



## South Buckinghamshire Area Planning Committee agenda

Date: Tuesday 30 April 2024

Time: 2.30 pm

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

### Membership:

T Egleton (Chairman), M Bracken, S Chhokar, P Griffin, G Hollis (Vice-Chairman), Dr W Matthews, G Sandy, A Wheelhouse, A Wood and Vacancy

### Webcasting notice

Please note: this meeting may be filmed for live or subsequent broadcast via the council's website. At the start of the meeting the chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the council is a data controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the council's published policy.

Therefore by entering the meeting room, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ask the committee clerk, who will advise where to sit.

If you have any queries regarding this, please contact the Legal & Democratic Service Director at [monitoringofficer@buckinghamshire.gov.uk](mailto:monitoringofficer@buckinghamshire.gov.uk).

### Public Speaking

If you have any queries concerning public speaking at Planning Committee meetings, including registering your intention to speak, please speak to a member of the Planning team – [planning.csb@buckinghamshire.gov.uk](mailto:planning.csb@buckinghamshire.gov.uk) 01494 432950. Please refer to the Guide to Public Speaking at Planning Committee [here](#).

<b>Agenda Item</b>	<b>Page No</b>
<b>1 Apologies for Absence</b>	
<b>2 Declarations of Interest</b>	
<b>3 Minutes</b> To note the minutes of the meeting held on 2 April 2024.	<b>3 - 4</b>
<b>Planning Applications</b>	
<b>4 PL/23/3675/FA - 2 Westfield Road. Beaconsfield, HP9 1EG</b>	<b>5 - 40</b>
<b>5 PL/24/0284/FA - Dukes Kiln Farm, Windsor Road, Gerrards Cross, SL9 8SR</b>	<b>41 - 70</b>
<b>6 Date of Next Meeting</b> Tuesday 28 May 2024 at 2.30pm (to be confirmed).	
<b>7 Availability of Members Attending Site Visits (if required)</b> To confirm members' availability to undertake site visits on Monday 27 May 2024, 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](mailto:democracy@buckinghamshire.gov.uk).



## South Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the South Buckinghamshire Area Planning Committee held on Tuesday 2 April 2024 in High Wycombe Council Chamber, Queen Victoria Road, High Wycombe, HP11 1BB, commencing at 2.30 pm and concluding at 3.25 pm.

### Members present

T Egleton, M Bracken, S Chhokar, Dr W Matthews, G Sandy, A Wheelhouse and A Wood

### Others in attendance

B Binstead, M Hardy, C Herd, L Hornby, R Regan, B Robinson and R Steele

### Apologies

P Griffin and G Hollis

### Agenda Item

#### 1 **Declarations of Interest**

**Councillor M Bracken:** Planning application PL/23/3993/FA – declared an interest due to being a member of Gerrards Cross Town Council and that he had not taken part in any discussion relating to the application. He declared that he had an open mind, would listen to the debate before reaching a decision and voting on the item.

#### 2 **Minutes**

#### 3 **PL/23/3905/VRC - The South Buckinghamshire Golf Course, Park Road, Stoke Poges, SL2 4PJ**

Variation of condition 3 (hours of lighting) of planning permission PL/23/004/FA (The construction of two outdoor all weather floodlit padel tennis courts) to allow extension of evening floodlight hours.

Members voted unanimously in favour of the motion to approve the application in line with officer's recommendation.

Speaking on behalf of the applicant: Mr N Percival.

**It was proposed by Councillor A Wood and seconded by Councillor S Chhokar.**

**Resolved: that the application be approved.**

- 4 PL/23/3993/FA - 12 Gaviots Green, Gerrards Cross, SL9 7EB**  
Formation of vehicular access and hardstanding.

This application was the subject of a site visit.

Members voted unanimously in favour of the motion to approve the application, contrary to officer's recommendation for the following reason:

- Taking into account the advice of the Highway officer, it was considered that, on balance, the proposal, including its impact on drainage, would not result in a level of harm sufficient to refuse planning permission and would be outweighed by the benefits of providing parking off the highway carriageway. This was subject to a condition requiring that the development be constructed in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council Guide Note, Private Vehicle Access, within the public highway.

Speaking on behalf of the Town Council: Councillor J Chhokar

Speaking in favour of the application: Ms L Puddifoot

Speaking as the applicant: Mrs S Hampshire

**It was proposed by Councillor S Chhokar and seconded by Councillor A Wood.**

**Resolved: that the application be approved subject to the reason as laid out above.**

- 5 Date of Next Meeting**  
Tuesday 30 April 2024 at 2.30pm

- 6 Availability of Members Attending Site Visits (if required)**



## Buckinghamshire Council

[www.buckinghamshire.gov.uk](http://www.buckinghamshire.gov.uk)

### Report to South Area Planning Committee

---

<b>Application Number:</b>	PL/23/3675/FA
<b>Proposal:</b>	Demolition of existing dwelling and erection of 7 apartments.
<b>Site location:</b>	2 Westfield Road Beaconsfield Buckinghamshire HP9 1EG
<b>Applicant:</b>	Zafiro Homes
<b>Case Officer:</b>	Richard Regan
<b>Ward affected:</b>	Beaconsfield
<b>Parish-Town Council:</b>	Beaconsfield Town Council
<b>Valid date:</b>	17 November 2023
<b>Determination date:</b>	3 May 2024
<b>Recommendation:</b>	Conditional permission

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

- 1.1 This application seeks planning permission for the demolition of the existing dwelling and the erection of a building containing 7 apartments.
- 1.2 This is a brownfield site located within the developed area of Beaconsfield where new dwellinghouses are considered acceptable subject to other material planning considerations such as the impact on the character area and neighbouring residential amenities.
- 1.3 The existing dwelling would be demolished, and a replacement building would be erected in a similar location to that of the existing dwelling. The proposed replacement building would accommodate 7 apartments, but physically, it would be almost identical to the replacement dwelling granted planning permission under ref. PL/23/1476/FA. As such, it is considered that a building of the size, scale, design and appearance of that currently being proposed has already been found acceptable and appropriate on this site and in this location.
- 1.4 The proposed building would accommodate 7 apartments, as opposed to a single dwelling, however, it is considered that the nature and intensity as which the site would be used, would not be detrimental to the existing character and appearance of the site or locality in general.
- 1.5 The proposal would not lead to any adverse impact on the amenities of neighbouring

properties, nor would it lead to any adverse highway, drainage or ecological impacts.

- 1.6 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 following it being called in by Cllrs Wheelhouse, Ng, and Cranmer.
- 1.8 Recommendation – Delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and any others which he considers appropriate and the satisfactory prior completion of a Legal Agreement relating to securing a financial contribution towards Burnham Beeches Mitigation Strategy. If the Legal Agreement cannot be completed the application be refused for such reasons as considered appropriate.

## **2.0 Description of Proposed Development**

- 2.1 This application seeks planning permission for the demolition of the existing dwelling and the erection of a building containing 7 apartments.
- 2.2 The application consists of a large corner plot located at the junction of Westfield Road and Burgess Wood Road. The land levels rise upwards to the east and also to the south, resulting in a considerable slope within the site, with Westfield Road, higher than Burgess Wood Road. There is a two storey detached dwelling within the site, and an extensive level of trees and natural planting within the site. The site lies within the developed area of Beaconsfield, and within a Residential Area of Exceptional Character (RAEC) and a 'Woodlands' road.
- 2.3 The existing dwelling would be demolished, and a replacement building would be erected in a similar location to that of the existing dwelling. The proposed replacement building would accommodate 7 apartments, but physically, it would be almost identical to the replacement dwelling granted planning permission under ref. PL/23/1476/FA. The only external difference would be that a previously unused second floor section of flat roof would be utilised as a balcony. The proposed basement would be larger than the basement of the approved replacement dwelling, but this would not result in any physical external changes, as the enlargement would be entirely subterranean. The only other external difference between this current proposal and the approved replacement dwelling would be the introduction of a bin storage area.
- 2.4 The application is accompanied by:
  - a) Arboricultural Impact Assessment
  - b) Preliminary Roost Assessment
  - c) Design and Access Statement
  - d) Drainage Statement
- 2.5 Amended plans have been received during the course of the application updating the landscaping scheme, and position of the bin storage area.

## **3.0 Relevant Planning History**

- 3.1 Relevant planning history for the site:

PL/23/1476/FA – Conditional Permission, 29 September 2023 - Demolition of existing and erection of replacement dwelling.

## 4.0 Summary of Representations

4.1 Letters of representation have been received from 26 separate households regarding the proposed development. The Town Council have raised objections to the proposals on grounds relating to it being out of character and an overdevelopment of the site. 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).
- 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 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
- Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020
- Buckinghamshire Council Biodiversity Net Gain SPD 2023
- Draft Beaconsfield Neighbourhood Plan (Although submitted for examination, the Plan is still only in draft form therefore only limited weight can be attached to its policies)
- The NPPF was revised in December 2023 and whilst this replaced the previous Planning Policy Statements and Guidance Notes, it does not replace existing local policies that form part of the development plan. It does state however, that the weight that should be given to these existing local policies and plans will be dependent on their degree of consistency with the NPPF. Therefore, the closer the policies in the development plan to the policies in the Framework, the greater the weight that may be given to them.

### 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 Beaconsfield 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 It is acknowledged that the site falls within a Residential Area of Exceptional Character (RAEC). Policy H10 of the Local Plan sets out that within such areas the Council will not normally permit proposals involving the development of sites which do not reflect the prevailing density of the area, or the conversion of single dwellings into flats, however does not rule out such developments in principle.
- 5.3 The South Bucks Townscape Character Study does designate this site as having a 'Woodlands' 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.

- 5.4 In addition to the above, paragraph 70 of the NPPF sets out that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. To promote the development of a good mix of sites, local planning authorities should support the development of windfall sites, giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 5.5 Chapter 11 of the NPPF encourages local planning authorities to make an effective use of land. Paragraph 123 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.
- 5.6 Paragraph 128 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.
- 5.7 Further to this, the draft Beaconsfield Neighbourhood Plan, policy 'Beacon1:A Spatial Plan for the Town', sets out that the focus for new development will be on re-using brownfield land and on realising other suitable development opportunities within the town boundary.
- 5.8 In summary, this is a brownfield site located within the developed area of Beaconsfield 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 additional homes in an existing settlement, making effective use of land and achieving sustainable development.

### **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)

H10 (Residential areas of exceptional design)

- 5.9 The NPPF at Section 12, under the heading "Achieving well-designed and beautiful places" sets out guiding principles for the operation of the planning system. Para. 131 advises that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Paragraph 135 cites that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term; are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.



- 5.10 Paragraph 40 of the National Design Guide also sets out that 'Well designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances qualities and improves negative ones...' It also states in Paragraph 49 that 'the identity or character of a place comes from the way that buildings, streets and spaces, landscape and infrastructure combine together and how people experience them...' Paragraph 51 adds that 'Local identity is made up of typical characteristics such as the pattern of housing, and special features that are distinct from their surroundings.....' Paragraph 52 also elaborates that '...This includes considering: the composition of street scenes, individual buildings and their elements' and 'the height, scale, massing and relationships between buildings...'
- 5.11 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.
- 5.12 Local Plan policy H9 sets out criteria for assessment of residential layout and design. Among other things, it indicates that development should '...be compatible with the character of the surrounding area in terms of density, layout, design, height, scale, form and materials...'
- 5.13 The proposed external size, scale, design and appearance of the proposed building, along with its siting, remain the same as that which was previously approved under application PL/23/1476/FA. The only difference between the current proposal and that which was previously approved relate to the use of a small area of flat roof at second floor level as a balcony, as opposed to simply being an area of unused flat roof, and the other difference being that the proposed basement is larger than that which was previously approved, but the enlargement is entirely subterranean and does not impact upon the external appearance of the building in any way. As such, it is considered that the external appearance of the proposed building would not appear materially different from that previously approved.
- 5.14 It is considered therefore that it has already been considered that a building of this design, size, height, scale, massing, and siting, is acceptable and appropriate for this site and locality in general. As such, it is considered that there are no reasonable grounds upon which to object to the proposal in terms of its size, siting, design or appearance.
- 5.15 Similarly, the layout of the remainder of the site also remains materially the same as that which was previously approved, with matters of vehicular access, parking, and levels of hardstanding remaining unchanged. The only difference is the introduction of a bin storage area adjacent to the boundary with Burgess Wood Road. However, this would be located behind boundary fencing and as such, is not considered to appear as an alien feature that would impact upon the character of the area.
- 5.16 Notwithstanding the above, it is acknowledged that it is important to consider the acceptability of the use of the proposed building and site for 7 apartments rather than as a single family dwelling as previously approved.
- 5.17 The application site lies within a RAEC and area designated as an Area of Special character as set out in the Chiltern and South Bucks Townscape Character Study and the draft Beaconsfield Neighbourhood Plan, which is characterised by large, individual

architecturally designed houses of varied architectural styles set in spacious plots with mature vegetation and woodland landscapes.

