



## Report to South Buckinghamshire Area Planning Committee

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<b>Application Number:</b>	PL/19/4036/FA
<b>Proposal:</b>	Internal and external restoration to house and outbuilding to create two dwellings; replacement of modern windows and doors with traditionally designed elements. Alterations to curtilage listed outbuilding including rear storey extension, addition of front and rear dormers and internal alterations. Change of use to dwelling (Use Class C3) only.
<b>Site Location:</b>	121 High Street Burnham Buckinghamshire SL1 7JZ
<b>Applicant:</b>	Ms H Dosanjh
<b>Case Officer:</b>	Vicki Burdett
<b>Ward affected:</b>	Farnham Common & Burnham Beeches
<b>Parish Council:</b>	Burnham
<b>Valid date:</b>	21 November 2019
<b>Determination date:</b>	24 January 2020
<b>Recommendation:</b>	Conditional Permission

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

- 1.1 Permission is sought for the proposed change of use of the existing ground floor shop to a one-bedroom residential flat (C3), restoration of the first-floor and internal changes, change of use of existing stable outbuilding to a two-bedroom detached dwelling incorporating roof dormers and conservation roof lights and an eastern extension to form a bike and bin storage area.

- 1.2 The cottage is Grade II listed and the site is within the Burnham Conservation Area. The premises have been vacant for a significant period and the buildings are currently in a poor state of repair. The proposal would return the cottage to its original historic use as a dwelling and would facilitate its restoration to a viable long term use that would ensure its upkeep and maintenance in the future. The applicant has also worked closely with the Council's Historic Buildings Officer and he comments that all aspects of the development are in tune with local and national conservation and planning guidance.
- 1.3 The application follows a previous application (Reference 15/00101/FUL) for the conversion of the cottage and outbuilding, including extensions and alterations. This was refused permission based on its impact on neighbouring amenities, the amenities of future occupiers and also highway safety. Following on from the previous refusal the proposed extensions to the outbuilding have been reduced in size and scale in order to address the previous reasons for refusal. In addition, the level of fenestration has been significantly reduced and conditioned to be obscurely glazed and fixed shut to prevent any loss of privacy to neighbouring properties. The private amenity space for the dwelling has been significantly increased from the previous refusal and is considered sufficient to serve a two-bedroom dwelling. Finally, the access point to serve the dwelling has been omitted from the proposed scheme and therefore the previous reasons for refusal have been addressed.
- 1.4 The Highways Development Management Team have confirmed that the proposed development would not materially increase vehicle movements to and from the site in comparison with the existing lawful use as a shop and dwelling. Furthermore, the existing lawful use has no parking provision and has a shortfall of 4 parking spaces when judged against the Council's parking standards. The proposed development does not propose any new parking and would result in the same shortfall of spaces as the existing uses and is not therefore considered to result in any adverse highway implications.
- 1.5 The application has been referred to the Planning Committee following discussion between Officers and the Chairman. In the interests of the wider public it is considered the application would benefit from further scrutiny.
- 1.6 The recommendation for this application is Conditional Permission.

## **2.0 Description of Proposed Development**

- 2.1 Permission is sought for the proposed change of use of the existing ground floor shop to a one-bedroom residential flat (C3), restoration of the first-floor and internal changes, change of use of existing stable outbuilding to a two-bedroom detached dwelling incorporating roof dormers and conservation roof lights and an eastern extension to form a bike and bin storage area.
  
- 2.2 The application relates to 121 High Street in Burnham; an end-of terrace Grade II Listed Cottage located on the corner of the High Street and Gore Road, within the designated Burnham Conservation Area and Local Shopping Centre. The cottage was previously used as a butcher's shop at ground floor, with accommodation above and a large butchers workshop sited within the rear yard area of the site (also known as 'The Stable'). The application site is lawfully within a mixed A1/C3 use, but is currently redundant with the front of the shop boarded up.
  
- 2.3 The application is accompanied by:
  - a) Design and Access Statement
  - b) Heritage Statement
  - c) Structural Engineering Report
  - d) Supporting Guides
  
- 2.4 Throughout the duration of the application amended plans have been received whilst in consultation with Officers to reach an outcome which satisfies concerns raised. These amendments include the reduction in the number and size of the dormer windows, reduction in the size of the proposed extension, reduction in height of the proposed retaining wall and the submission of additional information at the request of the Historic Buildings Officer.

## **3.0 Relevant Planning History**

- 3.1 PL/19/4037/HB – Pending Decision - Listed Building Application for: Internal and external restoration to house and outbuilding to create two dwellings; replacement of modern windows and doors with traditionally designed elements. Alterations to curtilage listed outbuilding single storey rear extension, addition of dormers and internal alterations. Change of use to C3 only.

- 3.2 17/01186/LBC – Refused – 3 January 2018 - Replacement shop front, alterations to fenestration, removal of rear fire escape and internal alterations.
- 3.3 15/00102/LBC – Conditional Permission – 16 March 2015 - Listed Building Application for replacement shop front, alterations to fenestration, internal alterations and removal of rear fire escape. Two storey extensions, alterations and additions to fenestration, internal alterations to outbuilding to facilitate conversion into 3 bedroom residential dwelling incorporating erection of fencing.
- 3.4 15/00101/FUL – Refused – 16 March 2015 - Replacement shop front, alterations to fenestration and removal of rear fire escape. Two storey extensions, alterations and additions to fenestration and change of use of outbuilding to facilitate conversion into 3 bedroom residential dwelling incorporating formation of vehicular access and erection of fencing. The application was refused for the following reasons:

*“Due to the proximity of the resulting development to the southern boundary of the application site and the number of first floor windows that would be inserted into the southern elevation of the proposed dwelling - four in total compared to none at present - the proposal would introduce an unacceptable level of overlooking towards the private amenity areas of the neighbouring properties to the south of the site, which could not be sufficiently mitigated through the use of planning conditions. As such, the proposal would reduce privacy and cause harm to the residential amenities currently enjoyed by the occupants of these neighbouring properties.”*

