



Report to South Area Planning Committee

Application Number:	PL/23/0411/FA
Proposal:	Demolition of existing house and outbuildings and erection of a block of 6 flats with associated parking, cycle and bin provision and widening of existing vehicular access
Site location:	Firdene Oxford Road Denham SL9 7AP
Applicant:	Ms M Gardiola
Case Officer:	Mr Graham Mansfield
Ward affected:	Denham
Parish-Town Council:	Denham Parish Council
Valid date:	13 February 2023
Determination date:	21 May 2023 (Extension of time: 20 October 2023)
Recommendation:	Defer and delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and any others he considers appropriate.

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application seeks planning permission for the redevelopment of the site to erect a three-storey building accommodating 6 flats with associated parking, cycle and bin storage and widening of the existing vehicular access.
- 1.2 The proposed development would meet the exceptions of the South Bucks District Local Plan Policy GB3 which refers to the residential infilling in Green Belt Settlements. This exception is also set out in National Green Belt policy as one of the exceptions to inappropriate development at paragraph 149 e of the NPPF.
- 1.3 In addition, it is considered that the proposed development would provide a sustainable form of development and would make effective use of land. The proposal would meet the requirements of paragraph 120 of the NPPF where substantial weight should be given to the value of using suitable brownfield land within settlements for homes and the promotion of the development for under-utilised land and buildings where this would help meet an identified need for housing where land supply is constrained.
- 1.4 The application has been referred for determination by the South Area Planning

Committee following call-ins from Councillor Hollis and Denham Parish Council.

- 1.5 Defer and delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and any others he considers appropriate.

2.0 Description of Proposed Development

- 2.1 The application site is located on the north side of the A40 Oxford Road within the Green Belt Settlement of Tatling End. The site is currently occupied by a small bungalow on a reasonably sized plot, which is set down at a lower level to the adjacent highway.
- 2.2 The site is bound by a chalet bungalow ('Appletrees') to the east and an access track/public footpath to the west which serves properties to rear of the application site. The property to the west of the access (Twin Oaks) is set forward of that of the application property.
- 2.3 In terms of the surrounding there is a general mix of type and character of properties, including purpose-built flats, terraced and semi-detached dwellings.
- 2.4 The application seeks to erect a three-storey building which would incorporate 6 self-contained flats. The proposed building would be approx. 19.0m in width and 11.0m in depth, with the top storey set back from the front and sides of the building (at a width of 17m and depth of 9.1m). The total height of the building would be 9.2m and 7.0m to the top of the first-floor parapet.
- 2.5 The proposed development would be contemporary in design featuring generous glazing, white render and timber. It would feature a flat roof which would incorporate a green roof for the purposes of bio-diversity. The rear of the development would provide a communal garden space with access to private amenity space provided to the ground and first floor flats in the form of balconies and private gardens.
- 2.6 A total of six parking spaces would be provided to the front of the development, together with soft landscaping and enclosed cycle and bin storage.
- 2.7 The application is accompanied by:
 - a) Insert list of supporting documents...e.g. Planning and Retail Statement
 - b) Design and Access Statement
 - c) Transport Assessment, etc
- 2.8 Amended plans were received during the course of the application to address technical issues regarding drainage, ecology and highway access.

3.0 Relevant Planning History

- 3.1 9 -10 Oxford Road, Tatling End (opposite the application site):

PL/18/3982/FA; Demolition of existing office building and erection of three storey building comprising of six flats.

Refused: The proposed development by reason of its poor architectural design rationale and conflicting roof forms would result in a visually discordant development which would fail to provide a high quality design that would appear appropriate within the character and scale of surrounding area, to the detriment of the character of the Green Belt Settlement. In addition, the extent of hard surfacing and car parking would result in a development would have an overly intensive and cramped appearance that

is dominated by built form. The proposal would therefore constitute a poor form of development which fails to take the opportunity to contribute positively to making places better for people and would be detrimental to the character and appearance of the site and immediate and wider area. As such the proposal is contrary to policies GB3, EP3 and H9 of the South Bucks District Local Plan (adopted March 1999), policy CP8 of the South Bucks Core Strategy (adopted February 2011) and would fail to accord with the design aspirations of part 12 of the National Planning policy Framework (2019).