- 5.18 Saved Local Plan Policy H9 provides the framework for guiding and controlling the design and layout of residential development. However there are residential areas which have exceptional character and which merit especially sensitive planning control and saved policy H10 'Residential Areas of Exceptional Character', provides a framework for the consideration of proposals in these areas of exceptional character. Policy H10 states that 'the Council will not normally permit proposals involving the development of sites which do not reflect the prevailing density of the area, the conversion of single dwellings into flats or the introduction of backland development'. A number of principle common characteristics are present in all the RAECs including low density, being between 3 and 7 dwellings per hectare, spacious layout characterised by generous plot sizes, wide frontages and wide spaces between dwellings and largely detached houses of an individual design. The Council seeks to ensure that due to their low density, these areas of exceptional character do not attract proposals which would erode their character.
- 5.19 In this instance, the proposed built form has been designed in order to appear as a high quality single dwelling house. The impact of the built form has been assessed as passing the tests of policy H10, as the building, including basement parking, has already been approved (and granted planning permission) by the Council. The current proposal materially differs from a scheme of conversion to an existing house, which would be associated with extra parking in the front garden and possible multiple entrances that would all give visual clues to the residential conversion and have an impact on the character and appearance of the area.
- 5.20 The current proposal accommodates a majority its parking in the basement. It is important to note that the approved scheme for a replacement dwelling had a basement parking area, design and accessed in the same manner as that currently being proposed. The provision of basement parking ensures that parking for the apartments would not be visible in the street scene. The provision of 3 external parking spaces is the same as that approved for the replacement dwelling and would not appear out of keeping for the locality.
- 5.21 With regard to vehicular movements, whilst there would be extra vehicle movements associated with 7 apartments compared to 1 large house, it is considered that the number of vehicle movements arising would not be significant and would be unlikely to have any perceptible impact on the character and appearance of the area, taking account of possible visual and audible effects. This view is based on the fact that there are a relatively small number of apartments being proposed as well as the size of the proposed flats and the likely future occupants.
- 5.22 The proposed basement car park would provide sufficient parking for each apartment, ensuring that there would not be overspill parking. The proposed building would maintain the appearance of a single dwelling, preserving and maintaining the character and appearance of the area.
- 5.23 It is acknowledged that the approach of proposing a number of apartments within a building that is the same design, size and scale as one previously approved as a replacement dwelling has been assessed previously by the Council. It is a matter that the Council has previously sought to resist, but failed to defend at appeal, with one example being at 96 Gregories Road (ref.15/01316/FUL) which involved the provision

of a block of 6 apartments within the RAEC and whereby the built form was identical to that of an extant scheme for a replacement dwelling on the site and as such has similarities to the development the subject of this application. It is considered that given the similarities between that site and this current application site, this appeal decision does form a material consideration in the assessment of this current application. In determining the appeal relating to 96 Gregories Road the Inspector stated that policy H10 does not preclude higher density schemes but is a sensible safeguard given the effects that could result from insensitively designed proposals. The Inspector also concluding that the number of vehicle movements arising from six apartments would not be significant and adversely impact on the character and appearance of the area.

- 5.24 It is also noted that following the above appeal decision, there have been a number of applications for the introduction of flats within RAEC's that have been granted planning permission. Examples include schemes at 45 Stratton Road (ref.18/00533/FUL), 48 Penn Road (ref.17/00668/FUL), and 70 Gregories Road (ref.PL/19/4189/FA). It is considered that these planning permissions also constitute a material planning consideration in the assessment of this current proposal.
- 5.25 In the case of this current application, the building would be identical in its size, design, and positioning on the plot to the replacement dwelling granted via PL/23/1476/FA with the primary difference being alterations to the internal layout for the creation of 7 apartments. Thus, it would resemble a single dwelling in keeping with the appearance of surrounding development, with the existing mature screening being retained and enhanced. Given that there would not be a material increase in vehicular movements on the site, with parking confined to the basement, and no changes to the layout and amount of hardstanding within the plot as compared to the previously approved permission; and in light of the previous appeal decision and planning permission granted for similar forms of development, it is considered that it would be difficult to sustain a refusal based on its impact on the character and appearance of the site and locality in general, including its designation as a RAEC.

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

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

H11 (Alterations and extensions to dwellings)

- 5.26 As stated throughout this report, the proposed building is almost identical to that previously approved under application PL/23/1476/FA. When previously assessing the potential impact of the building on neighbouring properties, it was considered that it would not have resulted in any adverse impacts on the amenities of neighbouring properties in terms of loss of privacy, loss of light, or appearing overdominant and obtrusive. The only difference between this current proposal that previously approved is the introduction of a second floor balcony on an area of previously unused flat roof. In terms of potential impacts of this balcony, it is considered that given the distances retained between it and the boundary with the neighbouring property, No.6 Westfield Road, which is approximately 16m, it is considered that it would not result in any unacceptable overlooking opportunities that would lead to an unacceptable loss of privacy.
- 5.27 Given the number and size of units being proposed, combined with the layout of the

development and the relationship of the site in the context of neighbouring properties, it is considered that the use of the site as 7 apartments, as opposed to 1 single dwelling would not lead to an unacceptable impact on the amenities of neighbouring properties in terms of noise and disturbance.

### **Affordable Housing**

Core Strategy Policies:

CP3 (Affordable Housing)

5.28 The application does not meet the threshold, as set in the NPPF, for when affordable housing is required. The proposal involves less than 10 dwellings and its site area is less than 0.5ha. In these circumstances, it is not considered appropriate or reasonable for affordable housing to be applied to this current application.

### **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)

5.29 The Councils Highways Officer raises no objections to the proposals. They note that the vehicular access is of sufficient width to accommodate simultaneous two-way vehicular movements and would ensure vehicles would not be required to stop and wait on the public highway, should another vehicle be exiting the site. Additionally, a separate pedestrian access is proposed further southwest from the access point, which would reduce potential conflicting movements between pedestrians and vehicles.

5.30 With regard to the vehicular access gates, they note these have been set back approximately 6.3m from the carriageway edge. Additionally, the gates open into the site, meaning vehicles would be able to pull clear off the carriageway whilst gates are opening and closing.

5.31 In terms of parking provision, the Highways Officer advises that the level of off street parking provided would meet the Councils parking standards, and would be of an appropriate layout and size.

5.32 In light of the above advice provided by the Councils Highways Officer, it is considered that the proposal would not adversely impact upon the public highway or its users, and would not lead to unacceptable highway implications.

### **Flooding and drainage**

Core Strategy Policies:

CP13 (Environmental and resource management)

5.33 Following the submission of additional information, the Councils Drainage Officer is satisfied that the application has demonstrated that it is capable of incorporating an appropriate surface water drainage strategy. As such, it is considered that the proposal would not lead to any unacceptable flood risks to future occupiers of the site, or to neighbouring properties. The proposal is therefore considered to adhere to the requirements of policy CP13 of the Core Strategy and the NPPF.

### **Landscape/Trees**

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)

5.34 A majority of the existing trees and natural vegetation will be retained as part of the proposals. The application has been accompanied by a Landscaping scheme. The Councils Tree Officer raises no objections to the proposals, and it is considered that the proposals would maintain an acceptable level of natural landscaping.

### **Ecology/Burnham Beeches**

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

5.35 Core Policy 9 of the adopted Core Strategy sets out that the highest priority will be given to the integrity of Burnham Beeches Special Area of Conservation (SAC). Para 3.3.11 of the Core Strategy also states that "where a specific development could result in significant effects on the SAC, a Project level (regulation 48) HRA will need to be carried out by the developer when the planning application is submitted to determine whether mitigation measures are required." This is also consistent with Section 15 of the NPPF relating to 'Conserving and enhancing the natural environment'.

5.36 Natural England has been consulted on this application and raises concerns regarding the impact on the Burnham Beeches SAC. Natural England state that when there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.

5.37 Due to new evidence on the impacts of recreational and urban growth at Burnham Beeches SAC carried out by Footprint Ecology, Natural England recognises that new housing within 5.6km of the Burnham Beeches SAC can be expected to result in an increase in recreation pressure. The 5.6km zone represents the core area around the SAC where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.

5.38 Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. These impacts, which have the potential to adversely affects its interest features, include:

- Contamination (e.g. dog fouling, litter, spread of plant pathogens)
- Increased fire risk
- Trampling/wear (e.g. loss of vegetation, soil compaction, erosion, damage to trees from climbing)
- Harvesting (e.g. fungi, wood)
- Difficulties in managing the site (e.g. maintaining the grazing regime)
- Disturbance (e.g. affecting the distribution of livestock and deer).

5.39 Natural England confirm that, in light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended), to housing

development within 5.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

- 5.40 Given the above, the Council has carried out an Appropriate Assessment for the proposed development. This concludes that without mitigation measures the development is likely to have a significant effect upon the integrity of the SAC with the result that the Council would be required to refuse this planning application.
- 5.41 In order to mitigate such impacts the Council has adopted a Strategic Access Management and Monitoring Strategy (SAMMS). The Council consider that the SAMMS, which is supported by Natural England, is robust and capable of mitigating the likely significant effects of the proposal over 500 metres and up to 5.6 kilometres provided the proposal pays a contribution towards the SAMMS. Natural England has also confirmed that subject to a legal agreement to secure this financial contribution they do not raise an objection on grounds relating to its impact on Burnham Beeches.
- 5.42 In this instance, a planning obligation is currently being draft between the applicant and the Council, and therefore, provided the legal agreement is completed, in accordance with the Appropriate Assessment, it is considered that the proposal would not have a significant effect upon the integrity of the SAC, and is therefore acceptable.
- 5.43 The Councils Ecology Officer raises no objections to the proposals, advising that they would not adversely impact upon the ecology or biodiversity of the site. Ecological enhancements would be obtained by way of condition.

#### **Other Matters**

- 5.44 The Councils Waste department raise no objections to the proposals, advising that appropriate storage provision has been incorporated into the development and that it can be collected in accordance with the Council's procedures.
- 5.45 The Councils Environmental Health Department raise no objections to the proposals from the point of view of contamination.
- 5.46 It is acknowledged that the draft Beaconsfield Neighbourhood Plan does set out specific sustainability (Beacon7 - Zero Carbon Buildings) and design (Beacon8 - The Beaconsfield Design Guide) policies, however, given that the Plan is only in draft form, albeit, has been submitted for examination, it carries only limited weight at present. It has been set out above that the proposals are considered to be of an appropriate design and appearance, and the building itself will need to meet current building control regulations in terms of sustainability and energy efficiency.
- 5.47 Concerns from local residents have been raised in regard to the application setting a precedent for future applications of a similar nature. However, it is important to note that each application is assessed on its own merits and set of circumstances.
- 5.48 The issue of there being a legal covenant on the land which restricts the type of development that can take place on the site, has been raised by local residents, however, any such covenant is a legal matter and not a material planning consideration.
- 5.49 Concerns raised by local residents on matters of increased demand on local Infrastructure are noted, however, it is important to note that the proposal seeks to locate additional residential development in the developed area, where the Council identifies is the most appropriate location for such development. There is no evidence

to demonstrate that existing infrastructure would be adversely impacted upon by the proposal.

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

- 6.1 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
- 6.2 As set out above it is considered that the proposed development would accord with the development plan policies.
- 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 the development plan policies, and the site's proposed redevelopment will make effective and efficient use of previously developed land.
- 6.6 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. This housing provision represents a benefit that weighs in favour of the proposal and has been attributed moderate weight.
- 6.7 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.
- 6.8 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.
- 6.9 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.

6.10 The recommendation to approve the application is made having regard to the above and also to the content of the Human Rights Act 1998.

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

7.1 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.

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, the Council have accepted amended plans and additional information to address matters including highway and drainage issues.

## **8.0 Recommendation: Conditional Permission**

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 construction works above ground level shall take place until a schedule of materials to be used in the elevations of the development 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.)
3. Prior to the laying of any hardsurfacing, a specification of all finishing materials to be used in any hard surfacing of the application site shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be constructed using the approved materials.  
Reason: To ensure that the appearance of the development is not detrimental to the character or appearance of the area in accordance with Policies EP3 of the South Bucks Consolidated Local Plan (Feb 2011) and Policy CP8 of the South Bucks Local Development Framework Core Strategy (adopted February 2011).
4. The development shall be constructed in accordance with the scheme of landscaping submitted and approved as part of this application. 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.)
5. 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.)

6. 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.)

7. The development shall be implemented in accordance with the agreed mitigation measures relating to bats, nesting birds and amphibians as stated in the Bat Survey Report (ACD Environmental 23/08/2023). The condition will be considered discharged following; a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.