*“Due to its height, bulk and close proximity to number 121A High Street, the proposal would appear obtrusive and unduly prominent from the sole window serving the proposed bedroom of this neighbouring property and would adversely affect the outlook and visual amenities currently enjoyed by its occupants. As such, the application is contrary to policies EP3 and H9 of the South Bucks District Local Plan (adopted March 1999) and paragraph 17, bullet 4 of the NPPF”.*

*“The proposed amenity space would have a width of 6.5 metres and depths of 3.3 metres and 4.4 metres respectively at its western and eastern boundaries. No other residential properties in the immediate locality have such a small garden when compared to the size of dwelling. The proposed amenity space would not be commensurate to the size of dwelling proposed and as such would be detrimental to the residential amenities of the occupiers of the proposed property. Therefore, the proposal is contrary to policy H9 of the South Bucks*

*District Local Plan (adopted March 1999) and paragraph 17, bullet 4 of the NPPF”.*

*“The proposed access is at a point where visibility is substandard and would lead to danger and inconvenience to people using it and to highway users in general. As such, the development is contrary to policy TR5 of the South Bucks District Local Plan (adopted March 1999), the National Planning Policy Framework and the aims of Buckinghamshire’s Local Transport Plan 3”.*

#### **4.0 Summary of Representations**

4.1 15 neighbouring properties have objected to the proposed development, and 1 letter of support has been received. A summary of consultation responses and representations made on the application can be viewed in Appendix A.

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

- National Planning Policy Framework (NPPF), February 2019.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011
- South Bucks District Local Plan Appendix 5 (Conservation Areas)
- South Bucks District Local Plan Appendix 6 (Parking standards)
- Draft Chiltern and South Bucks Local Plan 2036.
- 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
- The publication version of the Chiltern and South Bucks Local Plan 2036 was approved at Council on 14 May 2019 and it was agreed that this should be endorsed as a material consideration in the determination of planning applications. This document has now gone through the consultation stage.

However, given the draft Local Plan has yet to be examined by the Planning Inspectorate, only limited weight can currently be given to this document.

## **Principle and Location of Development**

### **Core Strategy Policies:**

CP1 (Housing provision and delivery)

CP10 (Employment)

CP11 (Healthy and viable town and village centres)

### **Local Plan Saved Policies:**

C1 (Development within a Conservation Area)

C6 (Alterations and extensions to Listed Buildings)

H9 (Residential Layout and design)

TC1 (Development in Burnham)

S2 (Local Shopping Centres)

- 5.1 The site is located within the developed area of Burnham 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, vitality and the amenity of neighbouring properties.
- 5.2 The Chiltern and South Bucks Townscape Character Study does designate this site as having an 'Tightly Formed Centre' 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. The site is also located within the Burnham Local Shopping Centre as identified by Local Plan Policy S2, and within a Centre Inset Area as identified within Local Plan Policy TC1.
- 5.3 In addition to the above, Chapter 11 of the NPPF encourages Local Planning Authorities to make an effective use of land. Paragraph 117 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting needs for homes and other uses, while safeguarding and improving the environment and ensure safe and healthy living conditions.
- 5.4 Paragraph 122 of the NPPF highlights that planning decisions should support development which makes the efficient use of land, taking into account; housing

need, local market conditions, availability and capacity of infrastructure, maintaining the area's prevailing character and securing well-designed places.

- 5.5 In summary, the site is located within the developed area of Burnham 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, making effective use of land and achieving sustainable development.

### **Employment and Retail issues**

#### **Core Strategy Policies:**

CP10 (Employment)

CP11 (Healthy and viable town and village centres)

#### **Local Plan Saved Policies:**

TC1 (Development in Burnham)

S2 (Local Shopping Centres)

- 5.6 Local Plan Policy TC1 deals with the Centre Inset Area of Burnham. This policy seeks to retain key uses which enhance the vitality or viability of the town centre. It states that planning permission for the change of use or redevelopment of such sites will not be granted unless the proposal is considered to preserve the vitality or viability of the centre. The Council seeks to protect and, where possible, strengthen the retail function of these centres, whilst facilitating or maintaining an appropriate level of diversification. A mix of uses will also be encouraged within the centre inset areas provided that proposals are considered to enhance the vitality of the centre and would not detract from the viability or retail attractiveness of the centre.
- 5.7 The aims of this policy are understood, however, it is considered that the circumstances relating to the application site are relevant. The Agent has submitted a statement detailing that the site has been vacant since 2014 and is currently uninhabitable. Internal restoration works had commenced from a previous owner but have ceased and left the building in an unsatisfactory state.
- 5.8 It is clear that the building is in need of restoration as is in a poor state of repair. Officers consider that its existing use by virtue of the buildings condition and ceased state fails to contribute positively to the vitality of the Shopping Area and

has for many years. Permission is therefore sought to change the use and improve the building in order to restore the heritage asset, re-enhance the vitality of the centre and provide additional housing. As the building is Grade II listed within the Burnham Conservation Area and has been uninhabitable for a period of time, its restoration to enable a viable use and sustain its future is considered to be of benefit to both the listed building and the Conservation Area. It is also noted, that a proposed change of use would return the building to its original historic form.

