



Report to East Area Planning Committee

DEFERRED APPLICATION

Application Number:	PL/22/2882/VRC
Proposal:	Variation of Condition 2 (Approved Plans) of Planning Appeal Ref: APP/X0415/W/19/3219988 (Demolition of an existing dwelling and erection of two new semi-detached family dwellings with associated amenity space and car parking) to allow for amendments to the scheme including increase in depth to ground floor level single-storey rear projections in line with Permitted Development Rights available to the completed development.
Site Location:	Kerns 11 Woodlands Drive Knotty Green Buckinghamshire HP9 1JY
Applicant:	4 Lee's Ltd
Case Officer:	Melanie Beech
Ward affected:	Penn Wood & Old Amersham
Parish Town Council:	Penn Parish Council
Valid date:	11 August 2022
Determination date:	2 February 2023
Recommendation:	Application PL/22/2882/VRC be delegated to the Director of Planning, Growth & Sustainability to approve, subject to conditions and the satisfactory prior completion of a Section 106 Agreement. If the Section 106 Agreement cannot be completed the application be refused for such reasons as considered appropriate.

1.0 Matters for consideration

- 1.1 Members will recall that this application was heard by the Planning Committee at the meeting on 6th December 2022. The original case officer's report is attached at Appendix A.
- 1.2 The application was deferred so that the case officer could seek clarification from the Highway Authority as to whether the site lies within Zone B or Zone C as defined in

the Buckinghamshire Countywide Parking Guidance September 2015. Furthermore, clarification was sought on whether the proposed dwellings had been assessed as 4 or 5 bedroom dwellings and whether this would affect the comments and recommendation from the Highway Authority.

2.0 Evaluation

2.1 The Council's mapping has been re-examined and the site itself lies in Zone C, as per the Parking Standards SPD. The surrounding area to the East and South lies within Zone B. The Highways Officer had previously argued that the Zone B standards should be applied, given the site has the same accessibility from the town centre as the adjoining areas within Zone B.

2.2 The following additional comments have been received from the Senior Highways Development Management Officer:

"I have had a look at this application again and I would still argue that Zone B parking standards could be applied in this situation given it is a 10-minute walk into Beaconsfield town centre and the train station. Nevertheless, if you are correct that should Zone C be applied, each dwelling would have a shortfall in 2 spaces. Even if each dwelling had an optimum parking requirement of 4 spaces each, I would not be in a position to recommend refusal for the application as I would not consider the overspill in parking to create a 'severe' impact on the highway in line with the NPPF. This argument is supported by Inspector for the original application (CH/2018/0825/FA), who stated the following:

"Adequate parking is proposed to meet the Council and Highway Authority requirements, and in any event there is no firm evidence that any overspill parking on Woodlands Drive would be harmful to highway or pedestrian safety."

Furthermore, as you say the conversion of the garage could still be carried out without planning permission."

2.3 With regard to the number of bedrooms, the Senior Highways Development Management Officer provided the following additional comment:

"I made this assessment on habitable rooms as per the BCPG and this therefore included the study, games room, tv room etc. Each dwelling has a total of 9 habitable rooms which informs the optimum parking of 4 spaces. As a guide, the BCPG states that 8+ habitable rooms can be compared to 5 bedrooms which I would therefore consider in line with the proposed dwellings."

2.4 The following evaluation has therefore been carried out using the standards for Zone C. Each of the new dwellings is shown to have 4 bedrooms, although as noted by Members at the previous meeting, there is another room in the roofspace which is annotated as being a games room. The parking standards give flexibility as to how such layouts should be assessed. Clearly, the games room could be used as a bedroom, giving rise to 5-bed dwellings.

2.5 The Parking Standards SPD states that the optimum level of parking for a dwelling in Zone C that has either 5 bedrooms or 8+ habitable rooms is 4 parking spaces per dwelling. Each proposed dwelling is shown to have room for at least two cars to park on the respective driveway area.