Reason: To safeguard protected and notable species that may otherwise be impacted by the development.

8. Prior to the commencement of development above ground level, details of biodiversity features of one integrated bat box, two integrated swift boxes, log/brush pile creation and hedgehog highways, shall have been submitted to, and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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 safeguard species of conservation concern.

9. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on Drainage Strategy Statement (NH/L-63971-01-P1, 15/01/2024) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
  - Existing and proposed discharge rates and volumes
  - Ground investigations including:
  - Infiltration rate testing in chalk strata
  - Groundwater level monitoring during the winter period (November to March)
  - Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 056 of the Planning Practice Guidance.
  - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
  - Construction details of all SuDS and drainage components.
- Reason: The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 173 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.
10. No other part of the development shall be occupied until the existing means of access has been altered in accordance with the approved planning drawing and constructed to the appropriate Buckinghamshire Council access standards.
- Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
11. 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.
12. 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, vehicle routing, 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.
13. No extraction of material to form the basement shall take place until details of the method for disposal of material to be extracted have been submitted to and approved in writing by the Local Planning Authority. Thereafter the disposal of extracted material shall take place in accordance with these approved details. (ND16A)

Reason: To maintain the character and amenities of the area. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

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

**List of approved plans:**

<u>Received</u>	<u>Plan Reference</u>
15 Nov 2023	23 TWRZ SL01
15 Nov 2023	23 TWRZ A01
15 Nov 2023	23 TWRZ A02
15 Nov 2023	23 TWRZ E04
15 Nov 2023	23 TWRZ E03
15 Nov 2023	23 TWRZ E02 B
15 Nov 2023	23 TWRZ E01 D
4 Jan 2024	23 TWRZ SP01 E
8 Jan 2024	1199:L04

**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 Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, injure or kill a bat; intentionally, recklessly or deliberately disturb a roosting or hibernating bat; intentionally or recklessly obstruct access to a roost. Planning consent for a development does not provide a defence against prosecution under these acts. Buildings, other structures and trees may support bats and their roosts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England. If a bat or bat roost is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.
3. The applicant is advised that the off-site works will need to be constructed under a Section 184/278 of the Highways Act legal agreement. This 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. Please visit the Council's website for further guidance or 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  
Email: [highwaysdm@buckinghamshire.gov.uk](mailto:highwaysdm@buckinghamshire.gov.uk)

4. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980 (as amended). (SIH24)

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

### **Councillor Comments**

#### **Cllr Wheelhouse:**

I would like to call in this application please for scrutiny by the committee.

#### **Cllr Ng:**

I believe that this application should be reviewed by the planning committee.

#### **Cllr Cranmer:**

I wish to call in this application on the grounds of overbearing height and density in an area of special character. The damage to trees is an important issue as well as drainage.

### **Town Council Comments**

The Committee resolved to object stating:

- Out of character for surroundings
- Overdevelopment of site

### **Consultation Responses**

#### **Tree Officer:**

##### **1<sup>st</sup> comments received 20<sup>th</sup> November 2023:**

I have not revisited site following my visit last year in regards to application PL/22/4239/TP. The property as well as neighbouring properties are subject to an Area designated Tree Preservation Order. The tree cover along the boundaries of this property are visually prominent/high amenity value landscape features to the RAEC of the estate.

I have reviewed the submitted AIA tree report by GHA Trees Arboricultural Consultancy (26 April 2023) which includes a preliminary Arboricultural Method Statement (AMS). This arboricultural information was submitted for application PL/23/1476/FA so has not fully considered the current scheme which is the same footprint but includes a larger basement excavation.

In my opinion the layout is acceptable in accordance with BS 5837 guidance but it is clear due to the existing ground levels and amount of excavation work etc required a highly detailed site specific AMS is required. The AMS will need to fully consider and address ground protection measures during all the various phases of demolition and construction as well as arboricultural supervision. It is paramount that arboricultural supervision is undertaken as otherwise any trees losses along the boundaries of this property in the coming years will have a significant detrimental impact on the RAEC. No objection and if planning permission is permitted I recommend the following planning condition: ST17

##### **2<sup>nd</sup> Comments received 11<sup>th</sup> December 2023:**

Please refer to previous comments on 20 Nov 2023 outlining a revised AMS is required following amendments to the current scheme being proposed.

A revised AMS (01.12.23) has been submitted with TPP. I do not consider the AMS has fully considered the extensive demolition and excavations required for this current scheme for the

amount of HGV vehicles removing building materials to ensure no with materials or vehicle movements or deliveries impact the RPA's (protective fencing) of retained trees.

I still recommend planning condition ST17. Any further information submitted needs to take into account BS 5837 chapter 6 guidance as well as paragraph 5.5 in regards to the information shown on TPP.

3<sup>rd</sup> comments received 3<sup>rd</sup> March 2024:

Please refer to previous comments on the 20 November 2023 & 11 December 2023 for background comments.

A revised AMS (24.01.24) has been submitted but no further TPP so reviewed previous TPP (Nove 23) which needs to be read in conjunction with AMS. It is an improvement but still does not reassure me that the ground protection measures detailed in AMS and shown on TPP is actually achievable.

There will be extensive demolition and excavations with HGV vehicles removing building materials (turning areas) to ensure no with materials or vehicle movements or deliveries are stored or impact the RPA's (protective fencing) of retained trees.

I still recommend planning condition ST17. Any further information submitted needs to take into account BS 5837chapter 6 guidance as well as paragraph 5.5 in regards to the information shown on TPP.

#### **Ecology Officer:**

##### Summary

No objection, subject to conditions and mitigation measures to avoid adverse effects on the integrity of the Burnham Beeches Special Area of Conservation.

##### Discussion

##### Special Area of Conservation

The site lies within the 5.6km Zone of Influence of Burnham Beeches Special Area of Conservation (SAC). As the proposal involves a net gain in residential units it falls in a category of concern. Please consult Natural England on this application.

##### Protected Species

The application is supported by a Preliminary Roost Assessment (ACD Environmental, 04/05/2023).

Our comments to the previous application at this site (PL/23/1476/FA) remain the same (copied in below). The Bat Survey Report (ACD Environmental 23/08/2023) detailing the results of bat activity surveys should be also submitted.

The building was assessed to have moderate suitability to support roosting bats and two activity surveys were undertaken on 1st August 2023 and 15th August 2023. No bats were recorded emerging from the dwelling however during the first survey, three common pipistrelles were recorded emerging from a mature beech tree immediately to the south-west boundary of the site. It is stated in the report that the tree is within the grounds of 6 Westfield Road. It is understood that the tree will be retained and no lopping works are proposed.

Owing to the mobile nature of bats and the potential access features in the building I would recommend that the proposed works are carried out sensitively. If a bat is found works must cease immediately and Natural England is contacted for advice on how to proceed.

An ornamental pond on-site is to be destroyed as part of the proposed works. Ideally this habitat should be replaced in a suitable location within the site. The applicant is welcomed to contact us regarding wildlife pond creation.

According to the habitat suitability index that was undertaken the pond is unlikely to support great crested newts, also given the presence of fish. As it is still likely to support other common amphibians, I agree with the recommendations in the report that the pond should be drained within early autumn (in October) outside the main activity and hibernation season of amphibians. In the unlikely event that a great crested newt is found the works must cease immediately and Natural England is contacted for advice on how to proceed.

I also agree with the report's recommendations relating to the protection of nesting birds during construction. I would recommend that a compliance condition is attached to any approval granted so the proposed works are carried out in accordance with the precautionary measures stated in the report.

I would also recommend informatives relating to bats, nesting birds and great crested newts are attached to any approval granted.

#### Invasive species

Non-native species including cotoneaster, montbretia and rhododendron were recorded on site. Five species of cotoneaster, montbretia and Rhododendron ponticum are listed in Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) as invasive species. It is illegal to allow the spread of a Schedule 9 species. I would recommend that as part of the proposed works an eradication plan is implemented and suitable plant species, ideally native and of local provenance, are planted.

#### Biodiversity Enhancements

In line with recognised good practice and government policy on biodiversity and sustainability, all practical opportunities should be taken to harmonise the built development with the needs of wildlife. In this instance it is appropriate for the following provisions for wildlife to be built into the development and secured via a condition to any approval granted.

Bats: One bat box integrated into the building on a southerly aspect/orientation (south, south-west and south-east). Example specifications include the Habibat Bat Box shown below or Schwegler 1FR/2FR Bat Tube. The box should be located a minimum of 2 metres, but ideally 5-7 metres above ground, in a position near the eaves or gable apex. Placement should avoid windows, doors and wall climbing plants.

Swifts: Two swift boxes integrated into the building(s) on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Manthrope 'GSWB' Swift Brick as shown below or the Vivara Pro Cambridge Brick Faced Swift Nest Box. The boxes should be located high within the gable wall, ideally above 5m high, below the overhang of the verge and barge board.

Hedgehogs: Boundaries and barriers within and surrounding the development, including fencing, railing and gates need to be made permeable to hedgehogs through the provision of 'Hedgehog

Highways'. Hedgehog holes can be created by 13x13cm holes at ground level within fences, or by leaving a sufficient gap beneath gates and/or leaving brick spaces at the base of brick walls. Alternatively, hedgehog friendly gravel boards are suitable (as shown below sourced by Kebur Garden Materials and Jacksons Fencing). To ensure holes are kept open 'Hedgehog Highway' signage should be provided (as shown below sourced by Peoples Trust for Endangered Species and/or the British Hedgehog Preservation Society) and secured above the holes.

Amphibians & Hedgehogs: Hibernacula should be created on-site to provide features for amphibians and hedgehogs, to use as shelter and hibernate within during the winter. Hibernacula can be created using a variety of materials, including, grass piles/compost, loose stones and soil as well as log/brush piles.

### Legislation, Policy and Guidance

#### 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 ...".

Before granting planning permission, the local planning authority should satisfy itself that the impacts of the proposed development on European Protected Species (EPS) have been addressed and that if a protected species derogation licence is required, the licensing tests can be met and a licence is likely to be granted by Natural England.

As an EPS licence is required the applicant will need to provide the answers to all three licensing tests, alongside a mitigation strategy. The three tests are that:

1. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
2. there must be no satisfactory alternative; and
3. favourable conservation status of the species must be maintained.

Together with the ecologist's report, which answers test 3, the applicant should provide written evidence for tests 1 & 2. This can be contained within the ecological report or as separate document. If the competent authority is satisfied that the three tests can be met, it should impose a planning condition preventing the development from proceeding without first receiving a copy of the EPS licence or correspondence stating that such a licence is not necessary. This approach ensures compliance with the Conservation of Habitats and Species Regulations 2017(as amended) and enables a local planning authority to discharge its obligations under the Crime and Disorder Act and its wider duties under Section 40 of the Natural Environment and Rural Communities Act 2006 in



relation to protected species.

#### Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection.

#### Nesting birds

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.

#### National Planning Policy Framework

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.”

#### Conditions

##### Control to implement development in accordance with agreed document/plans

The development shall be implemented in accordance with the agreed mitigation measures relating to bats, nesting birds and amphibians as stated in the Bat Survey Report (ACD Environmental 23/08/2023). The condition will be considered discharged following; a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.

Reason: To safeguard protected and notable species that may otherwise be impacted by the development.

##### Restrictions on commencement of development until specific biodiversity outcomes are achieved

Prior to the commencement of development above ground level, details of biodiversity features of one integrated bat box, two integrated swift boxes, log/brush pile creation and hedgehog highways, shall have been submitted to, and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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 safeguard species of conservation concern.

#### Informatives

##### Protection of bats and their roosts

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to:

deliberately capture, injure or kill a bat; intentionally, recklessly or deliberately disturb a roosting or hibernating bat; intentionally or recklessly obstruct access to a roost. Planning consent for a development does not provide a defence against prosecution under these acts. Buildings, other structures and trees may support bats and their roosts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England. If a bat or bat roost is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

#### Protection of great crested newts and their breeding/resting places

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England or opt into Buckinghamshire Council's District Licence. If a great crested newt is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

#### Protection of breeding birds during construction

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.

#### **LLFA**

##### 1<sup>st</sup> Comments received 24<sup>th</sup> November 2023:

The LLFA objects to the proposed development due to insufficient information regarding the proposed surface water drainage scheme.

#### Flood risk

The updated Flood Map for Surface Water (uFMfSW) provided by the Environment Agency shows that the site lies in an area of low risk of surface water flooding (meaning there is between 0.1% and 1% likelihood of flooding occurring in a given year). An online version of this mapping data is available to view through the Environment Agency's Long term flood risk information mapping.

The Groundwater Flood Map (Jeremy Benn Associates, 2016) shows the groundwater level in the area of the proposed development to be at within 0.025m of the ground surface for a 1 in 100 year return period. This means that there is a risk of groundwater flooding to both surface and subsurface assets. Groundwater may emerge at the ground surface and has the capacity to flow overland and/or pond within any topographic low spots.