Allowed on Appeal: Appeal Ref: APP/N0410/W/3246468

4.0 Summary of Representations

- 4.1 Letters of objections have been received from 5 separate households.
- 4.2 Denham Parish Council have raised objections to the proposal on a number of grounds. Concerns relate to parking, highway safety, character and over-development of the plot.
- 4.3 The full consultation responses and summary of representations can be found at Appendix A of this report.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), February 2023.
- Planning Practice Guidance
- National Design Guidance, October 2021
- 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
- Denham Neighbourhood Plan 2020-2036

Principle and Location of Development

Core Strategy Policies:

CP1 (Housing provision and delivery)

Local Plan Saved Policies:

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

GB3 (Residential infilling in Green Belt settlements)

H2 (Housing allocation)

- 5.1 The application site is located in Tatling End, a Green Belt Settlement as set out in policy GB3 of the South Bucks District Local Plan. Local Plan policy GB3 states that limited infilling is appropriate in Green Belt Settlements and defines limited infilling as 'the filling of small gaps within the settlement'. It goes on to advise that infilling would normally involve development in a gap in a continuously built up frontage.
- 5.2 Local Plan GB3 is broadly consistent with the NPPF. Paragraph 149 of the NPPF states local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, exceptions to this include limited infilling in villages as set out Paragraph 149 e of the NPPF.

- 5.3 With regard to whether the proposal is 'limited', there is no definition of limited infilling within the NPPF, however, the fact that the word limited is applied here poses some form of restriction on the development. With this in mind, it is considered reasonable that at the very least the development should be restricted or limited in such a way that is consistent with the development that surrounds the application site so that the development does not prejudice the aims and purposes of the Green Belt, primarily its openness.
- 5.4 The existing site appears as an anomaly within the streetscene, being a relatively small dwelling in comparison to the surrounding development within Tatling End. The footprint of the proposed development would be comparable to that of surrounding built form. In addition, the siting of the proposed building aligns with the existing line of built form to the east. It would not project further towards the undeveloped Green Belt land than existing buildings within the vicinity of the site, and the land to the rear of the building would remain as an undeveloped lawn area. Therefore, on balance, it is considered that the proposal would not result in an encroachment into the countryside, or an encroachment into the currently undeveloped Green Belt.
- 5.5 In terms of the size of the development, it is recognised that replacement building would be larger in scale than the existing building on site. However, in terms of limited infilling, the Council has previously accepted the principle of larger flatted developments within the Green Belt Settlement of Tatling End. An example of which is located opposite at 9-10 Oxford Road. This development was refused by the planning authority under planning reference PL/18/3982/FA (in terms of character) and subsequently allowed at appeal. As such, given the specific circumstances of the site and existing surrounding built form, it is concluded that the proposal amounts to limited infilling within a Green Belt settlement or village and therefore is appropriate development within the Green Belt.
- 5.6 Given the above, the proposed development would meet with the exception to inappropriate development in the Green Belt as set out in paragraph 149 e of the NPPF. In addition, the proposed development would align with local plan policy GB in relation to residential infilling in Green Belt settlements. Therefore, there are no in principle objections to the scheme. Therefore, this matter is afforded neutral weight in the planning balance.
- 5.7 Matters relating to the character of the area are addressed further in the report below.

Affordable Housing and Housing Mix

Core Strategy Policies:

CP1 (Housing Provision and Delivery)

CP2 (Housing Type and Size)

CP3 (Affordable Housing)

- 5.8 Due to the size of the site and the number of units proposed, the development would not be required to provide affordable housing in line with paragraph 64 of the NPPF.
- 5.9 Paragraph 120 of the NPPF, amongst other things highlights that substantial weight should be given to the value of using suitable brownfield sites within settlements for homes, and support the development of under-utilised homes and buildings especially if this would help to meet identified needs for housing where land supply is constrained.

- 5.10 It is clear that the South Bucks District does not currently have a 5-year land supply of housing and is highly constrained by the Green Belt. As such, the proposed development would make effective use of previously developed land in the Green Belt, whilst contributing to the housing shortfall. The site would represent a brownfield site in the Green Belt and thereby reducing pressure on open Green Belt land.
- 5.11 The area is predominantly residential and there is a significant need for new housing within south Buckinghamshire area. It is considered that the site is sufficiently accessible to not be isolated and unsustainable. On this basis, it is considered that the site is suitable for redevelopment. This matter of housing provision is afforded moderate weight in the balance.

