



Report to South Area Planning Committee

Application Number:	PL/22/0128/FA
Proposal:	Demolition of existing house and garage and erection of two semi-detached dwellings with associated refuse store and parking
Site location:	121 Holtspur Top Lane Holtspur Beaconsfield Buckinghamshire HP9 1BW
Applicant:	Mr Kamyab
Case Officer:	Alex Armour
Ward affected:	Beaconsfield
Parish-Town Council:	Beaconsfield Town Council
Valid date:	24 January 2022
Determination date:	12 April 2022
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 Planning Obligation relating to mitigation of Burnham Beeches SAC. If the Planning Obligation cannot be completed the application be refused for such reasons as considered appropriate.

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application seeks planning permission for the demolition of an existing dwelling known as 121 Holtspur Top Lane, and the erection of a pair of semi-detached dwellings with associated refuse store and new parking area.
- 1.2 The application is required to be determined by Planning Committee due to a call-in by Councillor Wheelhouse, raising materials planning reasons relating to the bulk and massing of the dwelling, and potential over-dominance when viewed from the side and rear.
- 1.3 The proposed development is located within the built up area of Beaconsfield where development is acceptable. The proposed dwellings would be of a contemporary appearance similar to that previously found acceptable under 16/01908/FUL and PL/19/2138/FA, although these would be semi-detached rather than detached.

- 1.4 The creation of an additional dwelling would align with the Government's objective of boosting the supply of homes and also complies with Paragraphs 119 and 124 of the NPPF in making efficient use of previously developed 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.
- 1.5 The proposal would therefore constitute sustainable development. There are no policies that protect areas or assets of particular importance, that provide a clear reason for refusing the development proposed and there are no adverse effects of the proposal that would significantly and demonstrably outweigh the benefits of providing an additional residential unit.
- 1.6 The recommendation is that the application is delegated 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 Planning Obligation relating to mitigation of Burnham Beeches SAC. If the Planning Obligation cannot be completed the application be refused for such reasons as considered appropriate.

2.0 Description of Proposed Development

- 2.1 The application seeks the demolition of the existing dwelling, and the erection of a pair of semi-detached dwellings. The proposed dwellings would be of a more contemporary appearance, being three in storey in scale though only two storey in views from the street scene. Permission is also sought for an altered parking arrangement.
- 2.2 The application site is located within 5.6km of the Burnham Beeches SAC. The site is designated as a Green Suburban Townscape for the purposes of the Chiltern and South Bucks Townscape Character Study (2017). The Metropolitan Green Belt lies to the rear of the site
- 2.3 The application is accompanied by
 - a) Arboricultural Impact Assessment
 - b) Tree Report
 - c) Tree Constraints Plan
 - d) Preliminary Ecological Appraisal and Roost Assessment
 - e) Design and Access Statement

3.0 Relevant Planning History

- 3.1 16/01908/FUL - Replacement dwelling. – Conditional Permission.
- 3.2 PL/19/2138/FA - Demolition of existing house and the erection of new dwelling with associated hardstanding and landscaping. – Conditional Permission.
- 3.3 PL/21/2539/FA - Demolition of existing house and garage and erection of two semi-detached dwellings. – Withdrawn.
- 3.4 PL/21/3481/FA - Demolition of existing house and garage, erection of two semi-detached dwellings. – Withdrawn.

4.0 Summary of Representations

- 4.1 Town Council – Received 04/02/22 – Objection.
- 4.2 Highways – Received 02/02/22 - No objection, subject to condition.
- 4.3 Ecology – Received 25/02/22 – No objection, subject to condition.
- 4.4 Tree Officer – Received 23/02/22 – No objection, subject to condition.
- 4.5 Natural England – Received 14/02/22 – Standing advice relating to BBSAC
- 4.6 Waste – Received 17/02/22 – No objection.
- 4.7 21 letters of objection have also been received including objections from the Beaconsfield and Chiltern societies.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF) 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 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 Supplementary Planning Document (SPD)

Principle and Location of Development

Core Strategy Policies:

CP1 (Housing provision and delivery)

Local Plan Saved Policies:

H9 (Residential development and layout)