#### Surface water drainage

The above application requires further detail regarding surface water management. Within the Design and Access Statement, it is stated that permeable paving is proposed but no details have

been provided. This is not sufficient in meeting our requirements to complete a SuDS Appraisal.

We request that the applicant visit our website, where our requirements are clearly stated. Our website also contains our Local Flood Risk Management Strategy (LFRMS) and Preliminary Flood Risk Assessment (PFRA) which are strategically important documents that should be reviewed.

Please take this letter as a formal request for information regarding management of surface water in the form of a comprehensive Drainage Strategy and accompanying Drainage Statement. Please note, given the proposal of a flat roof, the LLFA would expect the incorporation of a green roof.

#### Advice to LPA

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

#### 2<sup>nd</sup> Comments received 19<sup>th</sup> February 2024:

The LLFA objects to the proposed development due to insufficient information regarding the proposed surface water drainage scheme.

#### Flood risk

The updated Flood Map for Surface Water (uFMfSW) provided by the Environment Agency shows that the site lies in an area of low risk of surface water flooding (meaning there is between 0.1% and 1% likelihood of flooding occurring in a given year). An online version of this mapping data is available to view through the Environment Agency's Long term flood risk information mapping.

The Groundwater Flood Map (Jeremy Benn Associates, 2016) shows the groundwater level in the area of the proposed development to be at within 0.025m of the ground surface for a 1 in 100 year return period. This means that there is a risk of groundwater flooding to both surface and subsurface assets. Groundwater may emerge at the ground surface and has the capacity to flow overland and/or pond within any topographic low spots.

#### Surface water drainage

The applicant has proposed to use deep borehole soakaways, and has provided details of calculations, a drainage layout and maintenance details. The applicant has not however provided details of infiltration rate testing in the proposed infiltration strata. If the applicant is unable to provide details of testing at this stage, they must provide full details of a fully viable alternative scheme. This must include permission to connect (if necessary), calculations (discharge rates and attenuation calculations), a drainage layout and maintenance details. The applicant will then be required to carry out infiltration rate testing at the proposed depth of the deep borehole soakaway at detailed design.

#### Advice to LPA

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

#### 3<sup>rd</sup> comments received 13<sup>th</sup> March 2024:

The LLFA has no objection to the proposed development subject to the following planning condition listed below being placed on any planning approval.

#### Surface water drainage

The applicant has proposed to use deep borehole soakaways, and has provided details of

calculations, a drainage layout and maintenance details. The applicant will complete site specific testing in the chalk at detailed design. Following this testing, should infiltration be demonstrated to be viable, the calculations must be amended to be inclusive of the rate derived from this testing. Should testing demonstrate that deep infiltration is not viable the applicant is proposing to manage surface water by attenuating before discharging to a Thames Water Sewer at a rate of 1 l/s.

I would request the following condition be placed on the approval of the application, should this be granted by the LPA:

#### Condition 1

No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on Drainage Strategy Statement (NH/L-63971-01-P1, 15/01/2024) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- Existing and proposed discharge rates and volumes
- Ground investigations including:
  - o Infiltration rate testing in chalk strata
  - o Groundwater level monitoring during the winter period (November to March)
- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 056 of the Planning Practice Guidance.
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Construction details of all SuDS and drainage components

Reason: The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 173 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

#### **Natural England:**

SUMMARY OF NATURAL ENGLAND'S ADVICE

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION FOR RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions.

For all future applications within the zone of influence identified by your authority, please only consult Natural England once the HRA has been produced.

FURTHER INFORMATION REGARDING RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England considers that this advice may be used for all applications that fall within the

parameters detailed below.

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Burnham Beeches Special Area of Conservation (SAC). It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will (in our view) be sufficiently certain and effective in preventing adverse impacts on the integrity of those European Site(s) within the ZOI from the recreational impacts associated with such development.

However, following the People Over Wind ruling by the European Court of Justice, mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment. In the light of this, these measures) should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

Providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, Natural England is likely to be satisfied that your appropriate assessments will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives. In this scenario, Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

**Waste Officer:**

1<sup>st</sup> comments received 11<sup>th</sup> December 2023:

I have looked at the plans and further consideration needs to be given to waste management aspects of the proposal. Waste collection point is demonstrating that bins will be taken to Burgess Wood Road as indicated on plans and within the planning statement, and this proposal is not desirable for communal/apartment properties with bulk bins.

Therefore, a dedicated external bin store needs to be incorporated into the plans, where the plans show the current bin storage area, and built to accommodate up to 3 x 1100L bulk bins, comprising of refuse, recycling, paper, and card, and 1 x 140L for food waste.

I must reject until this is illustrated on the plans.

2<sup>nd</sup> Comments received on 19<sup>th</sup> February 2024:

I have looked at the amendments, with recommendations on initial plans and consideration has been given to waste management aspects of the proposal. Waste collection point/bin store, indicated on plans which states and illustrates that, a dedicated bin storage area has been provided for waste and recycling arrangements in an appropriate location for use by residents and collection crews. This is within an adequate distance of the highway, and therefore drag distances are acceptable from Westfield Road meaning waste vehicles will not need to enter the site. Provided consideration is given to enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction, and inconvenience to users of the adjoining highway.

The plans indicate it will be a bin store area and not an enclosed bin store. We recommend a purpose-built enclosed bin store. The bin store needs to be built to with recommendations in Approved Document H: Requirement H6 solid waste storage. Built to accommodate up to 3 x 1100L bulk containers, comprising of refuse, recycling, paper, and card, and 1 x 140L for food waste.

**Highways Officer:**

1<sup>st</sup> comments received 5<sup>th</sup> January 2024

Westfield Road is an unclassified, residential road subject to a speed restriction of 30mph. This application seeks permission for the demolition of the existing dwelling, and erection of 7(no) apartments.

I would expect a residential flat in this location to generate approximately 4-6(no) daily vehicular movements (two-way). Therefore, in terms of trip generation from the site, the 7(no) flats would have the potential to generate approximately 28-42(no) daily vehicular movements (two-way). I am satisfied that these movements can be accommodated on the local highway network. However, as the site is to be subject to intensification in use, the access point serving the development will need to be assessed in order to determine its suitability to accommodate the additional vehicular movements.

The existing access onto Burgess Wood Road will continue to be utilised, however from assessing the plans it appears that this access will be upgraded by widening the dropped kerb and introducing a bellmouth configuration. Mindful of the above access improvements, and considering the scale of development proposed, the access would need to be upgraded to the Council's Commercial Vehicular Access Within the Highway specifications, which can be secured by way of condition. In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions commensurate with a speed limit of 30mph. I am satisfied that sufficient visibility splays can be achieved within the publicly maintained highway or land owned by the applicant.

I note that the access width does not allow for simultaneous two-way vehicular movements, and the gates which open outwards towards the carriageway, would not allow vehicles to pull fully clear off the road whilst the gates are opening and closing. Whilst I note these proposed access arrangements are the same as proposed under a recent planning permission (ref: PL/23/1476/FA) to the which to Highway Authority raised no objections to, the previous application was a like-for-like residential development whereas the current development will intensify the use of this access point. As a result, this will increase the potential for incidences of cars stopping and waiting whilst other vehicles are exiting the site, or whilst the gates are opening. Due to the location of the access relatively close to the Burgess Wood Road/Westfield Road junction, vehicles entering the road, picking up speed, and driving round the bend may not anticipate stopping of vehicles in the carriageway. I therefore consider these access arrangements to result in a detrimental impact upon highway safety and convenience.

With regard to parking, I note that 14(no) parking spaces have been provided for the 7(no) proposed flats, located on an area of hardstanding to the front, as well as on the basement level. Having assessed the level of habitable accommodation featured for each residential unit, I am satisfied that the development would offer a level of parking above the optimum standard as set out within the Buckinghamshire Countywide Parking Guidance policy document. I am also satisfied that the proposed spaces have adequate dimensions, and a sufficient level of manoeuvrability space has been provided which would allow vehicles to enter, turn and exit the site in a forward gear. Therefore, I have no objections to the proposed parking arrangements.

Mindful of the above, I have concerns regarding the access arrangements as highlighted above. The following amendments would be required to address these concerns:

- Access width measuring at least 4.1m in width, to allow for simultaneous two-way vehicular movements.
- Gate setback distance of at least 5m from the carriageway edge, with the gates opening into the site.

However, should you not be entertaining amendments to the application at this time, I recommend refusal of the application for the following reason:

Reason: The access serving the site is inadequate by reasons of its width and gate configuration to serve the proposed development with safety and convenience. The development, if permitted, would likely to lead to the stationing of vehicles on the highway and to vehicles reversing onto or off of the highway to the detriment of public and highway safety. The development is therefore contrary to the National Planning Policy Framework, Buckinghamshire Council Local Transport Plan 4 (adopted April 2016) and the Buckinghamshire Council Highways Development Management Guidance document (adopted July 2018).

2<sup>nd</sup> comments received 13<sup>th</sup> February 2024:

The Highway Authority has previously commented on this application proposal, dated 21st December 2023. The comments from this Authority ultimately objected to the application based upon the access serving the site being inadequate by reasons of its width and gate configuration. Other matters, such as parking, were considered satisfactory. Amended plans have since been submitted by the applicant.

Having reviewed the most recent plan, I note the access has been widened to 4.2m. I am satisfied that this width is sufficient to accommodate simultaneous two-way vehicular movements and would ensure vehicles would not be required to stop and wait on the public highway, should another vehicle be exiting the site. Additionally, a separate pedestrian access is now proposed further southwest from the access point, which would reduce potential conflicting movements between pedestrians and vehicles.

With regard to the vehicular access gates, I note these have been set back approximately 6.3m from the carriageway edge. Additionally, the gates now open into the site, meaning vehicles would be able to pull clear off the carriageway whilst gates are opening and closing.

Due to the quantum of development proposed, I believe that it is necessary to secure a Construction Traffic Management Plan to mitigate the impacts of construction traffic. This can be secured by way of condition and approved prior to the commencement of works.

Mindful of the above, I have no objections to the proposal subject to the following conditions to include on any planning consent that you may grant:

Condition 1: No other part of the development shall be occupied until the existing means of access has been altered in general accordance with the approved planning drawing and constructed to the appropriate Buckinghamshire Council access standards.

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, vehicle routing, 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.

Informative:



- The applicant is advised that the off-site works will need to be constructed under a Section 184/278 of the Highways Act legal agreement. This 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. Please visit the Council's website for further guidance or 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  
[highwaysdm@buckinghamshire.gov.uk](mailto:highwaysdm@buckinghamshire.gov.uk)

- No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

## **Representations**

### **Amenity Societies/Residents Associations**

- The Beaconsfield Society:
- Design of building out of keeping
- Surface water drainage concerns
- Increased traffic and congestion
- Air pollution
- Loss of privacy
- Loss/damage to trees
- Impact on wildlife
- Impact on Burnham Beeches SAC.

### **Other Representations**

23 comments have been received objecting to the proposal:

- Out of character
- Cause congestion
- Increased demand on local infrastructure
- Site inappropriate for multi-dwellings
- Air and noise pollution
- Nuisance and disturbance
- Increased traffic
- Impact on natural environment and wildlife
- Loss of privacy
- Design out of keeping
- Does not accord with local Plan or Neighbourhood Plan
- Lack of parking
- Adverse highway implications

- Set a precedent
- Disproportionate to size of plot
- Overbearing
- Overdevelopment
- Covenants restricting development
- Danger to pedestrians
- Contrary to Human Rights
- Impact on trees

**APPENDIX B: Site Location Plan**



Do not scale – this map is indicative only

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationary Office © Crown Copyright 2012. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Buckinghamshire Council, PSMA Licence Number 100023578

This page is intentionally left blank

## APPENDIX C: APPROPRIATE ASSESSMENT

### Appropriate Assessment

#### Application Ref. PL/23/3675/FA

#### Proposal: Demolition of existing dwelling and erection of 7 apartments.

#### Summary

Buckinghamshire Council, as Local Planning Authority, has carried out a Habitats Regulations Assessment (HRA) for net new homes in proximity to the Burnham Beeches Special Area of Conservation (BB SAC)<sup>1</sup>. The HRA screened in recreational disturbance from net new homes as having a likely significant effect on the integrity of the conservation purposes of the BB SAC. The HRA sets out what development is likely to have significant effects on the integrity of the conservation objectives of the BB SAC. It concluded that any net new homes within 500 metres of the boundary BB SAC should be avoided. It also concluded that any net new homes between 500 metres and 5.6 kilometres of the BB SAC need to be mitigated. The conclusions of this HRA can help inform the individual Appropriate Assessments of Planning Applications and Permitted Development.