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)

Buckinghamshire Countywide Parking Standards (2015)

- 5.12 A number of comments have raised concerns regarding the parking for the proposed development. In terms of the parking provision, the proposed development contains 6 residential units, with each being served by one parking space.
- 5.13 Flatted developments with 4 habitable rooms would require 1 parking space in accordance with the Buckinghamshire Parking Guidance and Highways officer have raised no concerns on this basis. In terms of sustainable transport, it is noted that the development is located in an area served by bus routes on the A40 providing connections to Uxbridge, Gerrards Cross and Beaconsfield. In addition, the development would be served by cycle spaces in accordance with the Council's guidance.
- 5.14 During the course of the application, the proposed access point was amended to ensure that vehicles could pull off an onto the A40 without compromising the safety of Highway users. As such, there are no outstanding concerns in terms of Highway safety.
- 5.15 Overall, the proposed development would not result in any concerns in terms of highway and parking matters that would warrant refusal of the scheme and this is attributed neutral weight in the planning balance.

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)

Denham Neighbourhood Plan Policies:

DEN5: Design in Tatling End

- 5.16 It is noted that a number of objections have been raised in relation to the amount of built form within the plot, together with the impact of the proposed development on

the streetscene.

- 5.17 Local Plan Policy EP3 refers to the use, design and layout of development and the need for new developments to be compatible with surrounding locality in terms of scale, design and layout.
- 5.18 Denham Parish Neighbourhood Plan Policy DEN5 highlights in order to maintain the essential character, development proposals in Tatling End must demonstrate that they have had full regard to the planning and design principles of the Chiltern and South Bucks Townscape Character Part 3.
- 5.19 In terms of the Chiltern and South Bucks Townscape Character Study (2017) the majority of the application site lies within a green suburban road typology, with the front of the site being both within town centre fringe and clustered centre typologies. In addition, the area opposite the application site is noted for being within a 'key area of fragmented character'.
- 5.20 In terms of the footprint of the proposed building and its relationship within the host plot. Officers would note that there would be a sense of separation from both common boundaries (5.0m to the west and 2.0m to the east). In addition, a 20m deep rear amenity would be maintained. In this regard, the proposed development would not result in an overdevelopment of the host plot.
- 5.21 In terms of the scale of the proposed building, whilst it is acknowledged that the proposed building would be larger than that of existing building and neighbouring properties, the proposed scale of the building would not be dissimilar to other flatted developments in the streetscene, including that of Edith Smith House on the north side of Oxford Road and the recent development of flats at 9-10 Oxford Road immediately opposite the application site.
- 5.22 In addition to the above, it is noted that the proposed building would be sited at a lower ground level to the Highway and would be set some distance behind the front elevation of both neighbouring properties. Both of these factors would reduce the prominence of the development within the streetscene.
- 5.23 The design of the proposed building would be of a contemporary design largely consisted of render and large glazing, and featuring timber cladding to the central atrium, and subordinate top floor. The Council's Urban Design officer has not raised any objection to the design principles used, but has advised officer to take into account the context of the wider area.
- 5.24 Noting the above, it is considered that a contemporary flatted development in this location would not unduly harm the character and appearance of the area. Officers would note that the surrounding streetscene is made up of differing typologies including a mixture of flatted developments, domestic scale housing and commercial buildings. The mixed character of the area is such, that the proposed would not warrant refusal on design grounds only. This matter is given 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)

H11 (Alterations and extensions to dwellings)