- 5.9 In addition to this, the submitted Planning Statement stipulates that the location of the building should be noted, with it being at the end of the Policy S2 Area and high street before entering a predominantly residential area, with no further retail units to its north and the property to the south being fully residential.
- 5.10 In light of the above, it is considered acceptable that the site changes to an alternative use, reverting to its historic form. Officers consider that the loss of an A-class unit in this location would not unduly impact on the local services of the area. Shops, cafes and pubs are located within close proximity of the site. It would also be beneficial for this persistently vacant building to be occupied thus boosting the vitality of the immediate area.
- 5.11 It is not considered that the conversion of a vacant retail unit which has been unoccupied for a period of 6 years to residential would harm the vitality of the high street and would continue to ensure a mixed use is still present within the shopping area. Furthermore, the proposed conversion and restoration of the buildings are considered to enhance the vitality of the centre and not detract from the viability of retail attractiveness of the centre. The proposed change of use would be compatible with the area, given the nature of the adjacent residential units. The proposed development would also align with the aims of Core Policy 1 of the adopted Core Strategy (2011) which seeks to deliver new housing provision on previously developed land.
- 5.12 Overall, it is considered that the proposed change of use would maintain the vitality and viability of the area, whilst providing additional housing stock. In light of the above, it is considered that the proposed change of use would adhere to the requirements of Core Strategy Policies CP1 and CP11 and Local Plan Policies S2 and TC1.

### **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)

- 5.13 The application site is located on the corner of the High Street and Gore Road, Burnham. Both the High Street and Gore Road are 'C' class roads, subject to a speed restriction of 30mph. As aforementioned, the proposed development would result in the change of use of an A1 unit to residential, internal and external alterations to existing C3 first-floor flat (No. 121A High Street) and conversion of the existing outbuilding to form a single dwelling.
- 5.14 It is noted that previously under 15/00101/FUL, a new vehicular access was proposed to serve the new dwelling, in addition to a parking area. The application was subsequently refused, with one of the reasons for refusal based on inadequate visibility. The proposed application no longer proposes a new vehicular access point, with no parking provision.
- 5.15 The Highways Development Management Team have been consulted and raise no objections to the proposed development. The Highways team have confirmed that in terms of trip generation, the proposal would not result in a material increase in vehicle movements to and from the site.
- 5.16 Reference has been made to a proposed wall to be erected adjacent to the existing access at the north west of the site. Concerns have been raised that this wall could affect visibility for vehicles coming out of this access onto Gore Road. As such, a planning condition has been recommended to retain the existing level of visibility at this existing access.
- 5.17 As such, in terms of highway implications, no objections have been raised from the scheme and therefore it is not considered that the proposed development would give rise to any highway danger.
- 5.18 In regards to parking provision, it is firstly considered necessary to note the current parking requirements for the A1 and C3 uses present within the application site. To this end, the Agent has put forward a transport assessment within the submitted Planning Statement.

- 5.19 Local Plan Policy TR7 refers to the Council's Parking Standards. The Policy further stipulates that the parking standards set out within Appendix 6 of the South Bucks District Local Plan (1999) are the minimum operational standards considered necessary to serve a proposal. The standards also indicate the maximum level of provision, which will be acceptable. It is also relevant that Paragraph 105 of the NPPF sets out that local parking standards for residential and non-residential development should take account of the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; and local car ownership levels; together with an adequate provision of spaces for electric and other ultralow emission vehicles. In this case, the site is located within a sustainable location, wherein local amenities including shops, pubs, schools, nurseries, pharmacy, bank, church, library, train station and bus services are all located within walking distance.
- 5.20 The lawful use of the cottage includes A1 at ground floor level, and C3 (121A High Street) at first-floor level. The current parking standards are 3 spaces for the retail unit and 1 space for the residential flat. There is currently no parking provided on site and the existing use therefore has a shortfall of 4 parking spaces when judged against the Council's parking standards.
- 5.21 The change of use from A1 to C3 for the entirety of the site would result in a requirement of 1 parking space per flat, and 2 spaces for the proposed dwelling. As such, the parking standard for the proposed development is the same as for the existing use, being 4 parking spaces.
- 5.22 As noted, the Highways Development Management Team have confirmed that the proposed development would not result in a material increase in vehicle movements to and from the site. The Highways officer acknowledges that the site currently does not benefit from any access point and that no parking spaces are proposed to serve the site. However, he also notes that the site is in a sustainable location from a highways perspective and that the parking requirement is no worse than what the site currently requires.
- 5.23 It is also noted that the proposed development incorporates the provision of a bike storage area to be attached to the proposed dwelling. This would allow for the provision of 4 bicycles. As such, alternative modes of transport have been proposed as part of the scheme.

5.24 Overall, Officers acknowledge that the proposal would not provide parking for the proposed units. However, as noted above the existing uses of the building already have zero parking provision with a shortfall of 4 spaces to meet the Council's parking standards. The proposal would not increase this shortfall and the Council's Highways Team has not raised any concerns regarding the impact of the proposal on highway safety subject to conditions. Considering this, the absence of parking provision would not result in a level of harm that would justify refusing the application and no objections are raised with regard to Policy TR7.

### **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)

C1 (Development within a Conservation Area)

C6 (Alterations and Extensions to Listed Buildings)

EP4 (Landscaping)

EP6 (Designing to Reduce Crime)

H9 (Residential development and layout)

H11 (Alterations and extensions to dwellings)

5.25 With reference to heritage assets, the NPPF, Paragraph 189 requires applicants to describe the significance of any heritage assets, with the level of detail proportionate to the importance of the asset, and no more than is sufficient to understand the potential impact of the proposal on their significance.

5.26 Paragraph 193 advises that great weight should be given to the conservation of a heritage asset, with the weight varying depending on the importance of the asset. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (Paragraph 145).

5.27 The Historic Buildings Officer has reviewed the application and worked with the Applicant to secure revisions to ensure the development would maintain the

historic importance of the host Listed Building and conserve the Burnham Conservation Area.

