance to the new dwelling or to respect the prevailing character and appearance of the cul-de-sac, forming part of Manor Road. To permit the development in its current form would give rise to significant harm to visual amenity, contrary to Policy DM35 of the adopted Wycombe District Local Plan (2019), Sections 2 and 4 of the adopted Residential Design Guide SPD (2017), Page 19 of the adopted Housing Intensification Design Guide SPD (2011), and Section 12 of the National Planning Policy Framework (2023).

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Councillor Catherine Oliver, Ed Gemmell, Ron Gaffney would like to call in this application for the West area committee to consider because of its innovative design which is sympathetic to its surroundings.

Parish/Town Council Comments

Hazlemere Parish Council

Stands by previous comments made on previous application.

Please refer to Strategic Access Officer comments re red edge and vehicular access, the Environmental officer re EV charging points and the neighbour's comments on overlooking 2 The Woodlands. The Parish Council applauds the design, particularly the 25% biodiversity net gain and wants to ensure that no trees are lost or damaged during the construction process. Hazlemere Parish Council Neighbourhood Plan HAZNP1: Subdivision of the plot, not the property therefore does not comply with: Delivering Homes for First Time Buyers and Downsizers particularly as it is a three-bed dwelling and unlikely to be in Council Tax Bands A-C and HAZNP3: Delivering Zero Carbon Buildings to ensure compliance through conditions.

The parish have retracted their call-in request on the 18.10.2023

Consultation Responses

Highway Authority

Manor Road is a private estate road that gains access from the public highway at respective junctions with Amersham Road, Hearn Close, and St Johns Road/Kingswood Road.

Having assessed the submitted plans, I note that this application is a resubmission of a previously refused planning application (22/07173/FUL), in which the Highway Authority provided comments dated 16th September 2022, and had no objections to the proposals. When both applications are compared, I consider that the current application does not propose a material difference in highway terms and the principle of development remains the same. As such, I would like to reiterate comments made in the previous application which I have repeated below for clarity:

The application proposes the construction of a new dwelling adjacent to Sylvan, in addition to the creation of a new access from a privately maintained spur off of Manor Road. Due to the relatively remote location of this access compared with the nearest section of adopted highway, I have no concerns to the proposed means of access.

I would expect a dwelling such as that proposed to generate between four and six vehicular movements per day. I do not consider this will result in a significant intensification of the three junctions of Manor Road (as referenced above). Similarly, the development has the ability to accommodate the requisite level of parking as suggested by the Buckinghamshire Countywide Parking Guidance policy document.

Mindful of the above I have no objections or conditions to recommend for this application with regard to highway issues.

Environmental Health Service

There is no objection in regards to the proposed development from Environmental Protection

Ecologist

Objection

The information submitted fails to demonstrate how the proposed development would impact commuting and foraging bats and how detrimental impacts to the Section 41 Priority Deciduous Woodland would be avoided, therefore it is in conflict with Policies DM13 and DM14 of the Wycombe District Council Adopted Delivery and Site Allocations Plan and DM34 of the Wycombe District Local Plan (Adopted August 2019).

DISCUSSION

Documents submitted to inform the application including an Ecological Impact Assessment (EIA) (Elite Ecology, May 2023), aerial and street photography and site and species records held by the Buckinghamshire & Milton Keynes Environmental Records Centre (BMERC) have been reviewed. The EIA is based upon the data collected during the Preliminary Ecological Appraisal (PEA) (Elite Ecology, May 2022) that was submitted with the previously refused application 22/07173/FUL. It should be noted that the Biodiversity Metric 4.0 and habitat condition assessment in excel format have not been submitted at the time of writing these comments.

Planning History

The site was subject to a full application in 2022 (22/07173/FUL), which proposed the construction of a new dwelling within the woodland. The application was refused by Buckinghamshire Council for several reasons, including ecology. This new full application proposes a very similar development with only minor amendments to the overall proposed plans.

