



Report to South Area Planning Committee

Application Number:	PL/21/3024/FA
Proposal:	Erection of detached dwelling and new vehicular access
Site location:	Rear of 113 Gore Road Burnham Buckinghamshire SL1 7DF
Applicant:	Mr P Denny
Case Officer:	Ian Severn
Ward affected:	Farnham Common & Burnham Beeches
Parish-Town Council:	Burnham Parish Council
Valid date:	16 August 2021
Determination date:	18 February 2022
Recommendation:	Conditional permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The proposal is for the erection of a new dwelling within the existing garden of 113 Gore Road, Burnham. The application site is within the developed area of Burnham where the principle of a new dwelling is acceptable subject to compliance with National and Local Policies.
- 1.2 The creation of a dwelling in this location would align with the Governments objective of boosting the supply of homes and also complies with Paragraphs 119 and 124 of the NPPF in making efficient use of land. It is also considered that the proposal would maintain the character and appearance of the area and would not result in a detrimental impact with regard to residential amenity/waste management, parking & highway safety, trees and landscaping, ecology and flooding risk.
- 1.3 The application site is within 5.6km. of Burnham Beeches Special Area of Conservation (SAC). The applicant has provided written confirmation that they are willing to enter into the legal agreement to secure mitigation in the form of a financial contribution subject to the recommendation of the Planning Committee that planning permission be granted.
- 1.4 The proposal would therefore constitute sustainable development with no adverse effects of the proposal that would significantly and demonstrably outweigh the benefits of providing an additional residential unit.
- 1.5 The application has been called before the Planning Committee for determination through a request from Councillor Dhillon. Councillor Dhillon considers that the proposal does not meet the requirements of Planning Policy, his full comments for consideration of the Committee appear in the Summary of Representations (Appendix A).
- 1.6 The recommendation from Officers is as follows:

Delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and the satisfactory prior completion of a Legal Agreement relating to mitigation of Burnham Beeches SAC. If the Legal Agreement cannot be completed the application to be delegated to the Director of Planning and Environment to refuse permission for reasons he considers appropriate.

2.0 Description of Proposed Development

- 2.1 The application site comprises what was formally part of the rear garden of 113 Gore Road. This part of the garden has previously been separated from number 113 and is accessed from an existing access onto Hamilton Gardens.
- 2.2 The application proposes to erect a new dwelling on this separate plot accessed via a new access to be created on Hamilton Gardens which will replace the existing access. The new property would comprise a mixture of soft and hard landscaping to the front of the dwelling allowing for the parking of three cars. The dwelling itself will take the form of a two-bedroom chalet bungalow with roof dormers to the front and a cat slide roof to the rear. A rear garden is also provided.
- 2.3 The proposal has been amended to remove rear facing windows at first floor level and to provide a partial hip to the roof. Each of these alterations are considered by Officers to reduce the impact on the amenity of neighbouring properties.

3.0 Relevant Planning History

- 3.1 Planning permission was granted in November 2013 for an extension to the dwelling at 113 Gore Road (13/01555/FUL and 14/01180/NMA). However, there is no relevant planning history within the application site itself which forms part of the existing garden area for this property.

4.0 Summary of Representations

- 4.1 Objections have been received from 17 properties. Burnham Parish Council have objected on the grounds of the dwelling's appearance, overdevelopment, lamp post removal, no arboricultural impact assessment and overlooking of neighbouring properties. An objection has been received from Councillor Dhillon on the grounds of insufficient spacing between dwellings, impact on character of locality, overlooking and loss of light to neighbouring properties (conflicts with Local Plan Policies EP3, EP4, EP5, EP6 and H9). 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 2021.
- 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

Principle and Location of Development

Core Strategy Policies:

CP1 (Housing provision and delivery)

- 5.1 The NPPF was revised in July 2021 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 The site is located within the developed area of Burnham where new residential development can be acceptable provided that it does 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.
- 5.3 The NPPF states that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' The Council already has such policies in the form of policies H9 and EP3. There is no policy that renders the principle of a dwelling house on this site as unacceptable either in the NPPF or in the South Bucks Local Plan when considering applications outside an Area of Exceptional Character.
- 5.4 In addition to the above, Part 11 of the NPPF encourages local planning authorities to make an effective use of land. Paragraph 119 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.
- 5.5 Paragraph 124 of the NPPF highlights that planning decisions should support development which makes 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. Paragraph 125 details that local planning authorities need to make efficient use of land and that a flexible approach should be applied to policies or guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of a site.
- 5.6 In summary, the site is located within the developed area of Burnham where new residential development is considered acceptable subject to other material planning considerations such as the impact on the character of the 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.