#### **Informing individual Appropriate Assessment of Planning Applications and Permitted Development**

Evidence from the Council's Consultants Footprint Ecology<sup>2</sup> has concluded that likely significant effects on the integrity of the BB SAC from recreational disturbance would derive from a net increase in new homes within a linear distance of 5.6 kilometres from the boundary of the BB SAC. The disturbance is from additional human and dog presence.

Using this evidence, Buckinghamshire Council's HRA determined that the likely significant effects within a 500 metre linear distance of the BB SAC boundary zone were so likely to harm the integrity of the conservation purposes of the BB SAC that net new homes should be avoided as it would not be possible to mitigate the impacts from the recreational disturbance. It also determined that net new homes within a linear distance between 500 metres and 5.6 kilometres of the BB SAC's boundary would need to be mitigated.

The HRA concluded that Planning Applications and Permitted Development, which provide for a net increase in new homes within the 500 metres to 5.6 kilometres zone, would have a significant likely effect on the conservation features of the BB SAC and that such applications and permitted development can only be permitted if the applicant enters in to a legal agreement with Council, as Local Planning Authority, to pay towards Buckinghamshire Council's Strategic Access Management and Monitoring Strategy.

---

<sup>1</sup> <https://www.chiltern.gov.uk/article/10331/Chiltern-and-South-Bucks-Local-Plan-Submission-Documents>

<sup>2</sup> <https://www.chiltern.gov.uk/article/10331/Chiltern-and-South-Bucks-Local-Plan-Submission-Documents>

Natural England (NE), the Government's conservation advisor, support the findings in the HRA.

## **Appropriate Assessment of Planning Application reference number PL/23/3675/FA**

### **1. The Conservation of Habitats and Species Regulations (2017)**

In accordance with Regulation 63 of The Conservation of Habitats and Species Regulations (2017) a competent authority (in this case Buckinghamshire Council), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site... (either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

A person applying for any such consent, permission or other authorisation must provide such information as Buckinghamshire Council may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

Buckinghamshire Council must, for the purposes of the assessment, consult the Conservation Body, NE, and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), Buckinghamshire Council may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

In considering whether a plan or project will adversely affect the integrity of the site, Buckinghamshire Council must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

## **2. Stages 1-3 Screening for Likely Significant Effects**

Buckinghamshire Council accepts that this proposal is a 'plan or project' which is not directly connected with or necessary to the management of the Burnham Beeches Special Area of Conservation (BB SAC). The potential likely significant effects on the integrity of the BB SAC is from recreational disturbance. A net increase in homes is likely to result in additional visits to the BB SAC with consequential erosion and pollution within the BB SAC.

At this stage Buckinghamshire Council cannot rule out the likely significance effects on the BB SAC (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of the SAC. This is because the proposal lies between 500 metres and 5.6 kilometres of the boundary of the BB SAC and represents a net increase in homes within this zone which will lead to an increase in local population and a likely increase in recreational disturbance within the SAC.

As the likely significance effect cannot be ruled out at this stage an Appropriate Assessment must be undertaken.

## **3. Stage 4 Appropriate Assessment**

500 metres or more to 5.6 kilometres.

Based on the information proposed by the applicant, Buckinghamshire Council must decide whether or not an adverse effect on site integrity (alone or in combination with other plans or projects) can be ruled out. Mitigation may be able to be provided so that the proposal can reduce adverse effects.

The Council considers that the Strategic Access Management and Monitoring Strategy (SAMMS) which has been agreed with Natural England is robust and capable of mitigating the likely significant effects of the proposal over 500 metres and up to 5.6 kilometres from the BB SAC boundary provided the proposal pays a contribution towards the Strategic Access Management and Monitoring Strategy and legal fees to the Council. The SAMMS is attached as Appendix 1.

### **a. Fees and Mitigation**

For this proposal the following apply:

- Buckinghamshire Council List of Fees and Charges (Fees)
- Strategic Access Management and Monitoring Strategy (SAMMS)

If paid, the project as proposed would not adversely affect the integrity of the BB SAC.

### **Legal Fees**

To cover Buckinghamshire Council's reasonable legal costs and disbursements incurred in connection with the Unilateral Undertaking and the Council's Monitoring Fee.

The monitoring fee is £545.00 and the legal costs will be determined on a case by case basis.

### Strategic Access Management and Monitoring Strategy Contribution

The development will be required to make a contribution towards the SAMMS. SAMMS includes projects for visitor access management, monitoring and education measures on the BB SAC to mitigate the effects of new development on it.

A contribution to the SAMMS of £12,143.22 is required for this development.

### **4. Conclusion**

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SAC with the result that the Council would be required to refuse this planning application.

Buckinghamshire Council considers, following consultation with NE, that the above measures will prevent a likely adverse effect on the integrity of the BB SAC, pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017), and permission may be granted subject to any other planning considerations.

#### Conclusion

Provided that the applicant has entered into a Unilateral Undertaking to secure legal and SAMMS fees the planning application will be in accordance with the SAC mitigation requirements.





## Buckinghamshire Council

[www.buckinghamshire.gov.uk](http://www.buckinghamshire.gov.uk)

### Report to South Area Planning Committee

---

<b>Application Number:</b>	PL/24/0284/FA
<b>Proposal:</b>	Demolition of agricultural building, construction of three bed single storey dwellinghouse, and laying of hardstanding.
<b>Site location:</b>	Dukes Kiln Farm Windsor Road Gerrards Cross SL9 8SR
<b>Applicant:</b>	The Stem Property Group Ltd
<b>Case Officer:</b>	Ian Severn
<b>Ward affected:</b>	Denham
<b>Parish-Town Council:</b>	Fulmer Parish Council
<b>Valid date:</b>	29 January 2024
<b>Determination date:</b>	3 May 2024
<b>Recommendation:</b>	Conditional permission

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

- 1.1 The application has been called before the Planning Committee for determination by Councillor Jaspal Chhokar for consideration with particular regard held to Green Belt assessment.
- 1.2 The application proposes the demolition of an existing unused agricultural building and the erection of a dwellinghouse including a 'winter garden', boundary treatment and hardstanding.
- 1.3 The proposal constitutes inappropriate development within a Green Belt location, however, it is considered that in this instance, 'Very Special Circumstances' exist which warrant an exception to normal Green Belt policy. The current proposals are considered to result in less harm than the previously approved scheme which allowed the conversion of the existing building into a dwelling.
- 1.4 Therefore, the Officer's assessment with regards to Green Belt considerations is that, on this occasion, 'very special circumstances' exist which outweigh the harm to the Green Belt and any other harm.
- 1.5 Therefore, the recommendation from Officers is that this application be granted planning permission subject to appropriate conditions and informatives.

## **2.0 Description of Proposed Development**

- 2.1 The application site comprises an existing disused agricultural building set within open land. The application site restricts the area proposed for residential amenity.
- 2.2 The application site is located on the South East side of Windsor Road, Gerrards Cross. It is located opposite the residential properties of Tranquillity and Tranquillity Cottage. A row of terraced dwellings known as Dukes Kiln Cottages lie to north of the application site, with open land buffering the site from the M40 to the South. Open agricultural land would bound the rear of the proposed associated garden land for the proposed dwelling. The application site is within the Metropolitan Green Belt, and within 5.6 kilometres of Burnham Beeches SSSI (SAC).
- 2.3 The application is accompanied by:
  - a) Noise Impact Assessment Report
  - b) Flood Risk Assessment
  - c) Design and Access Statement
  - d) Volume Study
  - e) Highways Report
  - f) Ecology Report
  - g) Proposed Material Palette
- 2.4 Plans:
  - Proposed Floor Plan and Site Plan– 2793-PL302 (29 January 2024)
  - Proposed Access Plan and Access Elevation – 2793-PL303 (29 January 2024)
  - Proposed Elevations – 2793-PL301 (29 January 2024)
  - Proposed Volume Study – 2793-PL304 (29 January 2024)
  - Existing Topographic Plan and Site Plan 2793-PL300 (29 January 2024)

## **3.0 Relevant Planning History**

- 3.1 Relevant planning history for the site:
  - PL/20/2432/FA - Withdrawn, 24 November 2020 - Redevelopment of site to provide one detached dwelling
  - PL/21/0929/FA - Refused, 14 July 2021 - Change of use of buildings to B8 (Storage and Distribution)
  - AP/21/0083 - Dismissed, 24 February 2022 - Change of use of buildings to B8 (Storage and Distribution)
  - PL/22/3993/FA - Conditional Permission, 25 July 2023 - Conversion of agricultural building into dwellinghouse including external and internal alterations, alterations to access, entrance gate and associated boundary fencing, and laying of hardstanding

## **4.0 Summary of Representations**

- 4.1 An objection has been received and is summarised in Appendix A.
- 4.2 Fulmer Parish Council has objected to the application (with no objection if compliance is met), their full representation is within Appendix A.

## **5.0 Policy Considerations and Evaluation**

- National Planning Policy Framework (NPPF), 2023
- 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 Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
- Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020
- Buckinghamshire Parking Guidance, September 2015

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

Core Strategy Policies:

CP1 (Housing provision and delivery)

Local Plan Saved Policies:

GB1 (Green Belt boundaries and the control over development in the Green Belt)

- 5.1 The NPPF was revised in December 2023 and whilst this replaced the previous Planning Policy Statements and Guidance Notes, it does not replace existing local policies that form part of the development plan. It does state however, that the weight that should be given to these existing local policies and plans will be dependent on their degree of consistency with the NPPF. Therefore, the closer the policies in the development plan to the policies in the Framework, the greater the weight that may be given to them.
- 5.2 With regard to this specific application, it is considered that policy GB1 is not entirely in accordance with the NPPF. Where there is a difference or conflict in policy, then the NPPF takes precedence. All of the other relevant local policies identified throughout this report are in accordance with the NPPF, and as such, it is considered that they should be afforded significant weight and that it is considered appropriate to still assess this current application against them.
- 5.3 The application site is within a Green Belt location. Development in the Green Belt is generally considered inappropriate under the National Planning Policy Framework (NPPF) and relevant Local Plan Policies. The NPPF provides national policy guidance relating to appropriate development within Green Belt locations which is specifically detailed within section 13 of the NPPF under 'Protecting Green Belt land'.
- 5.4 Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.5 Paragraphs 154 and 155 of the NPPF provide a specific limited number of exceptions to inappropriate development. The proposal is not considered to meet with any of the stated exceptions and must therefore by definition be inappropriate development. This is acknowledged within paragraph 7.13 of the submitted Design and Access Statement.
- 5.6 Paragraph 152 of the NPPF states that: "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."
- 5.7 Paragraph 153 adds: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green

Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

- 5.8 In this instance the proposal results in harm to the Green Belt by way of its inappropriateness. Additionally, as the proposed replacement building has a 21sq.m larger footprint and an 8 cubic metre larger volume than the existing building, it would impact upon openness. Given the small increases, the level of harm would be small.
- 5.9 The submitted Design and Access Statement sets out the applicant's 'very special circumstances'. However, these will be considered as part of the overall Planning Balance, as the NPPF requires all harms are weighed against the 'very special circumstances'. As such, all other planning considerations must first be assessed in order to establish if any other harms exist.

#### **Transport matters and parking**

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

- 5.10 The Council's Highways team have reviewed the proposal and consider that sufficient parking is provided for the size of dwelling proposed. They also have no objection to the proposed access subject to conditions allowing vehicles to clear the highway without obstruction.
- 5.11 Taking these factors into account, it is considered that the proposal complies with relevant local and national planning policies.

#### **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)

- 5.12 Due to its height and position the existing building is not overly apparent within the street scene. Notwithstanding this, the slope of the road means that it is visible within the existing street scene upon passing the application site. As an agricultural building, its external clad walls and steel clad roof present an unusual appearance, with its shape and external materials appearing out of context when viewed so close to a highway.
- 5.13 The proposed materials for the dwelling, consisting of brick walls and a clay tile roof, would have a more traditional appearance for a building set adjacent to dwellings and in close proximity to a highway.
- 5.14 The proposed replacement building would also be shorter in width and depth making it less visually prominent from wider viewpoints and increasing the level of space and perceived space around its edges.
- 5.15 Compared with the existing building the proposed building would have lower eaves whilst maintaining a ridge height matching the existing at its highest point.

- 5.16 The Design and Access Statement indicates additional native tree planting as part of a landscaping scheme which could be conditioned to be agreed with the Local Authority.
- 5.17 Overall, it is considered that the proposed layout, landscaping and replacement building would improve the appearance of the application site and contribute positively to its immediate and wider surroundings. It is considered that this represents a benefit of the scheme to which moderate weight should be attached. It is therefore considered that policies relating to placemaking and design are met accordingly.