Section 41 Priority Habitat

Local planning authorities have a duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006 (NERC Act 2006). The NERC Act 2006 requires that the Section 41 list be used to guide decision-makers, such as public authorities, in implementing their duty under Section 40 of the NERC Act 'to have due regard' to the conservation of biodiversity when carrying out their normal functions.

According to Magic (<https://magic.defra.gov.uk/MagicMap.aspx>), the majority of the application site is designated as priority deciduous woodland and is currently covered by W1 of Tree Preservation Order 31/1993. At present, it is understood that the woodland is being used as an extension to the garden of the applicants dwelling, Sylvan. The proposals would result in increased pressures on the woodland due to increased human activity. Although the dwelling is proposed for construction on stilts to avoid root protection zones of existing trees, this would still result in the degradation of the shrub layer and soils beneath the dwelling's footprint and the subsequent loss of priority woodland habitat. This has not been accounted for within the biodiversity net gain calculations (see 'Biodiversity Net Gain').

Our consultation on the refused application 22/07173/FUL dated 24th November 2022 identified that any development within Priority Habitat needs to consider Policies DM13 of the Wycombe District Council Adopted Delivery and Site Allocations Plan. The EIA states that the proposed development would result in an improvement to the existing habitats on site, including the woodland, however it has not appropriately considered the potential detrimental impacts of the proposed development, such as pressures from increased human activity.

Policy DM14 states that development proposals should conserve, enhance and extend existing resources to maximise biodiversity. This policy links with DM34, which requires biodiversity and

green infrastructure features to be protected and enhanced by development. In this case, the proposals would degrade and reduce the existing priority woodland.

The information submitted fails to demonstrate how the proposed development would avoid detrimental impacts to the priority deciduous woodland, therefore it is in conflict with Policies DM13 and DM14 of the Wycombe District Council Adopted Delivery and Site Allocations Plan and DM34 of the Wycombe District Local Plan (Adopted August 2019).

Biodiversity Net Gain

The biodiversity net gain scheme is similar to that of refused application 22/07173/FUL, with some minor adjustments in figures, such as a greater area of developed land; sealed surface proposed. As such, the issues raised with the scheme under refused application 22/07173/FUL remain.

As previously highlighted, the calculations do not account for any loss of woodland resulting from the proposal due to no trees being lost. A woodland is made up of more than its trees and the loss of shrub layer, ground flora and soil biota should also be considered. Therefore, the footprint of the proposals within the woodland should be considered as a loss.

I would question the classification of the priority woodland as 'Other woodland; broadleaved' when the species assemblage identified seems to suggest that the woodland would more likely fall under 'Lowland Beech and Yew Woodland', a higher distinctiveness habitat. Additionally, the condition assessment of the woodland does not seem wholly correct. The descriptions state that saplings are present on site, yet criteria A and G have been given the lowest score in the condition assessment. Also, much of the species listed as present within the woodland are native, yet the scoring of criteria E indicates that <50% of the canopy and understorey are native.

Putting the metric aside, even if the proposed enhancements to the priority deciduous woodland are successfully implemented, it is not possible to enforce long-term management of the habitat as it falls within a private garden. As such, there is a lack of confidence in the woodland achieving moderate condition and contributing to the offset of the proposed development.

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Policy DM14 states that development proposals should conserve, enhance and extend existing resources to maximise biodiversity. This policy links with DM34, which requires biodiversity and green infrastructure features to be protected and enhanced by development. In this case, the proposals would degrade and reduce the existing priority woodland.

The information submitted fails to demonstrate how the proposed development would avoid detrimental impacts to the priority deciduous woodland, therefore it is in conflict with Policies DM13 and DM14 of the Wycombe District Council Adopted Delivery and Site Allocations Plan and DM34 of the Wycombe District Local Plan (Adopted August 2019).

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Putting the metric aside, even if the proposed enhancements to the priority deciduous woodland are successfully implemented, it is not possible to enforce long-term management of the habitat as it falls within a private garden. As such, there is a lack of confidence in the woodland achieving moderate condition and contributing to the offset of the proposed development.