- 5.25 A number of objections have been raised in terms of impact of residential amenity. In terms of the impacts on the adjacent property to the east ('Appletrees'), the proposed building extend beyond that of Appletrees by 2.5m, with the flank wall of the proposed development being set off from the rear corner of the adjacent property by 2.6m. It has been demonstrated that the proposed development would not breach the relevant 60 degree and 45 degree light angles from the rear facing habitable rooms of 'Appletrees'.
- 5.26 In addition, the applicant supported by a daylight sunlight report which has been produced in accordance with the guidance set out in the BRE' Site layout for Daylight and Sunlight: A Guide to Good Practice'. The report sets out that the proposed development would not result in any unacceptable impacts in terms of daylight and sunlight, and would meet the 80% tolerance in terms of vertical sky component and amenity areas.
- 5.27 In terms of outlook, it is considered that the proposed building would not extend significantly beyond the rear elevation of 'Appletrees', as to cause significant harm to the adjacent occupiers. Furthermore, the top floor of the proposed building would be set in from the outer edges of the lower floors which would also reduce any visual prominence.
- 5.28 In terms of privacy, it is noted that there would be a small flank window in each of the flanks of the top floor of the proposed building. However, these could be conditioned to ensure that they are obscure glazing. All other windows in the development would face the highway or the rear garden of the development. The rear facing windows would not be unusual in this residential location. Although, there would be more opening on the rear elevation at upper floors, this is considered not to result in unacceptable overlooking to neighbouring occupiers.
- 5.29 In terms of the residential property to the rear of the side (Meadow View) a 20.0m rear to side relationship would be maintained. It is considered that the proposed development would not result in unacceptable impact in terms of outlook, daylight or privacy to the front or side windows of Meadow View.
- 5.30 Twin Trees is the closest property to the west of the application site. However, there is separation in terms of the access road and public footpath which serves Meadow View to the rear. There would be a gap of approx. 5.0m maintained between the west flank wall of the development to the boundary. In total an 11.0m gap would be retained from the rear corner of Twin Trees to the flank wall of the proposed development. Officers consider that this relationship would be satisfactory, whilst also noting the conclusions of the daylight and sunlight report.
- 5.31 In summary, the proposed development is considered not to result in any unacceptable impacts in terms of daylight, outlook or privacy.
- 5.32 The proposed dwellings have all been designed to meet the national space standards and would be served by a mixture of private and communal spaces. The layout of the proposed development would also ensure that all habitable rooms would benefit from acceptable levels of daylight and outlook. Noting the above, this matter is attributed neutral weighting in the planning balance.

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)

5.33 The proposed development would be served by an enclosed waste store to the front of the property. The Council's waste team have reviewed the plans and have no objections to the proposed development.

5.34 Environmental Health have reviewed the proposals in relation to contaminated land and noise/disturbance. No objections have been raised, subject to planning conditions.

Flooding and drainage

Core Strategy Policies:

CP13 (Environmental and resource management)

5.35 The application site is located in Flood Zone 1, with some areas towards the centre of the site subject to low levels of surface water flooding. During the course of the application, a surface water and drainage strategy has been produced to address concerns from the Lead Local Flood Authority (LLFA).

5.36 The proposed development would incorporate permeable paving, green roofs and soakaways to discharge surface water drainage. Details of the maintenance of these suds features have also been provided by the applicant. The LLFA are satisfied with the drainage strategy for the site and have no objects subject to a planning condition in relation to the final details of design for the suds components and features.

5.37 In terms of water efficiency, policy CP13 sets out various infrastructure requirements for new developments, including ensuring they will be served by adequate infrastructure capacity in terms of water supply. A 2021 Ministerial Statement (New water saving measures to safeguard supplies - GOV.UK (www.gov.uk)) on reducing demand for water, included an action to write to local authorities to encourage them to adopt the optional minimum building standard of 110 litres per person per day in all new builds where there is a clear local need, such as in water stressed areas. Normally, such measures are controlled under the Building Regulations, but in this case, this standard is not covered. It was recognised that by adopting this standard, Local Authorities in England would help meet the Governments proposed Water Demand Target under the Environment Act 2021. The application site is in an area of serious water stress, as defined by the Environment Agency, requiring water efficiency opportunities to be maximised. As such, in the event of permission being granted, a condition to ensure this standard is adopted is considered necessary, to mitigate the impacts of climate change, in the interests of sustainability, and to use natural resources prudently, in line with Core Strategy Policy CP13 and Section 14 of the NPPF, 2021.

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)

- 5.38 There are no protected trees within the application site. However, a tree survey, retention and protection plan has been provided with the application. The Council's Tree officer has identified that the oak trees to the front of the site as being the most significant, and these would be retained as part of the proposal.
- 5.39 In reviewing the submitted details, the Council's Tree officer has raised no objection to the proposed development.
- 5.40 In terms of landscaping, the proposed development would introduce hardsurfacing to the front of the site to serve the car parking area, together with soft landscaping and planting to the front and rear of the site.