- 5.28 In this case, a sensitive design approach has been taken in the conversion by using traditional details and materials in the refurbishment. The public benefits include the refurbishment of a disused building, the repair of an empty property and the creation of two new units of accommodation in a sustainable location. The proposed development is therefore in accordance with Section 16 of the NPPF, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Local Plan Policies C1 and C6.
- 5.29 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that developments, among other requirements, should function well and add to the overall quality of the area, should be visually attractive as a result of good architecture, layout and landscaping, and should be sympathetic to local character and history. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 5.30 Core Strategy Policy 8 states that all new development must be of a high standard of design and make a positive contribution to the character of the surrounding area.
- 5.31 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 with their surroundings will not be permitted.
- 5.32 Within the existing cottages the proposed change of use would be predominantly limited to internal changes to the existing building with associated external alterations, there would be no increase in built footprint. The proposed external alterations to the cottage comprise the following:
- New front door, window and canopy at front elevation
  - Replacement of modern window at side elevation

- Replacement of modern windows at rear elevation
- Replacement ground floor doors at rear elevation
- Building re-painted in lime-white

5.33 As aforementioned above, the Historic Buildings Officer has been in consultation throughout the duration of the application to ensure any alterations to the building would not negatively impact on the Listed Building and Burnham Conservation Area. Planning conditions have been recommended from the Historic Buildings Officer regarding the proposed replacement windows and finish of the white render for the building.

5.34 The overall finish of the building would be improved, bringing it back to use resembling its original residential appearance. The proposed alterations are therefore considered to enhance the appearance of the building and its relationship with the high street.

5.35 The existing outbuilding was previously used as the butcher's workshop in connection with the retail unit. The outbuilding, as with the cottage, has been redundant since 2014. The existing stable comprises of a single storey structure with storage in the roof space to the rear of the existing cottage, and is finished in brickwork with a gabled roof, adjacent to Gore Road.

5.36 The proposed development comprises the conversion of the existing outbuilding to create a single, 2-bedroom dwelling.

5.37 The proposed external alterations to the existing outbuilding include a modest single storey extension to the east to form a bin and bike storage area and extended living room. A small extension is also proposed to the west to form a WC. Further external alterations include:

- Construction of two dormers and a conservation roof light at the northern elevation
- Installation of four ground floor windows and door at northern elevation
- Replacement windows at western flank elevation
- Construction of non-glazing dormer and two conservation roof lights at the southern elevation
- Replacement windows and doors at ground floor southern elevation
- Installation of two conservation roof lights at eastern elevation

- 5.38 The application has been amended following advice from the Historic Buildings Officer which includes amendments to the dormers and roof lights and reduction in size of the proposed extensions.
- 5.39 In terms of the proposed external alterations in order to carry out the conversion, the proposed scheme by virtue of the design details and finishes are not considered to detrimentally harm the character of the building, the Burnham Conservation Area or the setting of the Listed cottages. The outbuilding is curtilage listed but the building is only considered to be of modest historic significance.
- 5.40 The Historic Buildings Officer has confirmed that previous concerns have now been overcome, subject to planning conditions regarding the proposed windows and doors has reviewed the proposed design of the resultant dwelling.
- 5.41 Further external alterations to the site include the restoration of the yard to create a garden area to the west, the erection of a front/side boundary wall adjoining Gore Road and flank boundary and erection of a wall and access door to the private yard area for the new dwelling. The walls would be constructed of brickwork with an off-white paint finish to match the existing buildings.
- 5.42 Overall, it is considered that these external alterations to both the cottage and outbuilding would maintain the character and appearance of the Conservation Area. As such, the design, scale and siting of the development is considered to be acceptable when considered in terms of Local Plan Policies C1, C6, EP3 and H9.

### **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)

- 5.43 Local Plan Policy EP3 requires regard to be given to the amenities of adjacent properties. Policy EP5 states that development will be permitted only if it would provide for adequate daylight, and where possible sunlight, to reach into spaces around and between buildings and other physical features and would not result in a significant loss of daylight or sunlight to adjacent buildings or land.

- 5.44 Concerns have been raised from neighbouring properties regarding the conversion of both the cottage and outbuilding to form residential units. Specific concerns have been raised regarding the proposed fenestration within the rear elevation of the cottage, to serve a kitchen, bathroom, stairwell and study room. Neighbouring residents have specified that before the latest windows present at the rear of the building, obscure glazing was in place for a bathroom (now to be study) to prevent overlooking and to protect the amenities of neighbouring occupiers.
- 5.45 The proposed replacement windows within the rear elevation of the cottage would look towards the proposed dwelling (from the converted outbuilding), with views being had of the immediate neighbour's garden (No. 119). Officers do note that windows have always been present within the rear elevation of the cottage given its historic residential use, whereby no planning conditions have previously been imposed to restrict these windows to be obscurely glazed. A previous bathroom featured an obscurely glazed window, which is expected given the nature of the room. This window has since been replaced.
- 5.46 Whilst the proposed windows at first-floor level within the rear elevation of the cottage would provide a rear-facing outlook, in regards to the amenities of adjacent neighbouring properties to the south, it is not considered that they would encounter any harmful levels of overlooking or loss of privacy beyond the existing situation.
- 5.47 Within built up areas, a degree of overlooking is expected by virtue of the close proximity of buildings and amenity areas. In this case, windows have been present within the rear elevation of the first-floor serving an existing C3 unit for an extended period of time. Therefore, it is not considered that the replacement of these windows would create any additional overlooking beyond the existing and previous uses. The relationships between the row of cottages are similar, whereby all properties feature rear facing windows looking out towards the west. Officers do not consider it to be reasonable to add a planning condition for the rear facing windows to be obscurely glazed by virtue of the limited fenestration to serve the one-bedroom flat at first-floor level. However, by virtue of the nature of the room, it is considered appropriate to condition the bathroom to be obscurely glazed to protect the amenities of future occupiers.
- 5.48 In regards to the relationship with the proposed dwelling to be created to the west, the existing yard area in between would be retained, albeit aside from the erection of a modest extension and bin/bike storage area. The proposed dwelling would incorporate two Conservation style roof lights in the eastern

elevation facing the existing cottages. The roof lights would be small (approx. 0.5m x 0.5m) and would be installed approx. 0.7m from the floor level. However, given the close proximity to the cottages, and that this room would be fully habitable as a bedroom, it is considered appropriate to condition for the two roof lights to be obscurely glazed and fixed shut to prevent any direct overlooking. The bedroom would benefit from a principal window facing north and would continue to benefit from ample light within the room by virtue of the level of fenestration.