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

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

H11 (Alterations and extensions to dwellings)

- 5.18 Although the proposed dwelling features windows facing the neighbouring residential dwellings to the North, the dwelling would be single storey as such no overlooking of neighbouring property would occur. The proposal does not result in loss of light or overshadowing of neighbouring properties.
- 5.19 The property is in relatively close proximity to the M40 motorway. The applicant has worked with the Council's Environmental Health team to overcome concerns regarding noise. The proposal includes a 'winter garden' in addition to outdoor amenity space, concerns regarding noise relating to the use of the outdoor space have been sufficiently mitigated.
- 5.20 In addition to the 'winter garden' the proposal includes sufficient outdoor amenity space for a dwelling of the proposed size. Conditions are proposed to ensure appropriate landscaping.
- 5.21 Sufficient light is provided into each of the proposed habitable rooms, and both the dwelling and the outdoor amenity space are sufficiently sized.

#### **Environmental issues**

Core Strategy Policies:

CP12 (Sustainable energy)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

- 5.22 The proposal involves the re-use of a barn and agricultural land. The Council's Environmental Health team have looked at the possible risk of the land being contaminated and have recommended conditions which have been reviewed by Officers and agreed as being reasonable and necessary.

#### **Flooding and drainage**

Core Strategy Policies:

CP13 (Environmental and resource management)

- 5.23 The property lies in Flood Zone 1 (the lowest possible risk category). A Flood Risk Assessment has been submitted with the application. The conclusion sets out a number of recommended measures regarding floor heights, materials and other practicable steps. The proposal will not increase the risk of flooding to future occupants or neighbouring properties. It is recommended that a condition be added

requiring the measures set out within the conclusion be undertaken prior to occupation of the building.

### **Landscape and visual Impact**

Core Strategy Policies:

CP9 (Natural environment)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP4 (Landscaping)

5.24 Although the proposed plans show indicative areas for planting, details regarding species and size of planting will be required. Conditions are therefore proposed to enable the Council to ensure that landscaping is appropriate and retained for a reasonable minimum period.

### **Ecology**

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

5.25 The Council's Ecology team have recommended that a net gain in biodiversity enhancement is achieved in line with the NPPF. Their response provides suggestions for how this can be achieved as well as a requested condition requiring the agreement and installation of appropriate enhancement measures.

5.26 The development site is located within 5.6km of Burnham Beeches. Recreation within Burnham Beeches has resulted in an adverse impact on the health of the site. Impacts include trampling, soil compaction, climbing damage to trees, dog fouling, the spread of disease and an import of non-native species.

5.27 Natural England have advised that due to new evidence coming to light as part of the evidence base for the emerging Chiltern and South Bucks Local Plan, it is recognised that new housing within 5.6km of the internationally designated Burnham Beeches Special Area of Conservation (SAC) can be expected to result in an increase in recreation pressure. They advise that the 5.6km zone represents the core area around the SAC where increases in the number of residential properties will require Habitats Regulations Assessment.

5.28 In light of the new evidence relating to the recreation impact zone of influence, Natural England advise that planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species Regulations 2017 (as amended), to housing development within 5.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

5.29 Development in accordance with the new evidence would not be likely to have a significant effect on the SAC because it will provide, or make an appropriate contribution to, acceptable avoidance and mitigation measures. The planning authority can grant planning permission to such developments in accordance with the Regulations.

5.30 The mitigation would be in the form of a financial contribution towards the Burnham Beeches Access Management Scheme, or any subsequent scheme which replaces it, and this would be secured by way of a legal agreement.

- 5.31 However, development proposals which are not in accordance with the new evidence would be likely to have a significant effect on the SAC, either alone or in combination with other plans and projects.
- 5.32 In this instance, an HRA undertaken by the Council concludes that the proposed development is likely to lead to significant effects on the SAC as a result of increasing recreational pressure, and that mitigation is required to address it. An Appropriate Assessment undertaken by the Councils for this application concludes that the Strategic Access Management and Monitoring Strategy (SAMMS) which has been agreed with Natural England is robust and capable of mitigating the likely significant effects of the proposal provided the proposal pays a contribution towards the Strategic Access Management and Monitoring Strategy and legal fees to the Council. A copy of the Appropriate Assessment can be found attached as Appendix C.
- 5.33 Provided a legal agreement is completed which secures this financial contribution, Natural England are satisfied with the development and do not raise an objection on grounds relating to its impact on Burnham Beeches.
- 5.34 The applicant has provided written confirmation of their agreement to enter into a legal agreement.

#### **Infrastructure and Developer Contributions**

Core Strategy Policies:

CP6 (Local infrastructure needs)

- 5.35 The application would also be subject to the Council's Community Infrastructure Levy (CIL) scheme, for which a further fee would be applicable.

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

- 6.1 Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Harm has been identified by reason of inappropriateness and loss of openness, the NPPF sets out that any harm to the Green Belt should be given substantial weight.
- 6.2 The applicant's submitted Design and Access Statement sets out that Case Law directs that the Council must take full consideration of any presented 'fallback' development which has a 'real prospect' of being undertaken as an alternative to the proposal before them.
- 6.3 In this case the Council is directed to a planning permission granted at Committee level in July 2023 which granted conditional consent for the conversion of the existing agricultural building to a residential dwelling, with an extension forming a 'winter garden'. This permission can still be implemented and should be considered as a viable 'fallback' with 'real prospect'.
- 6.4 The application provides a comparative volume calculation showing the 'area' and 'volume' of the existing building, the approved extended building, and the proposed building. The comparison demonstrates a 55 cubic metre reduction in volume against the approved dwelling, with no increase to area.
- 6.5 The proposed building would therefore have a reduced bulk and massing when compared to the approved building, and as such its impact on the spatial openness of

the Green Belt would be less. The spatial increase to the openness of the Green Belt as a result of this reduction in bulk and massing is a benefit to the openness of the Green Belt and moderate weight is attached to this benefit.

- 6.6 The proposed building would have a reduced width and depth in comparison to the existing and approved? building. This is achieved by relocating built form more towards the middle of the existing building and combined with a reduction to the eaves height results in a more compact building making it less visibly prominent when viewed from distance. The reduced spread in built form is considered to result in a beneficial increase to the visual impact on the Green Belt which can again be afforded moderate weight.
- 6.7 A further benefit of the proposal over the existing and approved development is the improvement to the layout, character and appearance of the site and built form in its wider context. The slight repositioning of the building allows for it to be set back slightly from its boundaries, reducing the visual impact in the street scene and allowing greater room for soft landscaping as an additional buffer. The change in shape and materials also gives a more domestic appearance to the development which will better complement its immediate surroundings. The improvement to the character of the site, street scene, and surroundings can be afforded moderate weight.
- 6.8 It must also be recognised that the Council currently has a short fall in its 5 year housing supply to which the proposal would positively contribute. Given that the contribution would be a single dwelling this can be afforded limited weight.
- 6.9 When taking these combined factors into account and recognising the benefits to the Green Belt that the current proposal would bring over the fallback position, it is considered that the benefits of the scheme clearly outweigh the harm to the Green Belt. As such, it is concluded that 'very special circumstances' exist which outweigh the harms identified,
- 6.10 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.
- 6.11 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. As set out above it is considered that the proposed development would accord with development plan policies.
- 6.12 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. This housing provision represents a benefit that weighs in favour of the proposal. It is considered that this should be attributed limited weight, and forms part of the overall weighted benefits which outweigh the harm to the Green Belt.
- 6.13 Compliance with Core Strategy and Local Plan policies have been demonstrated in terms of preserving residential amenities, parking and access, 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.

- 6.14 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 that would significantly and demonstrably outweigh the benefits.
- 6.15 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.
- 6.16 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 planning permission being granted in this instance.
- 6.17 The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

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

- 7.1 In accordance with Section 4 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.
- 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.

## **8.0 Recommendation:** Conditional Permission, 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.  
Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990. (SS01A)
- 2. No construction works above ground level shall take place until details of all materials to be used in the construction of the development hereby permitted have been submitted to and approved by the Local Planning Authority in writing. The details shall include the choice of elevational materials, including the interface between different materials, as well as details of the hardsurfacing materials, boundary treatments and ancillary structures. 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.)
- 3. Development shall not begin until a written scheme for protecting the residents of the proposed dwelling, including the proposed winter garden, from noise from nearby traffic sources has been submitted and approved in writing by the Local Planning Authority. The scheme shall comprise of such measures as are necessary to ensure compliance with sound levels as outlined in the BS 8233:2014 standards and shall include, but not be limited to, glazing and ventilation systems. Any measures which form part of the scheme approved, which shall also include external amenity areas, by the Authority shall be carried out in accordance with the approved scheme, prior to the first occupation of the development and shall thereafter be retained.

Reason: To safeguard the amenities of future occupiers. (Policies EP3 and H9 of the South Bucks District Local Plan (adopted March 1999) refers.)

4. Prior to the commencement of any development a combined construction method statement and ecological enhancements scheme shall have been submitted to, and approved in writing by the Local Planning Authority. This to include details of protection measures for priority habitat Lowland Mixed Deciduous Woodland, reasonable avoidance measures for protected and notable species (bats, nesting birds, amphibians, reptiles and hedgehog) and biodiversity features for bats, nesting birds, reptiles and amphibians. The development shall proceed in accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development and retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Policy 9: Natural Environment of the South Buckinghamshire Core Strategy and safeguarding species and habitats that may otherwise be affected by the development.

5. 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, 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.

6. 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>.

7. 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 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 8.

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.

8. 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.

9. Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order) no gates, fences, walls or other means of enclosure other than those shown on the approved plan shall be erected along the site frontage within 5 metres of the edge of the carriageway.

Reason: To enable vehicles to draw off clear of the highway for the safety and convenience of the highway users.

10. 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.)

11. Notwithstanding any indications illustrated on drawings already submitted, the dwellinghouse hereby permitted shall not be occupied until a scheme of landscaping which shall include indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained has been submitted to and approved in writing by the Local Planning Authority. None of the trees, shrubs or hedgerows 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. (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.)

12. 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.)

13. In implementing this planning permission, the developer shall ensure that the existing soil levels around the boles of the trees to be retained are not altered. (ST04)

Reason: To ensure that the trees are not damaged during the period of construction. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

14. Notwithstanding the information already submitted, the dwellinghouse hereby approved shall not be occupied until there has been submitted to and approved by the District Planning Authority flood risk prevention measures. ensuring that the proposed development would be resilient and resistant to the risk of flooding within the site and

neighbouring land. Thereafter the development shall be implemented in accordance with this approved scheme.

Reason: To ensure satisfactory natural drainage from the proposed development in the interests of the application site and neighbouring properties. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999), Core Policy 13 of the South Bucks Core Strategy (adopted February 2011) and Section 14 of the National Planning Policy Framework refer.)

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

**List of approved plans:**

<u>Received</u>	<u>Plan Reference</u>
29 Jan 2024	2793-PL302
29 Jan 2024	2793-PL303
29 Jan 2024	2793-PL301
29 Jan 2024	2793-PL304
29 Jan 2024	2793-PL300

**INFORMATIVE(S)**

1. Whilst it would appear from the application that the proposed development is to be entirely within the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over any adjoining property. (SIN06)
2. 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)

3. The Council is the Charging Authority for the Community Infrastructure Levy (CIL). CIL is a charge on development; it is tariff-based and enables local authorities to raise funds to pay for infrastructure.

If you have received a CIL Liability Notice, this Notice will set out the further requirements that need to be complied with.

If you have not received a CIL Liability Notice, the development may still be liable for CIL. Before development is commenced, for further information please refer to the following website <https://www.southbucks.gov.uk/CIL-implementation> or contact 01494 475679 or [planning.cil.csb@buckinghamshire.gov.uk](mailto:planning.cil.csb@buckinghamshire.gov.uk) for more information.

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

### Councillor Comments

#### **CLlr Jaspal Chhokar (call in confirmation 10/04/2024):**

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment: I would like to call in this application for it to be determined by the planning committee due to the potential harm to the greenbelt that could be caused by the new dwelling. I believe this requires scrutiny from the committee to determine whether this outweighs the possible benefits of the development.

I confirm I have no Disclosable Pecuniary Interest, personal interest, prejudicial interest or any personal bias in this application.

#### **CLlr Jaspal Chhokar (initial call in request 03 March 2024):**

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment: I would like to call this application in for scrutiny by the planning committee due to the green belt location and planning history of this site.