Ecology

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

Buckinghamshire Biodiversity Net Gain SPD (2022)

- 5.41 The Proposed development is accompanied by the necessary ecology surveys and supporting information in relation to bio-diversity net gain. Development proposals need to demonstrate measurable gains in biodiversity in accordance with the National Planning Policy Framework (NPPF) and relevant Local Planning policies, policy CP9 in this instance.
- 5.42 Buckinghamshire Council also has an adopted Biodiversity Net Gain Supplementary Planning Document which sets out that Buckinghamshire Council has an aspiration to achieve at least a minimum 10% net gain.
- 5.43 The Council's Ecology officer has reviewed the supporting documents and raises no objection the proposals, noting that surveys undertaken on site confirm that there are no protected species on site. Furthermore, the biodiversity net gain metric supplied indicates that the proposed development would result in a biodiversity net gain of 0.71 habitat units and 0.084 hedgerow units and would be in excess of the minimum requirements for percentage increases in net gain. This would be considered to attract moderate weight in the balance.
- 5.44 In summary, no concerns are raised in terms of protected species and biodiversity net gain. Officers also note that the site is outside of the 5.5km zone of influence of Burnham Beeches Special Area of Conservation.

Historic environment (or Conservation Area or Listed Building Issues)

Core Strategy Policies:

CP8 (Built and historic environment)

- 5.45 The site is not adjacent to, but is close to a number of designated heritage assets, located westward on Oxford Road. The Council's Heritage officer notes that the application site is close to a pair of 17th Century cottages (Rowan Tree Cottage and Gillies Cottage) and a detached 17th Century building (indigo bar and restaurant), all of which are Grade II Listed buildings.
- 5.46 Overall, due to the mix of development of the area, and the fact that the proposed development would be buffered by greenery to the front, it is considered that that the proposed development would not harm the significance or the setting of the designated heritage assets described above.

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 five-year supply of deliverable housing sites in the South Bucks Area. It is also acknowledged that The Framework, at paragraph 11 is clear that in such circumstances, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
- 6.4 As set out above it is considered that the proposed development would accord with the Green Belt policies as set out in the Local Plan and NPPF in relation to limited infilling. It should be noted that 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 and when taking into consideration the level of need, and the number of homes being provided, it is considered that this should be attributed moderate weight.
- 6.6 Compliance with National and Local Plan policies have been demonstrated in terms of visual impact, preserving residential amenities, parking and access, meeting the challenge of climate change and flooding, and conserving and enhancing the natural environment, however these do not represent benefits of the scheme but rather demonstrate an absence of harm to which weight should be attributed neutrally.
- 6.7 In terms of applying paragraph 11 d of the NPPF it is concluded that there are no policies that protect areas or assets of particular importance, that provide a clear reason for refusing the development proposed and there are no adverse effects of the proposal that would significantly and demonstrably outweigh the benefits.
- 6.8 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.

7.0 Working with the applicant / agent

7.1 In accordance with paragraph 38 of the NPPF (2023) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

7.3 In this instance, the applicant was advised of any issues and provided the opportunity to respond to and submit additional information when necessary.

8.0 Recommendation: Defer and delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out below and any others he considers appropriate.

CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.
Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990. (SS01A)
2. No development shall take place above ground 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. Prior to the commencement of the development above ground level a specification of all finishing materials to be used in any hard surfacing of the application site shall be 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. 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.)
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved

landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. (ST02)

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

6. No works or development shall take place until details of the proposed finished floor levels of the Proposed Development and of finished ground levels in relation to the surrounding Dwellinghouses have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with these approved details. (SD16)

Reason: To ensure that construction is carried out at suitable levels having regard to the amenities of neighbouring properties. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

7. No works (other than demolition) shall not begin until a surface water drainage scheme for the site, based on the Sustainable Drainage System Strategy (SWDS - 2023 - 000019, rev. 1.1, 26 July 2023, STM Environmental) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Water quality assessment demonstrating that the total pollution mitigation index equals or
- exceeds the pollution hazard index; priority should be given to above ground SuDS components
- SuDS Components agreed in the Layout of Network (drawing no. PRV/003224)
- Construction details of all SuDS and drainage components
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction

Reason: The reason for this construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 167 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

8. The development shall be implemented in accordance with the agreed bat mitigation measures as detailed in the Bat Emergence Survey report (Wychwood Environmental, June 2023). The condition will be considered discharged following; a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.

Reason: To safeguard protected species that may otherwise be affected by the development.

9. No development shall take place (including demolition, ground works, vegetation clearance) unless and until the Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed, including integrated bat boxes and
- b) swift boxes.
- c) Ecological trends and constraints on site that might influence management.