5.49 Under the previous refusal (15/00101/FUL) the second reason for refusal referred to the outlook for No. 121A High Street from the conversion and extension of the outbuilding to form a single dwelling. The latest scheme features modest extensions in comparison to the previous two storey extensions and retains a larger gap between the buildings. Officers therefore consider that this reason for refusal has been addressed and the proposed development would not appear overbearing or obtrusive for future occupiers of the cottage at No. 121A High Street.

5.50 Further concerns have been raised from residents over the proposed fenestration within the southern roof slope of the proposed dwelling. A central dormer window is proposed; however this would not feature any glazing and would be installed for the creation of headroom above the stairwell. Two conservation roof lights are proposed either side of the dormer, one to serve a bathroom and the other to bedroom 1. Officers acknowledge that it is a material planning consideration that under the previous refusal (15/00101/FUL) the installation of windows within the southern elevation was considered to 'introduce an unacceptable level of overlooking towards the private amenity areas of the neighbouring properties to the south of the site, which could not be sufficiently mitigated through the use of planning conditions'.

5.51 The previous refusal featured a significantly larger building with large areas of glazing, in addition to two storey extensions. By virtue of the internal layout, it previously would not have been considered appropriate to obscurely glaze the south facing windows by virtue of the bedrooms only having access to one primary window per room. In comparison to this, the latest scheme features two small roof lights. Given one of the proposed roof lights would serve a bathroom, similarly to above, it would be appropriate to impose a condition for this roof light to be obscurely glazed. In addition, Officers do note that the proposed roof light within the southern elevation, occupying Bedroom 1 would face in a southern direction towards the private amenity areas of neighbouring properties. As aforementioned above, Bedroom 1 would benefit from a principal

dormer window facing north, and a total of 3 roof lights. As such, it is considered appropriate that this roof light is also obscurely glazed and fixed shut to prevent any direct overlooking to the private amenity areas of neighbouring properties, whereby the bedroom would still benefit from an ample level of light, outlook and ventilation.

5.52 Furthermore, the previous scheme (15/00101/FUL) was also refused on the basis of inadequate amenity space for the future occupiers of the dwelling. The original amenity area was limited by virtue of the creation of a parking area and the outbuilding proposed to be significantly extended.

5.53 In comparison to this, the latest scheme does not feature a parking area whereby the proposed dwelling would benefit from a garden area to the west covering approx. 50sqm, in addition to a significant area of private yard, which could in the future be used for a further lawn area. The proposed amenity area would increase the previously proposed area under application 15/00101/FUL by over 100%, and Officers therefore consider that the previous reason refusal has been addressed. It is therefore considered that the dwelling would benefit from adequate amenity space to serve a 2-bedroom dwelling.

5.54 Whilst Officers acknowledge that the residential flats within the cottage would not benefit from any private amenity space, it is considered appropriate to consider the sustainable location and distance to immediate amenities and the overall size and spaciousness of the flats. It is also noted that the flat at first-floor level (No. 121A) is already in situ. Each flat measures approx. 46sqm (GIA) which exceeds the requirements of the Technical housing standards – nationally described space (2015). The proposed rear courtyard is considered to be acceptable on balance given the spaciousness of the proposed flats and the other benefits in respect of the proposed development contributing to the housing stock and the sustainable location.

5.55 Officers consider that by virtue of the significant changes made to the scheme following the refusal under 15/00101/FUL and the amendments made to the scheme throughout the duration of the application, that the proposed development would not adversely affect the amenities of neighbouring occupiers. The proposed development would not give rise to a loss of privacy, loss of light or an overbearing outlook for neighbouring residents. The proposed scheme is therefore considered to address previous reasons for refusal, and accord with Local Plan Policies EP3, EP5, H9 and H11.

## **Environmental issues**

Core Strategy Policies:

CP9 (Natural Environment)

CP13 (Environmental and resource management)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

5.56 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). Paragraph 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 relation to ‘Conserving and enhancing the natural environment’.

5.57 Natural England have been consulted on this application and raise concerns regarding the impact on the Burnham Beeches SAC. Natural England state that when there is sufficient scientific uncertainty about the likely effects on 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.

5.58 Due to new evidence on the impacts of recreational and urban growth at Burnham Beeches SAC carried out by Footprint Ecology as part of the emerging Local Plan, 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 presents 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.

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

- 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. maintain the grazing regime);
- Disturbance (e.g. affecting the distribution of livestock and deer).

5.60 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.

5.61 Given the above, the Council has carried out an appropriate assessment for the proposed development (see Appendix C). This concludes that without mitigation measures the development is likely to have a significant effect upon the integrity of the SAC and with the result that Council would be required to refuse this planning application.

5.62 In order to mitigate such impact, the Council has adopted a Strategic Access Managements and Monitoring Strategy (SAMMS). The Council consider that the SAMMS, which is supported by Natural England, is a robust and capable means of mitigating the likely significance 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 the development's impact on Burnham Beeches.

5.63 The need for a legal agreement has been brought to the attention of the applicant. As this application seeks the net increase of two residential units, it is appropriate to consider the impact of additional units of accommodation on the Burnham Beeches SAC.

5.64 A Legal Agreement has been progressed and subsequently completed to secure the financial contribution towards the SAMMS. The proposal is therefore in accordance with Core Policy 9 of the Core Strategy and Section 15 of the NPPF.

### **Developer Contributions**

Core Strategy Policies:

CP6 (Local infrastructure needs)

5.65 The Council has adopted a Community Infrastructure Levy (CIL) for certain forms of development. This does not affect the assessment of the proposed development, however the applicant has been made aware the permission is subject to CIL by virtue of the nature of the development.