- 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 With regard to this specific application, it is considered that all of the relevant local policies, as highlighted above, are in accordance with the NPPF. As such, it is considered that this application should be assessed against the relevant local policies set out above and it is considered appropriate to afford these policies significant weight. Where there is a difference or conflict in policy, then the NPPF takes precedence.
- 5.3 The proposed development would result in the demolition of an existing dwelling and the erection of a pair of semi-detached dwellings. Chapter 11 of the NPPF encourages local

planning authorities to make the effective use of land. Paragraph 17 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting needs for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- 5.4 Paragraph 122 of the NPPF highlights that planning decisions should support development which makes the efficient use of land, taking into account; housing need, local market conditions, availability and capacity of infrastructure, maintaining the area's prevailing character and securing well-designed places.
- 5.5 The NPPF suggests that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area (para. 70). The Council has adopted policy H10 of the Local Plan, which resists the development of residential garden land. Notwithstanding the above, the application site does not fall within a Residential Area of Exceptional Character which policy H10 relates to.
- 5.6 The site also is designated as a Green Suburban for the purposes of the Chiltern and South Bucks Townscape Character Study (2017). This does not preclude the introduction of new dwellings, providing that they do not unduly impact the character and appearance of the site, or the locality in general.
- 5.7 It is noted that representations have been received with regard to the impact upon the Green Belt. The site itself does not lie within the Green Belt and as such those policies specific to the Green Belt are not relevant in this instance.
- 5.8 Further to the above, it is noted that permission has previously been granted for a detached dwelling of similar scale and appearance to the permission sought here under PL/19/2138/FA. This permission remains extant. It is also notable that planning permission was granted for a pair of semi-detached dwellings at No.131 under application reference PL/19/4396/FA, which is a material planning consideration.
- 5.9 In summary the site is located within a developed area of Beaconsfield where new dwellings are considered acceptable subject to other material planning considerations such as the impact on the character of the area and neighbouring residential amenities.

Transport matters and parking

Core Strategy Policies:

CP7 (Accessibility and transport)

Buckinghamshire County Wide Parking Guidance (2015)

Local Plan Saved Policies:

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

- 5.10 Highways officers responsible for parking and highways safety raise no objection to the proposed development, subject to conditions for the access and parking to be laid out prior to initial occupation of the new dwelling, to be retained only for parking thereafter. A suitable condition will be imposed on any grant of approval in this regard.
- 5.11 The proposed development would result in two three bedroom dwellings, which would require two parking bays as set out within the Buckinghamshire County Wide Parking Standards (2015). The proposed dwellings would each benefit from two external parking spaces, and one internal space within the garage. This would exceed the required spaces.
- 5.12 It is noted that objection has been received with regards to the impact upon the highway during the construction process. In this instance the highway's officer raised no objection

to this matter. Informatives are recommended drawing the applicant's attention to S137 of the Highways Act 1980 and to the Considerate Constructors initiative.

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)

H9 (Residential development and layout)

- 5.13 Paragraph 130 of the NPPF requires that planning decisions should ensure that developments are visually attractive as a result of good architecture, and are sympathetic to local character and history while not preventing or discouraging appropriate innovation or change. Decisions should also establish or maintain a strong sense of place including through building types and materials.
- 5.14 C1 of the National Design Guide places important on local identity, stating that well designed new development should respond positively to the features of the site itself and the surrounding context beyond the site boundary. New development should integrate well with the wider surroundings including an understanding of existing built form and layout within the local area.
- 5.15 Local Plan policy EP3 states that development will only be permitted where its scale, layout, siting, height, design, external materials and use are compatible with the character and amenities of the site itself, adjoining development and the locality in general. Poor designs which are out of scale or character with their surroundings will not be permitted.
- 5.16 Local Plan 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.
- 5.17 The townscape character of the surrounding area is that of Green Suburban. The Townscape Character Study states that this character area is comprised of large detached houses set in large, regular plots with a slightly staggered building line and with simple building forms. Well maintained hedge rows are the dominant boundary treatment. The Planning and Design Principles state that building heights should be limited to two storeys - this includes development in the roof space. Existing building lines and set-backs should be retained, garages should be placed in line with buildings or behind properties. Buildings should not be spaced too close together. Building heights should be limited to two storeys, this includes development within the roof space. The Character Study also identifies that sensitive views of open countryside are achievable from the site, particularly towards the Area of Outstanding Natural Beauty.
- 5.18 It is acknowledged that the majority of dwellings within the immediate locality are detached though there are other examples of semi-detached dwellings within the Holtspur Top Lane. It is also notable that planning permission was granted for a similar development at No.131 under application reference PL/19/4396/FA, which is a material planning consideration. In this instance, the plot width is slightly greater at No.121 and would also feature a similar separation to the flank boundaries than permitted at No.131. As such when considering the above, it is not considered that the proposed introduction of a pair of semi-detached dwellings in this location would be unacceptable.