### Parish/Town Council Comments (Fulmer Parish Council)

We object the following application on the basis of:

- Greenbelt development
- Over development on site
- And would like to call in our objection supporting Councillor Jaspal Chhokar

#### **Dukes Kiln Farm WindsorRoad Gerrards Cross Buckinghamshire**

#### **PL/24/0284/FA**

**Demolition of agricultural building, construction of three bed single storey dwelling house, and laying of hardstanding.**

[https://pa-csb.buckinghamshire.gov.uk/online-](https://pa-csb.buckinghamshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S80JPQESGXH00)

[applications/applicationDetails.do?activeTab=documents&keyVal=S80JPQESGXH00](https://pa-csb.buckinghamshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S80JPQESGXH00)

**\*Registered 29.01.24 No objection if compliance met**

### Consultation Responses

#### **Access for the Disabled Officer (Buckinghamshire Council)**

No response at the time of writing this report.

#### **Building Control (Buckinghamshire Council)**

No response at the time of writing this report.

#### **Corporation of London**

No response at the time of writing this report.

#### **Ecology (Buckinghamshire Council)**

#### **Summary**

**No Objection subject to conditions**

A condition relating to a combined Construction Method Statement and Ecological Enhancements Scheme is recommended.

### **Discussion**

The application is supported by a Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech, 21/01/2024).

### **Special Area of Conservation**

The site is within the 5.6km Zone of Influence of Special Area of Conservation Burnham Beeches. Please consult Natural England on this application.

### **NERC Act Section 41 Habitat of Principal Importance**

According to Magic Maps the site is immediately adjacent to NERC Act Section 41 Habitat of Principal Importance Lowland Mixed Deciduous Woodland.

### **Biodiversity Opportunity Area**

The site lies within the Biodiversity Opportunity Area Colne Valley. Buckinghamshire's Biodiversity Opportunity Areas identify habitat creation and restoration priorities for different parts of the county using a targeted landscape-scale approach.

Target habitats within the Colne Valley BOA include rivers and streams, lakes and ponds, reedbed, woodland, lowland meadow, purple moor grass and rush pasture, fen, wood pasture and parkland, traditional orchard and hedgerows.

### **Protected Species**

The building to be demolished was found to have negligible potential to support roosting bats owing to the lack of potential roosting features. Therefore, no further bat survey information is required.

The safeguarding of bats and of other protected species (including nesting birds, amphibians and reptiles and badger) during construction works should be addressed in a construction method statement to be secured via a condition to any approval granted. The statement should also include measures to take to protect the adjacent priority habitat from destruction of ground flora or pollution/dust deposition.

Artificial lighting needs to be designed in accordance with the 'Guidance Note 08/23: Bats and artificial lighting in the UK' (Institute of Lighting Professionals, 2023).

If external lighting is proposed please consult us further with the details. Given the location of the site immediately adjacent to priority woodland, lighting should be kept to a minimum across the site and dark zones along mature trees and the periphery of the site be maintained.

### **Biodiversity Enhancements**

In line with recognised good practice and government policy on biodiversity and sustainability, all practical opportunities should be taken to harmonise the built development with the needs of wildlife.

It is recommended that the following biodiversity enhancements (in addition to native planting/landscape planting beneficial to wildlife) are secured via an ecological enhancements scheme.

A single condition for a combined construction method statement and ecological enhancements scheme is recommended.

**Bats:** One bat box integrated into the building on a southerly aspect/orientation (south, south-west

and south-east). Example specifications include the Habibat Bat Box shown below or Schwegler 1FR/2FR Bat Tube. The box should be located a minimum of 3 metres, but ideally 5-7 metres above ground, in a position near the eaves or gable apex. Placement should avoid windows, doors and wall climbing plants.

**Swifts:** One swift box integrated into the building on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Manthrope 'GSWB' Swift Brick as shown below or the Vivara Pro Cambridge Brick Faced Swift Nest Box. The box should be located high within the gable wall, ideally above 5m high, below the overhang of the verge and barge board.

**Reptiles and Amphibians:** Hibernacula should be created on-site to provide features for reptiles and amphibians to hunt for food, use as shelter and hibernate within during the winter. Hibernacula can be created using a variety of materials, including, grass piles/compost, loose stones and soil as wells log/brush piles. Hibernacula should be located within proximity to habitat features used by reptiles and amphibians, including sunny spots such as southward facing banks, dense vegetation/hedgerows and waterbodies such as ponds. Examples of suitable designs and methodologies for creating hibernacula can be located within, but not limited to, the Great Crested Newt Conservation Handbook, Froglife 2001 (see diagram below) and the RAVON + ARG UK Grass Snake Egg-laying Heaps Flier, 2019.

## **Legislation, Policy and Guidance**

### **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.

### **Nesting birds**

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.

### **Great crested newt**

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore it is illegal to capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection.

### **Badger**

Badgers and their setts (including tunnels) are protected under the Protection of Badgers Act 1992. The most likely offences through development include wilful killing and injury of a badger, intentional or reckless damage or destruction of a badger sett, obstruction of access to a sett, or to disturb a badger when it is occupying a sett.

### **Reptiles**

All reptile species are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally kill or injure a reptile.



All reptile species are listed in Section 41 of the Natural Environment and Rural Communities Act as Species of Principal Importance – Priority Species.

### **NERC Act Section 41 Habitat of Principal Importance - Priority Habitat**

Local planning authorities have a duty to conserve and enhance biodiversity under the Natural Environment and Rural Communities Act 2006 (NERC Act 2006).

The NERC Act 2006 requires that the Section 41 habitats and species 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 and enhancement of biodiversity when carrying out their normal functions.

### **National Planning Policy Framework**

Paragraph 180d of the 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 pressures”.

The NPPF in section 185b 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 Paragraph 186a 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 Paragraph 186d 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.”

### **Core Policy 9: Natural Environment - South Bucks District Core Strategy**

Buckinghamshire Council resolved to withdraw the Chiltern and South Bucks Local Plan 2036 on 21<sup>st</sup> October 2020. The Core Strategy for the South Bucks District area (adopted February 2011) ‘Core Policy 9: Natural Environment’ states that: “The highest priority will be given to the conservation and enhancement of the natural beauty of the Chilterns Area of Outstanding Natural Beauty, and the integrity of Burnham Beeches Special Area of Conservation. The conservation and enhancement of the Chilterns AONB and its setting will be achieved by ensuring that all development complies with the purposes of the AONB and its Management Plan.

The conservation and enhancement of Burnham Beeches SAC, and its surrounding supporting biodiversity resources, will be achieved through restricting the amount of development in close proximity to the site, and ensuring that development causes no adverse effect on the integrity of the SAC. Further details on mechanisms for achieving this will be given in the Development Management DPD.

More generally, the landscape characteristics and biodiversity resources within South Bucks will be conserved and enhanced by:

- Not permitting new development that would harm landscape character or nature conservation

interests, unless the importance of the development outweighs the harm caused, the Council is satisfied that the development cannot reasonably be located on an alternative site that would result in less or no harm and appropriate mitigation or compensation is provided, resulting in a net gain in Biodiversity.

- Seeking the conservation, enhancement and net gain in local biodiversity resources within the Biodiversity Opportunity Areas, on other non-designated land, on rivers and their associated habitats, and as part of development proposals.
- Maintaining existing ecological corridors and avoiding habitat fragmentation.
- Conserving and enhancing landscapes, informed by Green Infrastructure Plans and the District Council's Landscape Character Assessment.
- Improving the rural/urban fringe by supporting and implementing initiatives in the Colne Valley Park Action Plan.
- Seeking biodiversity, recreational, leisure and amenity improvements for the River Thames setting where opportunities arise, for example at Mill Lane (see Core Policy 15).

Further guidance on the protection and enhancement of landscape and biodiversity resources will be given in the development Management DPD."

### **Conditions**

#### **Restrictions on commencement of development until protection measures and specific biodiversity outcomes are achieved:**

Prior to the commencement of any development a combined construction method statement and ecological enhancements scheme shall have been submitted to, and approved in writing by the Local Planning Authority. This to include details of protection measures for priority habitat Lowland Mixed Deciduous Woodland, reasonable avoidance measures for protected and notable species (bats, nesting birds, amphibians, reptiles and hedgehog) and biodiversity features for bats, nesting birds, reptiles and amphibians. The development shall proceed in accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development and retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Policy 9: Natural Environment of the South Buckinghamshire Core Strategy and safeguarding species and habitats that may otherwise be affected by the development.

#### **Environmental Health (Buckinghamshire Council - contamination)**

Historical mapping shows that there were buildings on site in the 1920s, a feature is shown to the north, the feature is depicted as having sloping sides and appears to be a pit or quarry, further buildings are shown on site during the 1955-1974 epoch, the buildings are likely to have been associated with Dukes Kiln Farm, the M40 Motorway is shown adjacent to the site to the south on the map for the 1970s.

Online historical mapping shows that there was a small building on site in 1899.

Our records indicate that the land to the south of the site has had a previous potentially contaminative use (clay bricks & tiles (manufacture) & Unknown Filled Ground (Pit, quarry etc.)).

The proposed development site has had an agricultural use. There are associated risks from landfilling, storage and use of fuels, fertilisers, pesticides and herbicides, asbestos containing materials in buildings and other activities as outlined in the Department of Environment Industry Profiles.

The site has had a previous potentially contaminative 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, 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.

### **Environmental Health (Buckinghamshire Council - noise)**

The application and supporting documents have been reviewed by Environmental Health. As was our position with the previous application for the site (PL/22/3993/FA, granted in January 2024), Environmental Health continue to have concerns about the impact of noise on the future occupants of the proposed development.

As previously stated in our response to application PL/22/3993/FA, given the close proximity of the development site to the M40 there is a significant potential for noise to materially impact on the amenity of the future residents of the proposed dwellings. However, Environmental Health have reviewed the Noise Impact Assessment Report prepared by KP Acoustics Ltd. (report ref: 25891.NIA.02, dated 24/01/2023) submitted in support of this application and agree with its main conclusion – with careful acoustic design the dwelling can be adequately insulated against excessive external noise.

### **External Amenity**

In order to address the issue of external amenity, the acoustic consultant has recommended a 'winter garden area'. Whilst this structure is shown on the provided proposed ground floor plan, no further details of the structure have been provided, most relevant being the proposed materials/construction, therefore the acoustic performance of the structure is unknown. Environmental Health would also suggest that the LPA considers whether the size of the proposed winter garden (approximately 4mx4.5m) is sufficient 'external amenity space' for a dwelling of this size.

Irrespective of the proposed winter garden, the development still consists of a patio and garden area that would be classed as external amenity spaces.

BS8233 recommends that for external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T, as follows:

'For traditional external areas that are used for amenity space, such as gardens and patios, it

is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T, which would be acceptable in noisier environments. However, it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not

be prohibited.'

It is clear from the provided Noise Impact Assessment Report that these levels would be exceeded in the proposed external amenity spaces. The LPA will need to consider the level of compromise for this development between elevated noise levels and the desirability of the development.

**Ultimately the LPA will need to consider the level of compromise for this development between elevated noise levels and the desirability of the development. However Environmental Health accept the steps taken by the applicant propose mitigation/alternatives that are practically achievable within the setting of the development.**

### **Internal Amenity**

Within the Noise Impact Assessment, the acoustician has provided a number of recommendations in respect of specification for glazing and ventilation which has been calculated based on the findings from the noise monitoring carried out in January 2023. Whilst such glazing and ventilation systems will undoubtedly reduce the impact of noise on internal amenity, no proposed scheme has been produced following the acousticians recommendations and therefore the LPA currently only has a recommendation from a third party (i.e. KP Acoustics Ltd.) and has no detailed scheme or acknowledgment/acceptance from the applicant in relation to this matter.

As such, it is recommended that in order to ensure such acoustic design and internal levels are achieved, including the proposed winter garden, should the LPA grant permission, they may wish to impose a condition in respect of such controls.

The below condition aims to ensure acceptable noise levels are achieved:

Development shall not begin until a written scheme for protecting the residents of the proposed dwelling, including the proposed winter garden, from noise from nearby traffic sources has been submitted and approved in writing by the Local Planning Authority. The scheme shall comprise of such measures as are necessary to ensure compliance with sound levels as outlined in the BS 8233:2014 standards and shall include, but not be limited to, glazing and ventilation systems. Any measures which form part of the scheme approved, which shall also include external amenity areas, by the Authority shall be carried out in accordance with the approved scheme, prior to the first occupation of the development and shall thereafter be retained.

**Reason:** To safeguard the amenities of future occupiers.

### **Highways Management (Buckinghamshire Council)**

Windsor Road is classified as the B416. When considering trip generation, the site as it currently operates is likely to generate vehicle trips comparable to that of the proposed dwelling. Therefore, I do not consider the overall development to result in an intensification of the site. The Highway Authority is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.

The site is not considered sustainable in the context of the transport requirements of the National Planning Policy Framework (NPPF) and would be reliant on the use of the private motor vehicle. However, it is recognised that other policies of the Framework support the principle of farm diversification and that accessibility to non-car modes will not be as well provided for in rural areas as they would be in urban areas.