- 2.6 However it must be noted that the dwellings subject of the original planning application, which was approved at appeal (ref. CH/2018/0825/FA) also contained four bedrooms plus the games room. So the number of bedrooms, or potential bedrooms, however it is assessed, is identical to the appeal scheme. The size of the proposed frontage parking areas is also identical. The Appeal Inspector did not impose a condition stating that the garages should remain available for parking, so they could be converted to habitable accommodation. As such, the appeal scheme in effect allows for 5 bed dwellings served by the frontage parking areas.
- 2.7 The current application is exactly the same in that respect, in that it also proposes potential 5 bed dwellings served by the frontage parking areas. Given that the Appeal Inspector found this to be acceptable, it would be unreasonable to now come to a different conclusion.
- 2.8 It should also be noted that Paragraph 111 of the NPPF states that “development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. In order to justify a refusal, the resulting highway impact from a parking shortfall would therefore need to be severe. Based on the comments from the Highway Authority and the Inspector in determining the previous appeal on this site (quoted above), a reason for refusal based on parking could not be sustained. This is because the shortfall in spaces would not result in a severe impact on the highway and also, importantly, because the Appeal Inspector approved an identical layout for dwellings of the same number of bedrooms. For the latter reason alone, it would be unreasonable to now go against the appeal decision and introduce parking as a concern.

3.0 Conclusion

- 3.1 Members deferred the application for clarification from the Highway Authority. The Highway Authority has confirmed that even if the site was considered to be within Zone C and have 8+ habitable rooms, and thus the shortfall of parking spaces for the development would be 4 rather than 2, they would still not recommend refusal of the application. This is because the impact on the highway is not considered to be severe and therefore the development should not be refused, in accordance with paragraph 111 of the NPPF.
- 3.2 However, importantly, it must be noted that the 2018 appeal scheme was also for the same number of bedrooms in each house, plus the same frontage parking area. The Inspector did not impose a condition requiring the garages to remain for parking, so he in effect approved potential 5-bed dwellings served by their frontage parking areas. This is identical to the current proposal and it would therefore be unreasonable to refuse the scheme on parking.
- 3.3 Based on this further assessment, the recommendation remains to defer to approve the application, subject to the completion of a legal agreement to secure appropriate mitigation against the potential adverse impacts of the development on the Burnham Beeches Special Area of Conservation (SAC).

4.0 Recommendation: Application PL/22/2882/VRC be delegated to the Director of Planning, Growth & Sustainability to approve, subject to conditions and the satisfactory prior

completion of a Section 106 Agreement. If the Section 106 Agreement cannot be completed the application be refused for such reasons as considered appropriate.

Subject to the following conditions:

1. Prior to the implementation of the permission hereby granted, detailed plans, including cross section, showing the existing ground levels and the proposed slab and finished floor levels of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.

Reason: To protect, as far as is possible, the character of the locality and the amenity of neighbouring properties.
2. The development hereby permitted shall only be constructed in the materials shown on the Schedule of External Materials Revision A, received by the Council on 21 October 2022 and which were approved under reference PL/22/2892/CONDA.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.
3. The dwellings hereby permitted shall not be occupied until the first floor windows on each flank elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Reason: To protect the amenities and privacy of the adjoining properties.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the flank elevations at first floor level.

Reason: To protect the amenities and privacy of the adjoining properties.
5. Prior to the occupation of the development the new access, parking and turning shall be constructed in accordance with the approved plans and shall be permanently maintained for those purposes.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to enable vehicles to draw off, park and turn clear of the highway.
6. Within one month of the new access being brought into use, the existing access point shall be permanently 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 and retained thereafter.

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

7. The development shall be undertaken in accordance with the recommended safeguards provided within the Bat Survey produced by Arbtech Consulting Ltd (August 2018) and in accordance with the ecological enhancements shown in the Ecological, Mitigation, Enhancement and Management Plan dated 10th June 2022 prepared by Arbtech (which was approved under application reference PL/22/2163/CONDA).

Reason: In the interests of improving biodiversity in accordance with NPPF and policy 24 of the Chiltern District Core Strategy and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

8. Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class A of Part 1 of Schedule 2 to the said Order shall be erected or constructed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will constitute overdevelopment of the site or will in any other way be detrimental to the character of the locality or the amenity of neighbouring properties.

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

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
8 May 2018	location plan
11 Aug 2022	5544-A102 D
11 Aug 2022	5544-A101 E

and in accordance with any other conditions imposed by this planning permission.

Reason: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.