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

6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

6.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

6.3 The NPPF sets out the presumption in favour of sustainable development, and for decision making, setting out approving development proposals that accord with up to date development plans without delay.

6.4 Section 2, Paragraph 8 of the NPPF sets out three overarching objectives, these are set out as Economic, Social and Environmental objectives. Overall, it is considered that the proposed development would align with the aims of sustainable development in line with section 2 of the NPPF. The proposal would fulfil economic objectives in terms of supporting growth. The proposal would result in the creation of temporary jobs during the construction phase of the proposed development. A social objective would also be met as the proposal would provide additional housing and would make effective and efficient use of land, whilst giving regard to the built environment.

- 6.5 The conversion project will help to sustain this valuable listed building within the Burnham Conservation Area, and will help to ensure its upkeep and maintenance in the future.
- 6.6 Overall, it is considered that the change of use of a redundant building would provide a more viable use of the buildings and would amount sustainable development as envisaged by the NPPF. The proposed development would therefore accord with both National and Local Plan Policies and is subsequently recommended for conditional permission.
- 6.7 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 6.8 It is considered that a fair and reasonable balance would be struck between the interests of the community and the human rights of the individuals concerned in the event of planning permission being granted in this instance.

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

- 7.1 In accordance with Paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 As aforementioned above, amended plans and additional information was put forward following concerns raised by Officers. In this instance, the applicant/agent was updated of any issues after the initial site visit and was provided the opportunity to submit amendments to the scheme/address issues.

### **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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building. (SM03)

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

3. The mix for external lime render shall include mineral aggregate to create a textured finish similar to that pertaining to the rear of the other properties in the terrace. The colour shall match the existing building with a finish in off-white.

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

4. All new windows and doors are to be fabricated from solid natural timber and finished in an off-white paint.

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

5. Before the first occupation of the development hereby permitted the roof lights in the east and south elevations of the proposed dwelling shall be fixed with obscured glazing and fixed shut. The roof lights shall be permanently retained in that condition thereafter unless agreed in writing by the Local Planning Authority.

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

6. Before the first occupation of the development hereby permitted the first-floor rear window accommodating the bathroom shall be fixed with obscured glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed, shall be non-opening. The window shall be permanently retained in that condition thereafter unless agreed in writing by the Local Planning Authority.

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

7. No further windows, dormer windows or roof lights shall be inserted at or above first floor level in all elevations of the dwelling hereby approved, or at first floor level in the rear elevation of the cottage.

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

8. 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.)

9. The development hereby permitted shall be implemented in accordance with the details of landscaping submitted and approved as part of this application, unless otherwise agreed in writing.

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.)

10. Notwithstanding the details submitted, prior to the erection of the new wall at the north and west boundaries forming an enclosure for the privacy amenity garden, full details of the proposed wall shall be submitted and approved by the Local Planning Authority. These details shall include the proposed positioning and height of the proposed boundary wall to ensure the visibility splays for the existing access onto Gore Road is maintained.

Reason: In order to minimise danger and inconvenience to highway users.

11. Prior to the occupation of development the bike and bin storage area as shown on the submitted plans shall be erected and shall not be used for any other purpose.

Reason: To ensure adequate space is provided for bin storage in accordance with the waste teams standards.

12. Notwithstanding the provisions of Article 3 and Classes A, C & D of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and/or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of or to the dwellinghouse hereby approved the subject of this permission, shall be carried out.

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

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

**Received Plan Reference**

21 Nov 2019	H1206-3
21 Nov 2019	H1206-5
21 Nov 2019	H1206-2
21 Nov 2019	H1206-4
21 Nov 2019	18112/001A Location and Block Plans REV A
21 Nov 2019	H1206-1
13 Feb 2020	18112/006 Elevations as Proposed (Cottage) REV B
13 Feb 2020	18112/007 Elevations as Proposed (Stable) REV B
13 Feb 2020	18112/011 Fireplace as Proposed (Cottage) REV A
13 Feb 2020	18112/005 FF Plan as Proposed (Stable) REV B
13 Feb 2020	18112/004 GF Plan as Proposed (Stable) REV B
13 Feb 2020	18112/012 Indicative Door as Proposed REV A
13 Feb 2020	18112/015 Indicative Door Plan Section as Proposed REV A
13 Feb 2020	18112/016 Indicative Door Vertical Section as Proposed REV A
13 Feb 2020	18112/013 Indicative Window Plan Section as Proposed REV A
13 Feb 2020	18112/014 Indicative Window Vertical Section as Proposed REV A
13 Feb 2020	18112/010 Indicative Window as Proposed REV A
13 Feb 2020	18112/003 Plans as Proposed (Cottage) REV A
13 Feb 2020	18112/002A Site Plan as Proposed REV B

**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. You are advised that consent under the Building Regulations may be required for the proposed development and the Building Control Unit at the Council should be contacted in this regard. (SIN41)
3. This planning permission does not purport to grant listed building consent for the proposed works, for which a separate application is ref. PL/19/4037/HB has been submitted. (SIN18)
4. 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>.

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

### **Parish Council Comments**

'The Committee resolved to object to the application, as it was felt the proposal would result in superfluous development to a listed building. Moreover, the design was not sympathetic to the Conservation Area, notably the dormer windows and revised frontage. Additionally, it would lead to greater vehicle movements from the site onto a busy road; there was no scheme for parking and manoeuvring; there was no clear scheme for the collection of refuse; the extension at the rear would have an adverse impact on the residential amenity of the neighbouring property, due to mutual overlooking and increased noise due to closer proximity. The Committee added that the proposal would result in the loss of important commercial space, and the applicant had not done enough to demonstrate there was insufficient demand for it to remain a mixed A1/C3 use. The Committee noted that if the District Council were minded to grant permission for work at the site, it would be considered least expansive if it was for a lone dwelling at the most, as opposed to the formation of two'.