- 5.19 With regards to the proposed siting of the dwellings. The existing dwelling is somewhat unusual within the street scene in that it is not angled towards the highway. The proposed dwellings would be set facing the highway and set approx. 16m back from the highway, and would be consistent with the existing building line.
- 5.20 With regards to the design and scale of the proposed dwellings. The character of dwellings within the immediate locality are predominantly traditional in character. There is a mix of single storey to three storey dwellings, though due to changing ground levels many benefit from ground floor levels which are not perceptible from the highway. It is also a material planning consideration that planning permission was granted for a contemporary replacement dwelling on the site under application 16/01908/FUL and later PL/19/2138/FA. The permitted replacement dwelling would have been very similar in scale and design to the semi-detached dwellings proposed here. In this instance the proposed dwellings would have a moderately wider footprint and greater depth at second floor, though the first and ground floor depth would be reduced from the previous permissions.
- 5.21 Whilst it is recognised that the principles set out within the Townscape Character Study seek to avoid dwellings of greater scale than two storey, due to the changing land levels on site it is considered that the proposed dwellings would be seen as two storey in views from the street scene and as such this scale would not be seen incongruous. Moreover, the submitted street elevation plan indicates that the ridge height of the dwellings would be directly comparable to the neighbouring dwellings. The dwellings would also benefit from good spacing to the flank boundaries of approx. 1.2m and 1.7m. As such it is not considered that the proposal would constitute overdevelopment of the site, and would otherwise reflect the scale and spacing of the surrounding built form.
- 5.22 The dwellings would also be set at a lower ground level than the highway and set back, which would help to reduce the prominence of the proposal. When considering this as well as the planning history of the site, it is not considered that objection could reasonably be sustained on the contemporary appearance of the proposal.
- 5.23 When considering the Green Suburban Townscape characteristics of the site, it is considered reasonable to include a condition requiring the submission of a landscaping scheme. Details of external materials and hard-standing are also recommended to be secured by condition.
- 5.24 Some concern has been raised as to the potential impact upon the designated AONB land which lies to the rear. Core Strategy Policy CP9 relates to the natural environment stating that the conservation and enhancement of the AONB and its setting should be achieved. Whilst noting this, there is substantial separation distance between the dwelling and its associated plot and the designated AONB land of around 170 metres. Whilst views can be afforded into the site from the open countryside to the rear given the land levels change, this is an existing relationship and commonplace along Holtspur Top Lane. Dwellings similar to the scale and height proposed are already in existence and this coupled with the significant separation distance to the AONB, the alteration in design and scale from the existing dwelling on site is not considered to be detrimental to the preservation or landscape character of the AONB.
- 5.25 Overall, it is considered that the proposed development, would not adversely impact upon the character or appearance of the site or locality in general, nor would it prejudice the specific characteristics of the area as set out in the Townscape Character Study. As such the proposal would achieve a suitably high standard of design which accords with

policy EP3 & H9 of the Local plan and with the aims of the NPPF. This would have neutral weight in the planning balance.