LEGISLATION, POLICY AND GUIDANCE

Sites of Regional or Local Importance Priority Habitats

The NPPF (2021) Paragraph 174a states: "Planning policies and decisions should contribute to and enhance the natural and local environment by..... protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)".

The NPPF in section 179b states: "promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."

The NPPF (2021) Paragraph 180a states "When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

Biodiversity Net Gain

The Environment Act 2021 sets out the key components of mandatory biodiversity gain:

- o Amends Town & Country Planning Act (TCPA);
- o Minimum 10% gain required calculated using the Biodiversity Metric & approval of a biodiversity gain plan;

- o Habitat secured for at least 30 years via planning obligations or conservation covenants;
- o Delivered on-site, off-site or via a new statutory biodiversity credits scheme; and
- o National register for net gain delivery sites
- o Biodiversity Net Gain Supplementary Planning Document

The BNG SPD was adopted by Buckinghamshire Council. It sets out a Buckinghamshire process for achieving net gain and aids planning applicants in ensuring their development would result in a biodiversity net gain. It also sets out a Buckinghamshire process for compensating for losses of biodiversity using off-site habitats and guides landowners in offering their land for BNG.

Paragraph 174d of NPPF requires that: "Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure".

The NPPF in section 179b states: "promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."

The NPPF (2021) Paragraph 180a states "When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

The NPPF (2021) Paragraph 180d states "When determining planning applications, local planning authorities should apply the following principles... development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2019), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017. The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development.

Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations, before permission is granted."

Bats

All bat species and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended) and are European Protected Species, protected under The Conservation of Habitats and Species Regulations 2017 (as amended). It is therefore illegal to kill, injure or handle any bat or obstruct access to, destroy or disturb any roost site that they use.

European Protected Species Licensing

A High Court ruling concluded that local authorities must consider all applications where European Protected Species are likely to be affected and a European Protected Species licence is required, by considering the three tests applicable to the Habitats Directive. The ruling stated the following:

"When dealing with cases where a European Protected Species may be affected, a planning authority... has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercises of its functions. Further the Directive's provisions are clearly relevant in reaching planning decisions, and these should be made in a manner which takes them fully into account ...".

Tree Officer

Can not support.

The woodland is covered by W1 of TPO 31/1993 and as little has changed since the previous application we cannot support this development from an arboricultural perspective. The comments below still stand.

The development proposal by reason of it being within a TPO woodland would intensify the conflict between the current residential use and the trees adjacent. It would likely involve some tree works, which would not otherwise have been necessary without this development. As such, there would be unnecessary disruption and disturbance to the trees nearby, their long term viability and harm to the character and biodiversity value of the wood as a Priority Habitat.

Senior Strategic Access Officer

Hazlemere Footpath No. 10 (HAZ/10/1) serves to connect Amersham Road (A404) at its northernmost extent with Manor Road in the south. It has a metalled surface although it is unadopted, and a small number of properties utilise it as a private vehicular access.

This application seeks to use HAZ/10/1 as a vehicular access for a three-bedroom property. In a previous application at the same location that was materially similar (22/07173/FUL) my colleague Jonathan Clark commented positively on the fact that the addition of an informal turning area would allow vehicles to perform occasional turning manoeuvres to prevent reversing down the length of HAZ/10/1. The applicant proposes an approximately 6.2m x 2.8m area in front of the proposed rolling gate. This would maintain an adequate pedestrian visibility splay for drivers exiting the property.

no objection to the proposals from a rights of way perspective.

Representations

Comments of objection received raising the following points:

- Impact on character and appearance as a result of design

- Residential amenity impacts: Loss of privacy,
- Environmental impact
- Drainage
- foul water drainage
- Covenants

Comments in support of the application raising the following points:

- Development is sustainable, eco friendly dwelling, will be sympathetic, suit and enhance the wooded area/environment. Character adds to the variety of buildings in the area and provides good family accommodation locally which is much needed.
- Sylvan itself is barely visible because of the tall hedges.
- The aboricultural and ecology assessments are comprehensive and even the addition of a rainwater harvester has been considered.