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)

- 5.7 The application site currently benefits from a drop kerb allowing for vehicular access. The application proposes the relocation of the drop kerb and access point, this would result in the re-location of a lamp post. The Highways Authority have reviewed the proposal and consider that there are potential positions for the lamp post to be re-positioned without

compromise to highway safety or residential amenity. They have recommended a pre-commencement condition to allow for this.

- 5.8 The Highways Authority have also considered the location of the new access in relation to the general road layout and are satisfied that it will not impact on highway safety. They have recommended two conditions in relation to the access, the first to ensure that the new access is provided prior to other works, and the second to require the restoration of the existing drop kerb within one month of the new access' creation.
- 5.9 They are also satisfied with the level of parking provided and that local roads will be able to accommodate the additional traffic generated. They have recommended a condition for the hardstanding forward of the dwelling to be laid out as per the plans and to be retained thereafter for the purpose of parking and manoeuvring.
- 5.10 On this basis no objection is raised subject to the suggested conditions being included. The proposed development would therefore comply with policies CP7, TR5 and 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)

EP4 (Landscaping)

EP6 (Designing to Reduce Crime)

H9 (Residential development and layout)

- 5.11 The NPPF (2021) at paragraph 126 states that the creation of high quality, beautiful and sustainable 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 130 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.
- 5.12 Paragraph 134 states that development that is not well designed should be refused. Significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guide and/or for outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 5.13 The Ministry of Housing and Local Government published the National Design Guide (NDG) in October 2019. As well as helping to inform development proposals and their assessment by local planning authorities, the NDG aims to support paragraph 134 of the National Planning Policy Framework which states that permission should be refused for development that is not well designed. Paragraph 40 of the design guide notes that well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. To achieve good design, development should respond positively to the context of the surrounding area, including the existing built development (layout, form, scale, appearance, details and materials); local heritage; landform; landscape character; biodiversity and ecology.

- 5.14 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.
- 5.15 SBDLP 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. SBDLP policy H9 requires that development for residential purposes is compatible with the character of the surrounding area in terms of density, layout, design, height, scale, form and materials.
- 5.16 The Chiltern and South Bucks Townscape Character Study (published November 2017) identifies that 113 Gore Road is located within a 'Town Centre Fringes' area, however, the application site would front onto Hamilton Gardens which is identified as being a 'Suburban Road'. Given that the public viewpoint of the property, and the dwelling itself, would be from Hamilton Gardens it would be appropriate to give higher regard to the street scene of Hamilton Gardens.
- 5.17 The site is surrounded by neighbouring residential development which constrain the built form that can be accommodated on the site.
- 5.18 The dwellings in Hamilton Close are all detached and similarly utilise much of the width of their plots. The plots themselves vary in size, shape and orientation. The proposed plot would be similar in size and shape to some of those within Hamilton Gardens particularly those nearest on the other side of the road. Bearing this in mind it is considered that the site size and layout integrate sufficiently with their surroundings to meet relevant Policies and guidance.
- 5.19 The dwellings within Hamilton Gardens vary in size and overall appearance, however, they share a common characteristic in having hipped roofs with projections to their front elevations and sharing similar shading to bricks and roof tiles, some also feature front facing dormers. These features are replicated within the design of the proposed dwelling ensuring that it blends well into the street scene by way of design and appearance.
- 5.20 The proposed building would be sufficiently set in from the site boundaries to ensure than a sense of spaciousness is retained and that the building does not appear crammed into the space. Landscaping is indicatively shown to the site boundaries and additional information will be secured in this regard via condition. Similarly, further details relating to the proposed materials and hardstanding to be used in the construction of the proposed development will be secured by condition.
- 5.21 Although, as noted, the plot and dwelling would be sufficiently compatible with their surroundings and with relevant Policies and Guidance as a whole, it is considered that it would be reasonable and necessary to remove Permitted Development rights which allow extension of the dwelling or the erection of outbuildings. This is to ensure that sufficient amenity space and landscaping is retained without built form becoming overly dominant.
- 5.22 Given the above, no objections are raised with regard to Core Policy 8 and Local Plan Policies EP3, EP4, EP6 and H9.