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

- 5.26 The NPPF requires a high standard of amenity for existing and future occupiers are secured from planning proposal. Local Planning policies not adversely affect the amenities of nearby properties through over dominance, loss of privacy, loss of light.
- 5.27 It is noted that objections have been received with regards to the impact upon amenities, in particular with the proposed dwellings described as overbearing, resulting in a loss of light and giving rise to overlooking. It should also be noted that an image has been submitted within one of the objections showing the balcony screening and a higher roof form at ground than proposed, these elements formed part of withdrawn application PL/21/3481/FA.
- 5.28 With regards to overlooking, the proposed development would allow for certain oblique views of the neighbouring rear amenity spaces. The most private spaces close to the dwellings and the rear openings of the neighbouring dwellings themselves would not be overlooked. Consequently, subject to conditions restricting the use of the ground floor element from being used as a balcony, and requiring obscure glazing and non-opening windows below 1.7m to the flank elevations no objection is raised to this regard.
- 5.29 The ground level of the first floor would be comparable to the southern neighbours, No.119, ground floor level due to changing levels on site. The proposed development would comply with the 45 degree test in views from the closest opening at the southern neighbour, projecting approx. 3.5m beyond the rear elevation of the southern neighbour at first and second floor level, with the roof form of the dwellings pitched away from the flank boundaries. The ground floor level would also narrowly comply with the 60 degree test in views from No.119, and when considering that this element would mostly be set at a lower level than this neighbour and the terraced area used by No.119, it is not considered that these elements would be considered as overbearing or give rise to a significant loss of light. The northern neighbours, No.123, are orientated away from the proposed dwellings and it is not considered that the proposed development would be seen as overbearing in views from No.123.
- 5.30 The proposed dwelling would be greater in height than existing and would be visible in views from side window serving a kitchen at No.119. Nevertheless, this window is a secondary opening with an opening facing the highway and as such there would still be views from this room and light levels would not be significantly reduced.
- 5.31 It is also recognised that objections have been received with regards to increase noise and light, as a result of the intensification of the site. Whilst this may occur, this would be in association with ordinary residential use which would not have a significant impact upon amenities.
- 5.32 Overall, the proposed development is not considered to result in any significant degree of residential amenity harm towards neighbouring properties or sites that would warrant the refusal of planning permission in accordance with Policies EP3, EP5 & H9 of the Local plan & aims of the NPPF. This would have neutral weight in the planning balance.

Future Occupiers

- 5.33 It is also necessary to consider the residential amenities of future occupiers of the proposed dwellings. The proposed dwellings would be adequately spacious, with sufficient windows to provide outlook and to allow for natural light. The proposed dwellings would also benefit from their own private amenity spaces which whilst evidentially more modest than existing, would remain of a reasonable size.
- 5.34 It is recognised that concerns were raised with regard to the potential occupiers being overlooked by neighbouring dwellings. Whilst fencing is not proposed above the ground floor element, it is considered that only some very oblique views would be attainable from the neighbouring terraced area. Some views would be attainable from the rear of the neighbouring rear amenity spaces however, these would still be oblique and at a greater distance. Therefore, it is not considered that an unacceptable adverse harm to the amenities of future occupiers would result. This would have neutral weight in the planning balance.

Ecology and environmental issues

Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

- 5.35 A number of objections have been received with regards to the impact upon ecology. The application is supported by a Preliminary Ecological Assessment and a Roost Assessment Report, concluding that the main dwelling and outbuilding are well-sealed and in good condition, and as such would have negligible roosting potential. This has been reviewed by the Council's Ecologist with no objection raised, subject to a condition requiring the submission of a bio-diversity method statement.

Burnham Beeches SAC

- 5.36 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 relating to 'Conserving and enhancing the natural environment'. The Burnham Beeches Special Area of Conservation Strategic Access Management and Monitoring Strategy Supplementary Planning Document (SPD) has also recently been adopted and sets out the Council's approach to new residential development within 5.6 kilometres of Burnham Beeches SAC.
- 5.37 Natural England has been consulted on this application and raises concerns regarding the impact on the Burnham Beeches SAC. Natural England state that when there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.
- 5.38 Due to new evidence on the impacts of recreational and urban growth at Burnham Beeches SAC carried out by Footprint Ecology, Natural England recognises that new housing within 5.6km of the Burnham Beeches SAC can be expected to result in an increase in recreation pressure. The 5.6km zone represents the core area around the SAC where increases in the number of residential properties will require Habitats Regulations

Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.

- 5.39 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).
- 5.40 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.
- 5.41 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.
- 5.42 In order to mitigate such impacts, the Council has adopted a Strategic Access Management and Monitoring Strategy (SAMMS) and the Council's approach is set out in the Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy SPD (adopted March 2020). 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.
- 5.43 The applicant has confirmed that they willing enter into the planning obligation to secure the contribution. A planning obligation will therefore be progressed and completed to secure the financial contribution towards the SAMMS subject to the outcome of the Planning Committee. Subject to its completion the proposal would be in accordance with Core Policy 9 of the Core Strategy, Section 15 of the NPPF and the Burnham Beeches Special Area of Conservation SAMMS SPD.