APPENDIX B: Site Location Plan

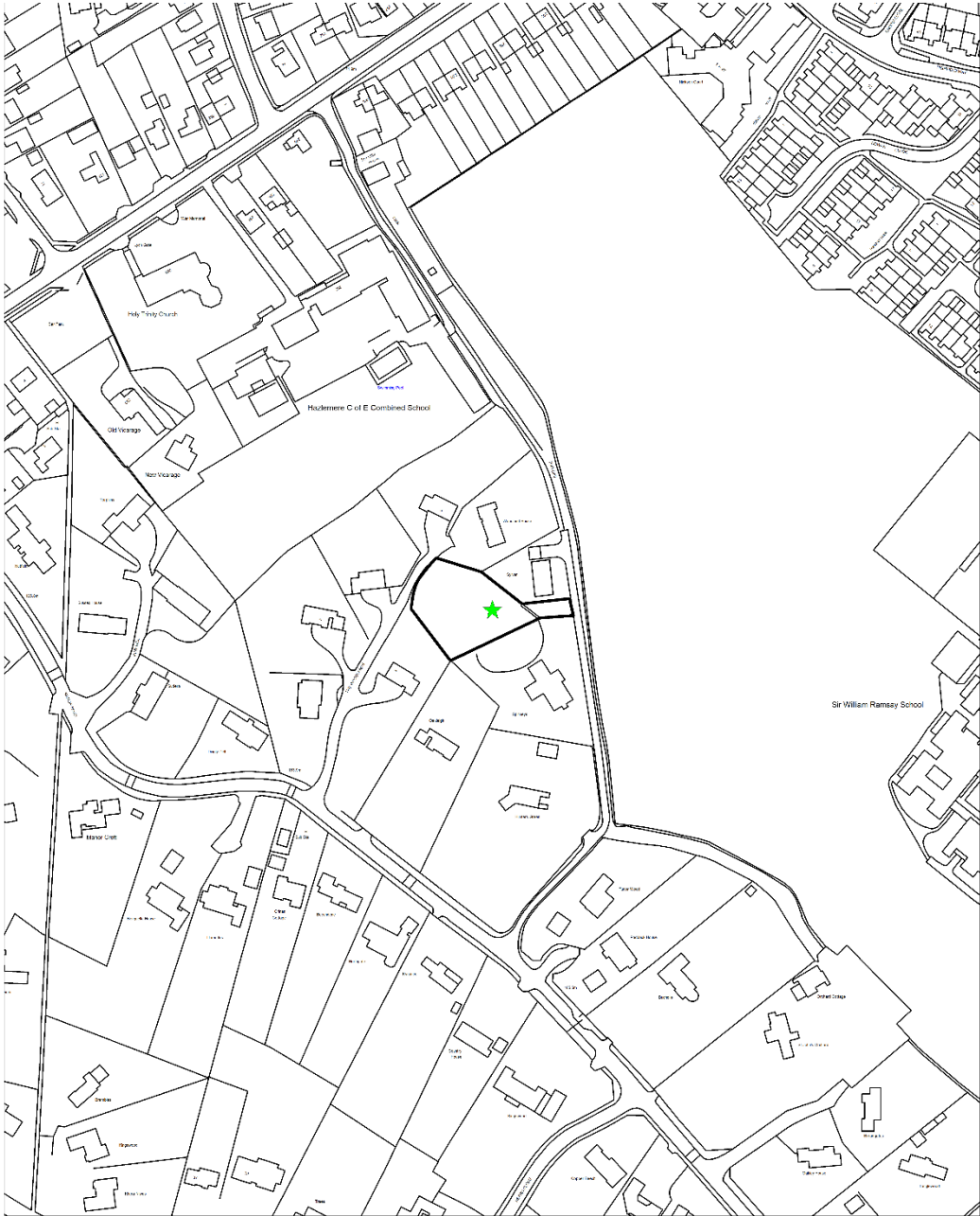


Do not scale – this map is indicative only

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APPENDIX B: Site Location Plan

23/06374/FUL
Scale 1/2500



Planning Committee
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Report to West Area Planning Committee