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

H9 (Residential layout and design)

- 5.23 Concern has been raised in relation to the back to back distance of the dwelling at 113 Gore Road, with a distance of approximately 16.3-19m retained, when Paragraph 5.3.7 of the Council's Residential Design Guide suggests 21m as a guide. However, the 21 metres referred to in the Design Guide is shown to relate to two storey dwellings with first floor windows in the rear elevation. Furthermore, paragraph 5.3.9 of the Design Guide advises that it may be acceptable to reduce this distance where windows above ground floor level do not provide direct overlooking. In this instance the rear elevation has no first floor windows overlooking neighbours to the rear or sides as such no overlooking is possible. Additionally, the dwelling also features a cat slide roof to the rear with an eaves height of 2m and the roof then angled away from this neighbour with partially hipped eaves to the main ridge and the combination of these factors are such it is not considered the dwelling would appear overbearing or obtrusive, or result in an unacceptable loss of light or overshadowing.
- 5.24 The dwelling would be set towards the rear end of gardens for neighbours to either side and would not have any windows overlooking these gardens. In order to ensure future privacy for neighbours a condition should be added preventing the insertion of first floor windows to the rear and side elevations under Permitted Development. The design of the building as noted in the paragraph above again also mitigates other amenity considerations in relation to these neighbours.
- 5.25 Although the outlook for some dwellings on Gore Road would be altered, it would not be considered to be to a detrimental level when considering the distance retained and the design of the proposed building. Importantly, properties and dwellings having a back to back relationship are not uncommon and the outlook would therefore also be acceptable in this regard.
- 5.26 The proposed dwelling would provide a private amenity space which would be sufficient for a dwelling of the size proposed, and similar to others nearby. The internal layout would meet national space standards and provide sufficient light and outlook to habitable rooms. Overlooking from neighbouring properties is considered to be mitigated by the existing fence and that the rear elevation features only ground floor windows. The plans also show additional planting along the boundary which can be secured through the agreement of landscaping details via condition.
- 5.27 Overall, it is considered that the proposal would not adversely impact upon the amenities of neighbouring properties and would therefore comply with Policies EP3, EP5 and H9 of the South Bucks District Local Plan (adopted March 1999).

Environmental issues

Core Strategy Policies:

CP12 (Sustainable energy)

CP13 (Environmental and resource management)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

- 5.28 The Council's records show that the site has no history of potential contamination.
- 5.29 Space is provided within the application site for the retention of bins and Hamilton Gardens receives standard waste collection in which the vehicle passes the application site as part of its round. It is therefore considered that bins could be left for collection in accordance with Council Waste requirements and in line with other properties in Hamilton Gardens.

- 5.30 In accordance with the NPPF Paragraph 168, it is considered that a flood risk assessment is not required as part of this application as the development is located on land less than 1 hectare and the site is located within flood risk zone 1, which is least likely to be at risk from flooding events.
- 5.31 Core Strategy Policy CP9 seeks a net gain in biodiversity resource, maintaining existing ecological corridors. It also seeks the conservation, enhancement and net gain in local biodiversity resources within the Biodiversity Opportunity Areas and on other non-designated land, maintaining existing ecological corridors and avoiding habitat fragmentation. The NPPF seeks to protect sites of biodiversity and to minimise impacts and provide net gains; paragraph 180 sets out criteria that should be considered in determining planning applications.
- 5.32 It is considered appropriate to attach a condition requiring that the site deliver ecological enhancements.

Landscape Issues

Core Strategy Policies:

CP9 (Natural environment)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP4 (Landscaping)

L4 (River Thames setting)

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

- 5.33 The site is not located within a conservation area and, and trees on adjacent sites do not have tree protection orders attached. No trees or hedges are located within the development site.
- 5.34 In the event that planning permission is granted a condition should be added requiring details of tree protection during construction to protect existing trees in neighbouring properties. A detailed landscape scheme should also be secured by way of condition, in order to ensure that sufficient levels of natural vegetation and landscaping are incorporated and compliment the proposed development whilst enhancing the character of the local area.