Flooding and drainage

Core Strategy Policies:

CP13 (Environmental and resource management).

- 5.44 In accordance with the NPPF Paragraph 167, 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 1ha and the site is located within flood risk zone 1, which is least likely to be at risk from flooding events.

Other matters

- 5.45 Whilst the proposed development is considered acceptable, given the scale of development proposed due to its depth and roof accommodation it is considered that any additional development should be controlled. Permitted development rights relating to the erection of further extensions and roof alterations and additions will be removed

by condition in the interests of maintaining a satisfactory residential environment and preserving the amenities of the adjacent neighbours who may be severely impacted by future extensions constructed under permitted development.

- 5.46 It is recognised that a representation has been received with regards to the boundary line shown on the plans. The site plan appears consistent with the location plan, and the development appears to be contained entirely within the red edge.

Infrastructure and Developer Contributions

Core Strategy Policies:

CP6 (Local infrastructure needs)

- 5.47 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 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. Insert any relevant equality and diversity issues.
- 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 development 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, 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 11d of the NPPF it is concluded that there are no policies that protect areas or assets of particular importance, that provide a clear reason for refusing the development proposed and there are no adverse effects of the proposal would significantly and demonstrably outweigh the benefits of providing one additional unit.
- 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 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent].

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (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 the proposal was considered acceptable based on the information provided at the point of submission to the Council and no amendments to the proposal was therefore sought during the course of the application.

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 Planning Obligation relating to mitigation of Burnham Beeches SAC. If the Planning Obligation cannot be completed the application be refused for such reasons as considered 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. No development shall take place above ground floor level until a schedule of materials to be used in the elevations of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. 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 take place above ground floor level until a specification of all finishing materials to be used in any hard surfacing of the application site has been submitted to and approved in writing by the Local Planning Authority. 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. The windows shown above ground floor level in the flank elevations of the proposed dwellings hereby approved, shall not be glazed or reglazed other than with obscure glass and shall be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window or roof light is installed.

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

5. No further windows shall be inserted at or above first floor level in the flank elevation(s) of the dwellings hereby permitted. (SD17)

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. The roof area of the single storey rear element of the dwellings hereby permitted shall not be used as a balcony, roof garden, sitting out area or similar amenity area without the grant of further specific permission from the Local Planning Authority. (SD11)

Reason: To preserve the privacy and amenities of the adjacent property occupiers. (Policies EP3 and H11 of the South Bucks District Local Plan (adopted March 1999) refer.)

7. Notwithstanding any indications illustrated on drawings already submitted, no development shall take place above ground level until a scheme of landscaping which shall include indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained has been submitted to and approved in writing by the Local Planning Authority. None of the trees, shrubs or hedgerows shown for retention shall be removed or felled, lopped or topped within a period of five years from the date of this permission, without the prior written permission of the Local Planning Authority. (ST01)

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

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 scheme for parking, garaging, 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.

10. Notwithstanding the provisions of Article 3 and Classes A and B 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 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.)

11. The development shall be implemented in accordance with the arboricultural method statement submitted and approved as part of the planning application and under the supervision of a retained arboricultural specialist in order to ensure that the phasing of the development accords with the stages detailed in the method statement and that the correct materials and techniques are employed. (ST18)

Reason: To maintain the visual amenity of the area. (Policies EP4 and L10 of the South Bucks District Local Plan (adopted March 1999) refer.)

12. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the safeguarding of protected and notable species (bats, nesting birds, amphibians, reptiles, badger and hedgehog) and for trees and adjacent Priority Habitat, and securing specific biodiversity measures during construction has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the:

- a. purpose and objectives for the proposed works;
- b. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c. extent and location of proposed works shown on appropriate scale maps and plans;
- d. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e. persons responsible for implementing the works;
- f. initial aftercare and long-term maintenance (where relevant);
- g. disposal of any wastes arising from works. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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

13. 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>
13 Jan 2022	Location Plan
13 Jan 2022	05
13 Jan 2022	06
13 Jan 2022	20B
13 Jan 2022	21B
13 Jan 2022	22A
13 Jan 2022	23C

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

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

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

4. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
5. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

APPENDIX A: Consultation Responses and Representations

Parish/Town Council Comments

04/02/22 - Strongly Object Massive structure, Dangerous road conditions as on a bend, not enough room for parking in the area proposed for cars Drainage could be a problem as the land would be over developed.