Application Number:	23/06989/R9FUL
Proposal:	Replacement of all windows, two replacement ground floor service doors and refurbishment of main entrance doors.
Site Location:	The Liberal Club Queen Victoria Road High Wycombe Buckinghamshire HP11 1BG
Applicant:	Buckinghamshire Council
Case Officer:	Victoria Burdett
Ward(s) affected:	Abbey
Parish-Town Council:	High Wycombe Town Unparished
Date valid application received:	8th August 2023
Statutory determination date:	3rd October 2023
Recommendation	Approval

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Planning permission is sought for the replacement of the fenestration at the ex-Liberal Club.
- 1.2 Planning permission has recently been granted (23/06146/R9FUL) for the change of use of the first floor only from Sui Generis (social club and drinking establishment) to F1 (galleries, museums et al) in connection with the reuse of the first floor rooms in the ex-Liberal Club for the storage, display and maintenance of the chair and art collections owned by the local history museum.
- 1.3 The application has been made on behalf of Buckinghamshire Council and is therefore due to be determined by the Planning Committee, in accordance with the Council's constitution.
- 1.4 The application site comprises a 1930s building located within the Wycombe Town Centre Conservation Area. The proposed replacement of the existing fenestration would be a significant enhancement and would have a positive impact on the character of the Conservation Area.
- 1.5 No harm would arise from the proposed development in regard to other material planning considerations.

- 1.6 The proposed development complies with the relevant Development Plan Policies and is therefore recommended for approval.

2.0 Description of Proposed Development

- 2.1 The application relates to the ex-Liberal Club, now known as 'High Wycombe Social Club' located on Queen Victoria Road in High Wycombe; in between the Fire Station and Police Station. The host building has been in situ since the 1930's and lies within the Wycombe Town Centre Conservation Area. The building is not listed, or on the Council's local heritage list.
- 2.2 The application proposes the replacement of existing fenestration on all elevations and the installation of two replacement service doors on the elevation fronting St Mary's Street. The existing windows are white UPVC which are proposed to be replaced with either modern crittal type steel, or slimline heritage profile aluminium framed in dark grey. The intention is to recreate the as-built appearance of the building by refitting something similar in appearance to the original crittal windows. The refurbishment of the existing doors fronting Queen Victoria Road is also proposed, where they will be sent to a joinery workshop for rebuilding. No new signage, lighting or canopies are proposed under this application.
- 2.3 The application is accompanied by:
- a) Design and Access Statement
 - b) Heritage Statement

3.0 Relevant Planning History

Reference	Development	Decision	Decision Date
03/05738/FUL	Conversion of roof space to relocate stewards flat with associated dormer windows & siting of tank room on roof	PER	19 May 2003
90/05100/FUL	TWO STOREY EXTENSION	REF	2 March 1990
91/06633/FUL	CONVERSION TO FORM ADDITIONAL ACCOMMODATION AND A SELF-CONTAINED STEWARDS FLAT	REF	19 December 1991
92/05628/FUL	CONVERSION OF EXISTING ROOFSPACE TO FORM STEWARDS FLAT AND ADDITIONAL CLUB FACILITIES TO FIRST FLOOR LEVEL	PER	20 May 1992
94/06042/FUL	SITING OF TANK ROOM ON ROOF, SINGLE STOREY LOBBY EXTENSION & PROVISION OF DORMER WINDOWS	PER	26 August 1994

98/07545/FUL	Erection of replacement front boundary wall	PER	15 January 1999
98/07546/CAC	Demolition of existing front boundary wall and erection of replacement wall	PER	15 January 1999
06/06365/FUL	Conversion of roof space to relocate stewards flat with associated rooflights in front and side elevation	PER	26 July 2006
15/05546/OUT	Outline application (including details of access, appearance, layout and scale) for change of use existing liberal club with associated extensions and alterations to form 2 x 1 bed, 5 x 2 bed and 1 x 3 bed apartments	REF	18 May 2015
17/06953/ADV	Erection of 48-sheet internally-illuminated sequential advertising digital display board	REF	19 September 2017
23/06146/R9FUL	Change of use of the first floor only from sui generis (social club and drinking establishment) to F1 (galleries, museums et al) in connection with the reuse of the first floor rooms in the ex-Liberal Club for the storage, display and maintenance of the chair and art collections owned by the local history museum	PER	3 August 2023

4.0 Policy Considerations and Evaluation

Principle and Location of Development

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP3 (Settlement Strategy), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

The application site is located within the built-up area of High Wycombe whereby a proposed change of use is considered to be acceptable in principle, subject to complying with all relevant Development Plan Policies.