Infrastructure and Developer Contributions

Core Strategy Policies:

CP6 (Local infrastructure needs)

- 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'. The Council's approach to assessing the impact of new dwellings on Burnham Beeches SAC is set out in the adopted Burnham Beeches Special Area of Conservation Strategic Access Management and Monitoring Strategy SPD.
- 5.36 New evidence has been compiled and published on the impacts of recreational and urban growth at Burnham Beeches SAC, carried out by Footprint Ecology. Due to this evidence,

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.

5.37 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 affect 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).

5.38 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.

5.39 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.

5.40 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.

5.41 Provided a legal agreement is completed which secures this financial contribution, the development is considered to accord with the relevant Regulations and Policies. The applicant has provided written confirmation of their agreement to enter into a legal agreement.

5.42 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 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 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.
- 6.3 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.
- 6.4 As set out above it is considered that the proposed development would accord with development plan policies, and the site's proposed redevelopment will make effective and efficient use of previously developed land.
- 6.5 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.
- 6.6 Compliance with Core Strategy and Local Plan policies have been demonstrated in terms of visual impact, 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.
- 6.7 In terms of applying paragraph 11(d) of the NPPF it is concluded that, subject to the completion of a Legal Agreement, 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.
- 6.8 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.
- 6.9 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.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this instance amended plans were submitted during the course of the application which removed all rear facing windows to prevent overlooking of neighbouring properties, and provided a partial hip to the ends of the roof to soften the roof line.

8.0 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 the satisfactory prior completion of a Legal Agreement relating to mitigation of Burnham Beeches SAC. If the Legal Agreement cannot be completed the application to be delegated to the Director of Planning and Environment to refuse permission for reasons he considers appropriate.

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. Notwithstanding any information shown on the approved plans or submitted Design and Access Statement, no development above slab level (excluding demolition) 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 District Planning Authority in writing. Thereafter the development shall be carried out in accordance with the approved details. (SM01)
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. No development shall proceed above ground level until a specification of all finishing materials to be used in any hard surfacing of the application site is submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be constructed using the approved materials. (SM02)
Reason: To ensure that such works do not detract from the development itself or from the appearance of the locality in general. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)
4. No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Private Vehicular Access Within the Public Highway".
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
5. Within one month of the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb or removing the existing bellmouth and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.
Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.
6. 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.

7. Prior to the commencement of the development, the applicant shall provide for the relocation of the existing lighting columns fronting the site to an alternative position in accordance with details to be agreed by the lighting authority and/or the local Highway Authority.

Reason: To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, and to ensure the relocation is provided safely.

8. Prior to commencement of above ground works a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of landscape planting of known benefit to wildlife, hibernacula such as log piles and provision of artificial roost features, including bird and bat boxes. The approved details shall be implemented prior to first occupation of the development and retained thereafter.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Policy 9 of the South Bucks Core Strategy (2011) and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

9. Notwithstanding any indications illustrated on drawings already submitted, prior to the relevant part of the proposed development details of a scheme of landscaping including details of new trees to be planted shall be submitted to and approved in writing by the District 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 of the Area Tree Preservation Order and locality in general. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

10. 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.)

11. Prior to the commencement of works, a plan detailing the erection of protective fencing for trees and other vegetation shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented prior to the commencement of all works, including demolition of any buildings on site, and shall include the accurate representation of the crown spreads of all trees, shrubs and other significant vegetation.

All protective fencing erected to protect existing trees and other vegetation during construction shall conform to British Standard 5837:2012 'Trees in relation to design, demolition and construction' or any replacement thereof or EU equivalent and shall consist of a vertical and horizontal scaffold framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. Onto this, weldmesh panels shall be securely fixed with wire or scaffold clamps. The 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 the prior written consent of the Local Planning Authority. (ST14A)

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.)

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

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

13. No windows shall be inserted at or above first floor level in the rear and side elevation(s) of the dwellinghouse hereby permitted. (SD05)

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.)

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>
27 Jan 2022	1789 - P1A
27 Jan 2022	1789 - SP1C

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. (SIN35)

2. 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 732792 for more information.

3. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact the Area Manager at the below address for information, or apply online via Buckinghamshire Council's website at:

<https://www.buckscc.gov.uk/services/transport-and-roads/licences-and-permits/apply-for-a-vehicular-access-licence/>

Transport for Buckinghamshire (Streetworks):
10th Floor, New County Offices
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
01296 382416

Appendix A: Consultation Responses and Representations

Building Control

No response received at the time of writing this report.

Access for the Disabled Officer

No response received at the time of writing this report.

Waste Management

No response received at the time of writing this report.

Highways (received 28/01/22)

"Thank you for your letter dated 18th August 2021 with regard to the above planning application.

Hamilton Gardens is an unclassified road which in this location is subject to a speed restriction of 30mph. Proposals include the erection of a detached dwelling with a new vehicular access.

In terms of trip generation, I find that a dwelling in this location would have the potential to generate in the region of 4-6 vehicular movements (two-way) per day. Whilst I can confirm that the Local Highway Network in the vicinity of the site is capable of accommodating the level of vehicular movements anticipated, the access arrangements serving the site will need to be assessed in order to determine its suitability to accommodate the level of movements proposed.

As Hamilton Gardens is subject to a speed restriction of 30mph, visibility splays of 2.4m x 43m are applicable, commensurate with current Manual for Streets guidance. I can confirm that adequate visibility splays are achievable from the proposed access point. I note the access would be positioned in the centre of the plot, which would be obstructed by two lighting columns. I will suggest a condition for the relocation of these lighting columns.

When considering parking provision, I note that space has been provided within the site for 3 cars. I can confirm that this level of parking is appropriate.

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

Condition 1: No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Private Vehicular Access Within the Public Highway".

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

Condition 2: Within one month of the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb or removing the existing bellmouth and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

Condition 3: 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 4: Prior to the commencement of the development, the applicant shall provide for the relocation of the existing lighting columns fronting the site to an alternative position in accordance with details to be agreed by the lighting authority and/or the local Highway Authority.

Reason: To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, and to ensure the relocation is provided safely.

Informatives:

The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact Transport for Buckinghamshire at the following address for information.

Transport for Buckinghamshire (Streetworks)
10th Floor,
Walton Street Offices
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
01296 382416"

Parish Council (received 27/09/21)

"The Committee RESOLVED to OBJECT to the application for several reasons: the dwelling would appear significantly incongruent by virtue of its orientation, scale, and design; it constituted overdevelopment as the floor area ratio was deemed too high; it would require the unauthorised removal of a lamp post near a junction; an arboricultural impact assessment was needed; the proposal was considered harmful to safeguarding the residential amenity of surrounding properties, as a result of its proximity, alignment, and positioning of windows. The Committee concluded that the proposal was wholly unfit and if accepted could set a precedent for similar applications to follow."

Representations

17 Objections (represented in 24 representations)

- Out of character with locality (dwelling too large / design / insufficient spacing between built form / over dominant or obstructive / change to 'garden feel' of Hamilton Gardens / insufficient garden space)
- Amenity impact on neighbouring properties (overlooking / loss of light / overshadowing / outlook / insufficient back to back distance to 113 Gore Road)

- Overdevelopment
- Dangerous access (on bend / proximity to Lent Rise Road / insufficient width)
- Moving of street light may cause light pollution to neighbouring properties or result in insufficient lighting of highway
- Tree Report needed
- Poor design
- Examples provided of properties on Gore Road and Hamilton Gardens which have been refused planning permission for additional dwellings – Officer Note: These would have been determined on their own merits, and as such do not set a precedent for this proposal)
- Intensification of use of cul-de-sac
- Disruption / danger to neighbours from construction
- Loss of street parking
- Insufficient parking
- Impact on wildlife
- Will set precedent

CLlr Baldev Dhillon (objection)

“I would like to object to this application on the number of policy grounds. EP3/4- The use of the Land, scale, design and the layout of the development will adversely affect the character, amenities of nearby properties. This development doesn't retain the space between the buildings and respect the scale of space. Development fails to make a positive use of the site and respect the locality.

EP5/6- Development will be contrary to our policy and again Design and layout will compromise the Privacy and light of the surrounding properties and due to size of the plot and location.

H9- Development should be refused due to suitability of development on the land. Again this development really force to look at the Planning policy of H9 which is compatibility within the character of the surrounding area in terms of the density, layout, design and scale. This development will create a loss of privacy.”