Consultation Responses

Ecology

The application is supported by a Preliminary Ecological Appraisal and Roost Assessment report (Arbtech, 11/11/2021). The site is adjacent to Priority Habitat - Deciduous Woodland and within 142m of Local Wildlife Site (LWS) 'Cut-throat Wood and Scrub'. It also lies within 5.6km of Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) 'Burnham Beeches'. Please refer to Natural England's comments. The survey was carried out on 21st October 2021. Both the main dwelling and outbuilding were found to be well-sealed and in good condition and assessed to have negligible potential to support roosting bats owing to the lack of potential bat access features. A further activity survey is not required in this instance and bats are not a constraint to the development. However, given the mobile nature of bats that can take up residence in any building as soon as opportunities arise I would recommend that measures relating to bats are addressed in a biodiversity method statement. Biodiversity Method Statement Owing to the adjacent suitable habitat for a range of species I would recommend that a biodiversity method statement is submitted and secured via a condition to any approval granted. The statement should detail measures to take prior and during works to safeguard protected and notable species (bats, nesting birds, amphibians, reptiles, badger and hedgehog) and the adjacent Priority Habitat Deciduous Woodland and biodiversity enhancements so the development results in a biodiversity gain in line with NPPF. Biodiversity enhancements should include native planting, one integrated bat box in each dwelling (e.g. Habibat Bat Box or Schwegler 1FR/2FR Bat Tube), bird boxes, creation of log piles at the boundary of Priority Habitat and hedgehog pathways (gaps in garden fences to allow dispersal of hedgehogs). Artificial Lighting Bats may be impacted by artificial lighting as a result of the proposed development. Artificial lighting design needs to be designed in accordance with the 'Guidance Note 08/18: Bats and artificial lighting in the UK' (Institute of Lighting Professionals, 2018). Sources of lighting which can disturb bats are not limited to roadside or external security lighting, but can also include light spill via windows, permanent but sporadically operated lighting such as sports floodlighting, and in some cases car headlights. Where bat features or habitats are particularly important or sensitive it may be appropriate to avoid, redesign or limit lighting accordingly. Examples of mitigation measures include dark buffers, illuminance limits and zonation, appropriate luminaire specifications, sensitive site configuration, screening, glazing treatments, creation of alternative valuable bat habitat on site, dimming and partnight lighting. Refer to Guidance Note 08/18 by the Institute of Lighting Professionals for more details. Timing of Lighting Use Bats emerge from their roosts and start foraging at dusk (approximately 30 minutes after sunset). Impacts on bats can therefore be reduced by restricting the times at which lights can be switched on. During winter (November to March) bats are usually hibernating, so there is no restriction on lighting times. During the summer months, bats emerge later and it is likely that floodlighting, sports lighting etc will not be needed anyway. Impacts on bats are higher in the April/May and September/October time periods, when bats emerge earlier when most lighting will be on. The impact on bats is increased after mid-October when we change from British Summer Time by subtracting an hour. The table below shows recommended 'switch-off' times for lights during the active bat season:

Month	Switch-off
March	GMT 18.30; BST 19.30
April	20:30
May	21:15
June	21:45
July	21:30
August	20:45
September	19:45
October	BST 18:45; GMT 17:15

Note: the above times have been

derived by taking the average of the sunset times on the first and last days of the month, adding 30 minutes, and rounding up to the nearest 15 minutes. If any external lighting is proposed, please consult us further on the details, as external lighting should be designed appropriately to avoid having an adverse impact on bat flight lines and roosts. Legislation, Policy and Guidance Biodiversity Net Gain Paragraph 118a of the National Planning Policy Framework (NPPF) states: "Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside" Paragraph 170d of the requires that: "Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure". Paragraph 175d of the NPPF states that: "When determining planning applications, local planning authorities should apply the following principles...development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."