Transport matters and parking

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

The proposed development comprising of replacement windows and doors, would not have any parking or highway implications.

Raising the quality of place making and design

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

DSA: DM11 (Green networks and infrastructure)

- 4.1 The proposed development comprises of replacement windows and doors only, to the entirety of the building.
- 4.2 The building is unlisted, located within the High Wycombe Conservation Area. The building currently has an array of white UPVC windows. The replacement of these would be either modern crittal type steel, or slimline heritage profile aluminium framed – in dark grey. The intention is to replicate the original window and door details, but the exact material has not been confirmed at this stage. The resultant appearance would be the same, and therefore the Conservation Officer has no objection to either material. This will be conditioned accordingly.
- 4.3 The replacement of the existing windows and doors would be a significant enhancement and impact positively on the character of the Conservation Area.

Therefore, the proposed development would not cause any harm to the character and appearance of the existing building, or the wider locality.

Amenity of existing and future residents

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality)

The proposal is not considered to give rise to any negative impacts to adjoining occupiers.

Environmental issues

Wycombe District Local Plan (August 2019): CP7 (Delivering the Infrastructure to support growth), DM20 (Matters to be in accordance with the NPPF)

The proposed development would not have any Environmental Health implications.

Flooding and drainage

Wycombe District Local Plan (August 2019): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

The proposed development would not have any flooding impact.

Ecology

Wycombe District Local Plan (August 2019): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)

- 4.4 Given the nature of the development, the proposals would not have any impact on biodiversity, and enhancement is not considered proportionate.

5.0 Weighing and balancing of issues / Overall Assessment

- 5.1 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.
- 5.2 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
- 5.3 As set out above it is considered that the proposed development would accord with the relevant Development Plan Policies.
- 5.4 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.
- 5.5 In line with the Public Sector Equality Duty the LPA must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in Section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). The application provides for the change of use of the existing first floor. It is not considered that discrimination or inequality would arise from the proposal.
- 5.6 The Human Rights Act 1998 Article 1 the protection of property and the peaceful enjoyment of possessions and Article 8 the right to respect for private and family life, have been taken into account in considering any impact of the development on residential amenity and the measures to avoid and mitigate impacts. It is not considered that the development would infringe these rights.

6.0 Working with the applicant / agent

- 6.1 In accordance with paragraph 38 of the NPPF 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.
- 6.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicant/agents of any issues that may arise in the processing of their application.
- 6.3 In this instance:
 - the application was acceptable as submitted and no further assistance was required.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

7.0 Recommendation

7.1 Application Permitted

Subject to the following conditions and reasons:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers E0123 - G, BC1, E0123 - E S3, E0123 - E S4 and E0123 - F unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 3 The materials to be used for the replacement windows shall be of either modern crittal type steel, or slimline heritage profile aluminium in dark grey. In addition, the replacement door fronting St Marys Street shall match the material, finish and colour of the new windows, unless the Local Planning Authority otherwise first agrees in writing.
Reason: To secure a satisfactory external appearance.

INFORMATIVE

- 1 In accordance with paragraph 38 of the NPPF 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.

The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicant/agents of any issues that may arise in the processing of their application.

In this instance:

- the application was acceptable as submitted and no further assistance was required.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

None received.

Parish/Town Council Comments

High Wycombe Town Unparished.

Consultation Responses

Conservation Officer – No Objection

Representations

None received.

APPENDIX B: Site Location Plan

23/06989/R9FUL
Scale 1/1250



Planning Committee
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