### **Following amended plans:**

'The Committee RESOLVED to OBJECT to the application, as it was felt the proposal would result in superfluous development to a listed building. Moreover, the design was not sympathetic to the Conservation Area, notably the dormer windows and revised frontage. Additionally, it would lead to greater vehicle movements from the site onto a busy road; there was no scheme for parking and manoeuvring; there was no clear scheme for the collection of refuse; the extension at the rear would have an adverse impact on the residential amenity of the neighbouring property, due to mutual overlooking and increased noise due to closer proximity.

The Committee added that the proposal would result in the loss of important commercial space, and the applicant had not done enough to demonstrate there was insufficient demand for it to remain a mixed A1/C3 use.

The Committee noted that if the District Council were minded to grant permission for work at the site, it would be considered least expansive if it was for a lone dwelling at the most, as opposed to the formation of two'.

### **Consultation Responses**

#### **Highways:**

'High Street is a 'C' class road subject to a speed restriction of 30mph in the vicinity of the site. Proposals include internal and external changes to facilitate two dwellings, and the change of use from a mixed A1/C3 to C3 (dwellinghouses) use only.

The proposals would result in the loss of 90sqm of A1 floorspace and the provision of a 1x1 bed flat and a 1x2 bed flat. In terms of trip generation, I can confirm that the proposals would have the potential to result in a reduction in movements in association with the site. The site currently does not benefit from any access point and no parking spaces are proposed to serve the site. I note, however that the site is in a sustainable location from a

highways perspective and the parking requirement is no worse than what the site currently requires without the need for planning permission. Therefore, I do not consider I could reasonably raise objections on this basis.

Mindful of the above, I have no objection to the proposals, and in this instance I have no conditions to suggest be included on any planning consent that you may grant'.

**Following amended plans:**

'I was asked by the Planning Officer to provide additional comments on this site due to concerns surrounding the proposed wall that is to be erected adjacent to the existing access. As stated in my previous response, I noted that my colleague provided comments on this application on the 12th December 2019. The amended plans are not materially different to that of which my colleague previously commented on, however it should be noted that the scheme proposes a total of three residential properties.

The current proposals would result in the loss of 90sqm of A1 floorspace and the provision of two, one bed flats and of a one, two bedroom dwellinghouse. In terms of trip generation, I can confirm that the proposals would not represent a material increase in vehicle movements to and from the site.

A wall is proposed to be erected adjacent to the existing access at the north west of the site plan. I do have concerns that this wall could affect visibility for vehicles coming out of this access onto Gore Road. In order to alleviate these concerns, I must request that the proposed wall is raised no more than 0.6 metres in order to retain the existing level of visibility at this existing access. This will be secured by way of planning condition. In summarising the 2019 application my colleague wrote:

"The site currently does not benefit from any access point and no parking spaces are proposed to serve the site. I note, however that the site is in a sustainable location from a highways perspective and the parking requirement is no worse than what the site currently requires without the need for planning permission. Therefore I do not consider I could reasonably raise objections on this basis".

Mindful of the above, I do not have any objections to this proposal subject to the following conditions and informative points imposed in any consent you may grant'.

**Heritage:**

'...I am satisfied that the recent revised specification and drawings for No. 121 satisfy the planning guidance relating to the refurbishment and conversion of urban listed buildings within the District. No. 121 is at the northern end of a terrace of early C18 cottages, and at some point was turned into a shop, latterly a butchers shop. The land to the rear includes a building that was reportedly a stables and later butchers workshop for the processing and cold storage of meats.

The present proposal is attempting to address some outstanding enforcement issues as works to effect a conversion were commenced without the requisite consents being in

place. The standard of the previous works was poor, and compliance with official guidance needs to be assured.

In principle, there is no impediment to converting the cottage into two separate flats. The use of two separate front doors is a little incongruous, although these are to the rear and the impact is modest. By negotiating with the planning agent over the past couple of months, it has been possible to resolve the majority of the outstanding design and detail issues. We now have a viable detail for the replacement windows, and it should be possible to show on a plan which windows are to be replaced. The ground floor window facing Gore Road should be retained and conserved for the future as it is recoverable and contains handmade plain glazing.

As regard the conversion of the outbuilding to habitable accommodation, the building in question – though curtilage listed – is only of modest historic significance and the arrangement of rooms and spaces is logical. The size of the dormers has been decreased and the overall character of the building survives. The extension is modest in size and necessary in order to create bin and bicycle storage. The use of lime plaster for the internal of the outbuilding is acceptable. The external finish of the outbuilding should remain as whitewashed brick, and all the other conditions relating to windows etc. above should remain as per the cottage.

Otherwise, all the aspects of the development are in tune with local and national conservation and planning guidance. The conversion project will help to sustain this valuable listed building within the Burnham Conservation Area, and will help to ensure its upkeep and maintenance in the future. I am therefore happy to recommend a conditional approval for the proposals’.

**Natural England:**

‘Objection – further information required to determine impacts on designated sites – development within 5.6 kilometres of Burnham Beeches Special Area of Conservation (SAC). Between 500 metres to 5.6km from Burnham Beeches SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity. This should be in line with emerging Local Plan Policy DM NP3, which requires proposals to:

1. Make financial contributions towards the Burnham Beeches Access Management Scheme, or any subsequent scheme which replaces this; and
2. Demonstrate that no adverse impacts on the SAC will arise as a result of additional visitors to the SAC from the development. This may require the provision of bespoke mitigation, such as Suitable Alternative Natural Greenspace (SANG), as part of the development in order to offset visitor pressure to the SAC. Such mitigation will need to be determined in agreement with Natural England.

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation’.

OFFICER NOTE: Given the nature of development, a financial contribution has been sought through a prepared Legal Agreement towards the Burnham Beeches Access Management Scheme.

**Waste:**

'Following on from the additional plans presented by the applicant showing bin stores which can house 4x 240L containers we have no objections. Residents to store their containers here and present at the property boundary on collection day. All collections to take place in accordance with Council policies'.