Highways

Thank you for your letter dated 27th January 2022 with regard to the above planning application. I note the Highway Authority has provided previous comments for this site under application number PL/21/3481/FA (erection of two semi-detached dwellings), which in a response dated 26th November 2021; the Highway Authority had no objection subject to condition. The application has since been withdrawn. Due to the similarity with the previous application, I consider that the application does not propose a material difference in highway terms and the principle of development remains the same. As such, I would like to reiterate comments made in that application which I have repeated below for clarity: "Holtspur Top Lane is an unclassified road which in this location is subject to a speed restriction of 30mph. Proposals include the demolition of the existing house and the erection of two semi-detached dwellings. In terms of trip generation, I would expect a dwelling in this location to generate in the region of 4-6 vehicular movements (two-way) per day. As this is the case, I would expect the proposals to result in an intensification in use, in the region of an additional 4-6 vehicular access (two-way) per day. As this is the case, the access arrangements serving the site will need to be assessed in order to determine its suitability to accommodate the level of vehicular movements anticipated. As Holtspur Top Lane 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. In accordance with Buckinghamshire Countywide Parking Guidance, I find that 3 parking spaces are required to serve the site. For each dwelling, I note that one garage space is included alongside two vehicle spaces on the hardstanding area. I can confirm that there is adequate room on the site for these parking spaces to be provided." Mindful of the above, I have no objection to the proposed development, subject to condition.

Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 5.6 KILOMETRES OF BURNHAM BEECHES SPECIAL AREA OF CONSERVATION (SAC) WITHIN 5.6 KILOMETRES 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 Adopted Burnham Beeches Avoidance and Mitigation Strategy Supplementary Planning Document (SPD), 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. South Bucks adopted Core Strategy's Core policy 9 Natural Environment states "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." When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive. Due to new evidence on the impacts of recreational and urban growth at Burnham Beeches SAC carried out by Footprint Ecology in 2019, Natural England recognises that new housing within 5.6km of the internationally designated Burnham Beeches Special Area of Conservation (SAC) can be expected to result in an increase in recreation pressure. The 5.6km zone proposed within the Adopted Avoidance and Mitigation strategy SPD and evidence base carried out by Footprint Ecology 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. 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). In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, 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. Development in accordance with the adopted South Bucks Core Strategy's Core policy 9 and Adopted Avoidance and Mitigation Strategy SPD would not be likely to have a significant effect on the SAC because they will provide, or make an appropriate contribution to, acceptable avoidance and mitigation measures. The planning authority can grant planning permission to such developments in accordance with the Regulations. However, development proposals which are not in accordance with the above would be likely to have a significant effect on the SAC, either alone or in combination with other plans and projects. In accordance with Regulation 61, before granting planning permission for such a proposal, the planning authority must undertake an appropriate assessment of the implications of the development on the SAC, in light of the site's conservation objectives. The conservation objectives are to maintain and, where not in favourable condition, to restore, the Atlantic acidophilous beech forest habitat. Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 62. Priority habitats and species The site is adjacent to deciduous woodland priority habitat. Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website

or as Local Wildlife Sites. List of priority habitats and species can be found here. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Tree Officer

For application 16/01908/FUL I commented " There are no current tree constraints at the above property. A number of trees have been removed situated to the front of the property. To the rear there is a line of cypress trees along the boundary fence and a group of fruit trees on the lawn area. I have no objection in arboricultural terms and if permission is granted I recommend the following planning conditions ST04, ST12". The submitted tree report is helpful as well as street view imagery, May 2021. I have no objection in arboricultural terms and if planning permission is permitted I suggest planning condition ST18.