Two spaces are proposed in line with the Buckinghamshire Countywide Parking Standards. The parking standards specify that each parking space should be a minimum of 2.8m x 5m wide. I can confirm that these spaces are of adequate dimensions and would allow for vehicles to park, turn and leave the site in a forward gear. The existing access is to be retained.

The proposals involve the additional of gates access point. The Highway Authority requires gates to be set back a minimum of 5m from the carriageway edge to allow vehicles to pull clear of the highway. I can confirm this measurement is met.

Mindful of the above, I do not have any objections to this proposal subject to the following conditions imposed in any consent you may grant:

**Condition:** 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 2:** Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order) no gates, fences, walls or other means of enclosure other than those shown on the approved plan shall be erected along the site frontage within 5 metres of the edge of the carriageway.

**Reason:** To enable vehicles to draw off clear of the highway for the safety and convenience of the highway users.

### **Waste Management (Buckinghamshire Council)**

I have looked at the plans and consideration has been given to waste management and container provision aspects of the proposal. Waste collection point indicated on plans and appropriate external storage areas illustrated for containers within the curtilage of the property.

Standard container provision for domestic households is one of each bin for refuse (180L), recycling (240L), paper/card box (55L) and food caddy (23L). Optional 240L garden on a subscription basis.

Therefore, Waste services have no objections towards the proposal for waste and recycling provisions at property.

Residents to present their waste and recycling at the property boundary for kerbside collections.

The property developer is required to complete a 'Apply for domestic waste services at a new property or development'. This form should be completed at least 6 weeks prior to the first date of occupation to allow time to process your application and deliver containers.

All collections to take place in accordance with Council policies.

### **Natural England**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### **Summary of Natural England's Advice**

Designated Sites [European] – No objection subject to securing appropriate mitigation for Recreational Pressure Impacts on Habitat Sites (European Sites).

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions.

For all future applications within the zone of influence identified by your authority, please only

consult Natural England once the HRA has been produced.

Further information regarding Recreational Pressure Impacts on Habitat Sites (European Sites):

Natural England considers that this advice may be used for all applications that fall within the parameters detailed below.

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as **Burnham Beeches Special Area of Conservation (SAC)**. It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will (in our view) be sufficiently certain and effective in preventing adverse impacts on the integrity of those European Site(s) within the ZOI from the recreational impacts associated with such development.

However, following the People Over Wind ruling by the European Court of Justice, mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment. In the light of this, these measures) should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

Providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, Natural England is likely to be satisfied that your appropriate assessments will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives. In this scenario, Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

#### **Other advice**

#### **Priority habitats and Species**

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on [Gov.uk](http://Gov.uk). Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

#### Representations

##### **Amenity Societies/Residents Associations**

None.

##### **Other Representations**

##### **Objecting (representations from 1 address summarised below)**

- Noise exceeds recommended tolerance for future residents
- Impact on wildlife and trees (tree removal and other works have previously been undertaken on associated land to the rear of the application site)

##### **Denham Aerodrome**

Stance: Customer made comments neither objecting to or supporting the Planning Application

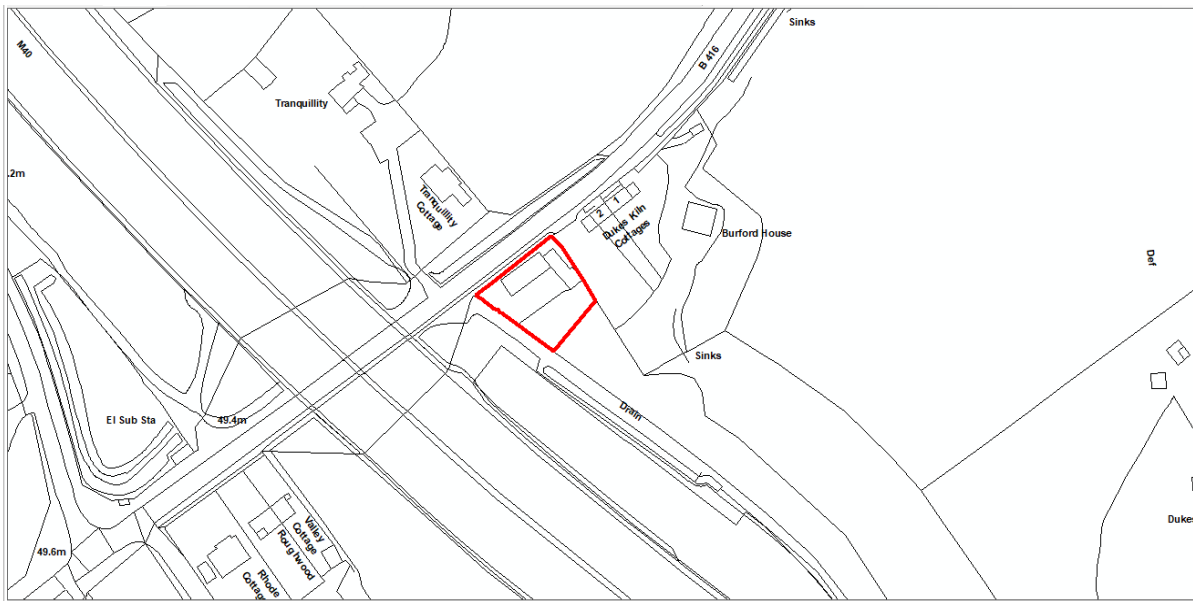
Comment: We would like to draw attention to the fact that the site is within the Denham Aerodrome Traffic Zone.

Denham is a long established Civil Aviation Authority Licensed Aerodrome providing facilities for business aviation and flying training for both fixed and rotary wing aircraft, and may be available for use at any time.

It is inevitable that any occupants in this location will both hear and see aircraft operations including aircraft and it is important that all concerned are aware of the juxtaposition of the sites.



## APPENDIX B: Site Location Plan



**Do not scale – this map is indicative only**

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationary Office © Crown Copyright 2012. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Buckinghamshire Council, PSMA Licence Number 100023578

This page is intentionally left blank

## **APPENDIX C: Appropriate Assessment**

### **Appropriate Assessment**

#### **Application Ref. PL/24/0284/FA**

#### **Proposal: Demolition of agricultural building, construction of three bed single storey dwellinghouse, and laying of hardstanding.**

#### **Summary**

Buckinghamshire Council, as Local Planning Authority, has carried out a Habitats Regulations Assessment (HRA) for net new homes in proximity to the Burnham Beeches Special Area of Conservation (BB SAC)<sup>i</sup>. The HRA screened in recreational disturbance from net new homes as having a likely significant effect on the integrity of the conservation purposes of the BB SAC. The HRA sets out what development is likely to have significant effects on the integrity of the conservation objectives of the BB SAC. It concluded that any net new homes within 500 metres of the boundary BB SAC should be avoided. It also concluded that any net new homes between 500 metres and 5.6 kilometres of the BB SAC need to be mitigated. The conclusions of this HRA can help inform the individual Appropriate Assessments of Planning Applications and Permitted Development.

#### **Informing individual Appropriate Assessment of Planning Applications and Permitted Development**

Evidence from the Council's Consultants Footprint Ecology<sup>ii</sup> has concluded that likely significant effects on the integrity of the BB SAC from recreational disturbance would derive from a net increase in new homes within a linear distance of 5.6 kilometres from the boundary of the BB SAC. The disturbance is from additional human and dog presence. Using this evidence, Buckinghamshire Council's HRA determined that the likely significant effects within a 500 metre linear distance of the BB SAC boundary zone were so likely to harm the integrity of the conservation purposes of the BB SAC that net new homes should be avoided as it would not be possible to mitigate the impacts from the recreational disturbance. It also determined that net new homes within a linear distance between 500 metres and 5.6 kilometres of the BB SAC's boundary would need to be mitigated.

The HRA concluded that Planning Applications and Permitted Development, which provide for a net increase in new homes within the 500 metres to 5.6 kilometres zone would have a significant likely effect on the conservation features of the BB SAC and that such applications and permitted development can only be permitted if the applicant enters into a legal agreement with Buckinghamshire Council, as Local Planning Authority, to pay towards Buckinghamshire Council's Strategic Access Management and Monitoring Strategy. Natural England (NE), the Government's conservation advisor, agreed with the findings in the HRA.

#### **Appropriate Assessment of Planning Application reference number PL/24/0284/FA**

##### **1. The Conservation of Habitats and Species Regulations (2017)**

In accordance with Regulation 63 of The Conservation of Habitats and Species Regulations (2017), a competent authority (in this case Buckinghamshire Council), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site...(either alone or in combination with other plans or projects), and

b. is not directly connected with or necessary to the management of that site

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

A person applying for any such consent, permission or other authorisation must provide such information as Buckinghamshire Council may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required. Buckinghamshire Council must, for the purposes of the assessment, consult the Conservation Body, NE, and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), Buckinghamshire Council may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

In considering whether a plan or project will adversely affect the integrity of the site, Buckinghamshire Council must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

## **2. Stages 1-3 Screening for Likely Significant Effects**

Buckinghamshire Council accepts that this proposal is a 'plan or project' which is not directly connected with or necessary to the management of the Burnham Beeches Special Area of Conservation (BB SAC). The potential likely significant effects on the integrity of the BB SAC is from recreational disturbance. A net increase in homes is likely to result in additional visits to the BB SAC with consequential erosion and pollution within the BB SAC.

At this stage Buckinghamshire Council cannot rule out the likely significance effects on the BB SAC (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of the SAC. This is because the proposal lies between 500 metres and 5.6 kilometres of the boundary of the BB SAC and represents a net increase in homes within this zone which will lead to an increase in local population and a likely increase in recreational disturbance within the SAC.

As the likely significance effect cannot be ruled out at this stage an Appropriate Assessment must be undertaken.

## **3. Stage 4 Appropriate Assessment**

500 metres or more to 5.6 kilometres

Based on the information proposed by the applicant, Buckinghamshire Council must decide whether or not an adverse effect on site integrity (alone or in combination with other plans or projects) can be ruled out. Mitigation may be able to be provided so that the proposal can reduce adverse effects.

The Council considers that the Strategic Access Management and Monitoring Strategy (SAMMS) which has been agreed with Natural England is robust and capable of mitigating the likely significant effects of the proposal over 500 metres and up to 5.6 kilometres provided the proposal pays a contribution towards the Strategic Access Management and Monitoring Strategy and legal fees to the Council. The SAMMS is attached as Appendix 1.

### **a. Fees and Mitigation**

For this proposal the following apply:

- Buckinghamshire Council List of Fees and Charges (Fees)
- Strategic Access Management and Monitoring Strategy (SAMMS)

If paid, the project as proposed would not adversely affect the integrity of the BB SAC.

### **Legal Fees**

To cover Buckinghamshire Council's reasonable legal costs and disbursements incurred in connection with the Unilateral Undertaking and the Council's Monitoring Fee.

The monitoring fee is £541.02 and the legal costs will be determined on a case by case basis.

### **Strategic Access Management and Monitoring Strategy Contribution**

The development will be required to make a contribution towards the SAMMS. SAMMS includes projects for visitor access management, monitoring and education measures on the BB SAC to mitigate the effects of new development on it.

A contribution to the SAMMS of £2,023.87 is required for this development of one dwelling

## **4. Conclusion**

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the

SAC with the result that the Council would be required to refuse this planning application. Buckinghamshire Council considers, following consultation with NE, that the above measures will prevent a likely adverse effect on the integrity of the BB SAC. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017), and permission may be granted subject to any other planning considerations.

#### Conclusion

Provided that the applicant has entered in to a Unilateral Undertaking to secure legal and SAMMS fees the planning application will be in accordance with the SAC mitigation requirements.

If the applicant does not agree with the above mitigation and enter into a Unilateral Undertaking to secure the mitigation, then the application must be refused using the following reason for refusal.

#### **5. Reasons for Refusal**

**The occupants of the proposal would add to the recreational disturbance of the Burnham Beeches Special Area of Conservation as the proposal would not contribute satisfactorily to mitigate its impacts in this respect. In the absence of a legal obligation to secure suitable strategic access management and monitoring, to the satisfaction of the Local Planning Authority, the proposal would be contrary to the findings of the appropriate assessment.**

<sup>i</sup> <https://www.chiltern.gov.uk/article/10331/Chiltern-and-South-Bucks-Local-Plan-Submission-Documents>

<sup>ii</sup> <https://www.chiltern.gov.uk/article/10331/Chiltern-and-South-Bucks-Local-Plan-Submission-Documents>

---

<sup>i</sup> <https://www.chiltern.gov.uk/article/10331/Chiltern-and-South-Bucks-Local-Plan-Submission-Documents>

<sup>ii</sup> <https://www.chiltern.gov.uk/article/10331/Chiltern-and-South-Bucks-Local-Plan-Submission-Documents>