**Representations**

A total of 15 neighbouring properties have objected to the proposed development, and 1 letter of support has been received. These comments are summarised as below:

Character and Appearance:

- Roof dormers are totally out of character to the surrounding area and would not sit well in the local street scene especially in a listed building
- Detrimental to conservation area

Residential Amenity:

- The alterations to the outbuilding would include window on the south elevation which would overlook our property and garden
- Window of the proposed study and stairwell of proposed first floor flat would overlook our kitchen patio from less than a metre – before works started the windows in those areas were obscurely glazed
- Loss of light

Parking and Highways:

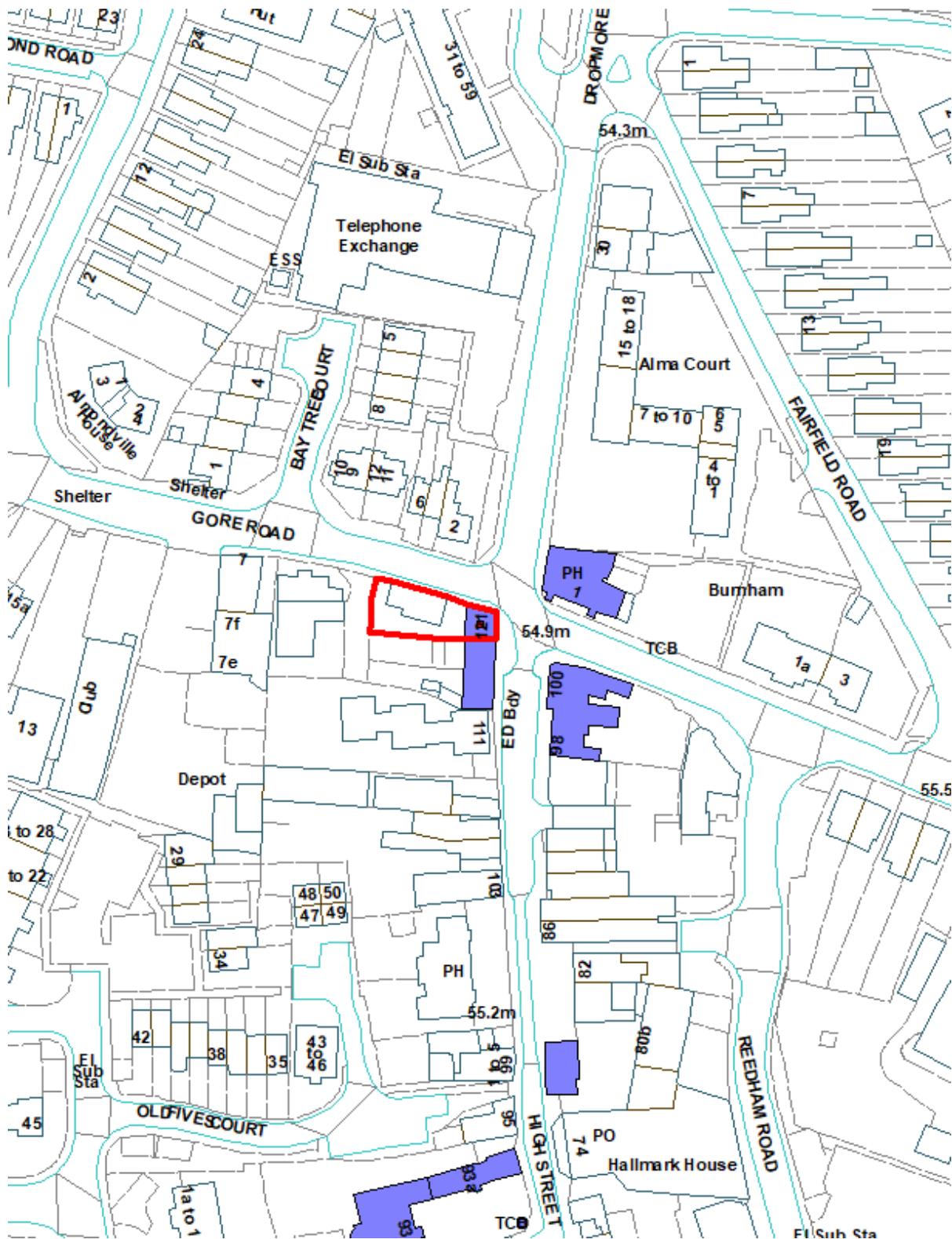
- No parking provision for the dwellings
- More cars will be parked on Gore Road and surrounding side roads where parking is already an issue
- Residents will be impacted by residents of the new dwellings parking on roads and taking up limited space
- Additional strain on already overcrowded roads
- The proposed boundary wall along Gore Road would impede vehicular visibility and will be dangerous for both pedestrians and road users

Other matters:

- Loss of retail shop unit
- Burnham High Street is already struggling to retain enough footfall to make running a retail business in the high street viable
- The loss of a retail shop unit reduces the attraction and variety of shops available and the high street is more likely to lose out to out of town shopping and a further decline in shoppers footfall
- Working on listed building without permission
- Owner is a property developer
- Listed building implications in terms of internal materials and works

- Previous refusal in 2015
- Removal of a tree to the rear – would want this replaced
- Legal right of access from side gate to the back of 121 High Street
- Noise levels will increase
- Construction traffic increase
- Bin provision

## APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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## **APPENDIX C: Appropriate Assessment**

### **Application Ref. PL/19/4036/FA**

**Proposal: Internal and external restoration to house and outbuilding to create two dwellings; replacement of modern windows and doors with traditionally designed elements. Alterations to curtilage listed outbuilding including rear storey extension, addition of front and rear dormers and internal alterations. Change of use to dwelling (Use Class C3) only.**

#### **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

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<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>

a legal agreement with 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, support the findings in the HRA.

## **Appropriate Assessment of Planning Application reference number XXXX**

### **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.

#### **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 each net home.

#### **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.

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.