Waste

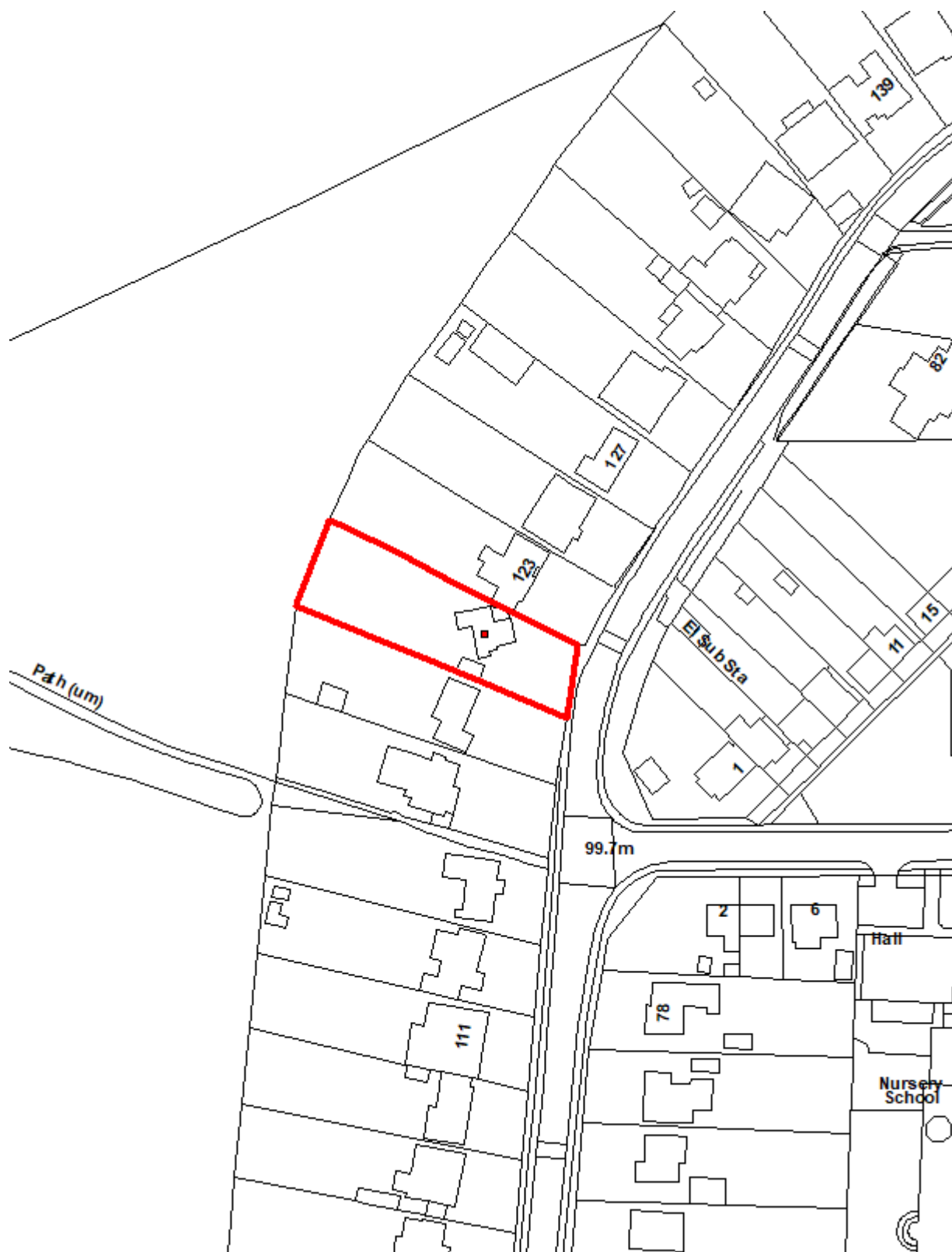
I have looked at the plans and due consideration has been given to waste management/bin provision aspects of the proposal for 2 properties. A dedicated bin store is included to provision for standard suite of containers with keypad access, this will need to be provided to us in order to pass onto Veolia. Therefore, Waste services have no objections towards the proposal for waste and recycling provisions at property. The property developer is required to complete a 'Request Waste Assessment for New Development'. This form should be completed at least 6 weeks prior to the first date of occupation. This allows time for invoice to be raised and containers for recycling to be ordered and delivered ready in time for the new occupants. Residents to present their waste and recycling at the property boundary. All collections to take place in accordance with Council policies.

Representations

21 letters of objection were received including objections from the Beaconsfield and Chiltern Societies, summarised as follows:

- Overdevelopment due to the proposed scale and increase in density
- Impact upon the street scene and design considered out of keeping with surrounding character
- Lack of parking provision during the building phase which could lead to danger to users of the highway
- Increase in traffic generation
- Proposed access would be impractical due to steep slope and lack of manoeuvrability
- Impact upon wildlife
- Site is designated as a 'sensitive settlement edge' within the Beaconsfield Character Analysis,
- Noise and light would impact neighbouring amenities
- Overlooking, overbearing and loss of light for occupiers of neighbouring dwellings
- Lack of privacy for occupants of the proposed dwelling
- Impact upon Burnham Beeches SAC
- Impact upon Green Belt
- Reference also made to impact of the proposed development at No.123
- Incorrect boundary line
- Flooding
- Due to changes in land levels fencing would not be sufficient

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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