- d) Aims and objectives of management which will (without limitation) include the provision of
- e) biodiversity net gain within the Site as shown within the Biodiversity Gain Plan
- f) Appropriate management options for achieving aims and objectives.
- g) Prescriptions for management actions.
- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward
- i) over a five-year period).
- j) g) Details of the body or organization responsible for implementation of the plan.
- k) h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall be for no less than 30 years. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details. Reason: In the interests of improving biodiversity in accordance with NPPF and Core Policy 9: Natural Environment of the South Bucks District Core Strategy and ensuring that the development achieves net gain.

11. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not be used for any other purpose.
Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.
12. Prior to the commencement of any works on the site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of a banksman, on-site loading/unloading arrangements and parking of site operatives vehicles) shall be submitted and approved in writing by the Planning Authority in consultation with the Highway Authority. Thereafter, the development shall be carried out in accordance with such approved management plan.
Reason: This is a pre-commencement condition as development cannot be allowed to take place, which in the opinion of the Highway Authority, could cause danger, obstruction and inconvenience to users of the Highway and of the development.
13. No other part of the development shall be occupied until the existing means of access has been altered in general accordance with the approved planning drawing and constructed to the appropriate Buckinghamshire Council access standards.
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
14. No works or development (including for the avoidance of doubt any works of demolition) shall take place until a tree constraints plan and method statement (in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction' (or any replacement thereof or EU equivalent)) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall provide, as required, details of a no dig driveway; phasing of demolition and construction operations; siting of work huts and contractor parking; areas for the storage of materials and the siting of skips and working spaces; the erection of scaffolding. Protective fencing detailed in the method statement

shall consist of a vertical and horizontal scaffold framework, braced to resist impacts, with vertical tubes spaced at a maximum level of 3m. On to this, weldmesh panels shall be securely fixed with wire scaffold clamps. The fencing shall be erected to protect existing trees and other vegetation during construction and shall conform to British Standard 5837:2012 'Trees in Relation to Construction' or any replacement thereof or EU equivalent. The approved fencing shall be erected prior to the commencement of any works or development on the site including any works of demolition. The approved fencing shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without prior written agreement from the Local Planning Authority. (ST17A)

Reason: To ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction and in the long term interests of local amenities. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

15. Prior to any development above a ground level, a detailed written scheme for protecting the proposed development from transportation noise from nearby traffic sources shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise of such measures as are necessary to ensure compliance in general terms with BS 8233:2014 standards. Thereafter, the development shall be carried out in strict accordance with the approved scheme which shall be completed before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing. The approved scheme shall thereafter be maintained.

Reason To safeguard the amenities of future occupiers of dwellings

16. The first floor windows in the elevation(s) of the hereby permitted shall be of a permanently fixed, non-opening design, and shall be fitted and permanently maintained with obscure glass. (SD09)

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.)

17. The first floor roof areas of the development 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.)

18. No further windows shall be inserted at or above first floor level in the Flank elevation(s) of the development 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.)

19. The dwelling(s) hereby approved shall be constructed to meet, as a minimum, the higher standard of 110 litres per person per day using the fittings approach as set out in the 'Housing: optional technical standards' guidance and prescribed by Regulation 36(2)(b) of the Building Regulations 2010.

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; and to use natural resources prudently, and in accordance with Policy 13 the South Bucks Core Strategy (adopted February 2011) and Section 14 of the National Planning Policy

Framework, 2021.

20. 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>
19 Apr 2023	OR-AP1-105 Rev A
19 Apr 2023	OR-AP1-106 Rev A
19 Apr 2023	OR-AP1-107 Rev B
19 Apr 2023	OR-AP1-108 Rev 1st
19 Apr 2023	OR-AP1-109 Rev 1st
19 Apr 2023	OR-AP1-110 Rev 1st
19 Apr 2023	OR-AP1-111 Rev 1st
19 Apr 2023	OR-AP1-112 Rev 1st

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Guy Hollis:

Received 13 April 2023

Denham Parish Council attempted to request a call in ostensibly on 8th March but say it was not shown on portal until 21st whereafter it was adjudged to be out of time.

Therefore, in the interests of all concerned, I should like to call in this application as deputy chairman of the planning committee in the interests of ensuring that their request is honoured and so that committee members are given an opportunity to scrutinise accordingly.

Denham Parish Council Comments

Received 21 March 2023

The planning application needs to be called-in, the application is an over-development of the plot. Lack of parking within the curtilage of the property and environmental health have concerns.

Received 4 May 2023

This planning application needs to be called-in, as the application is an overdevelopment of the plot. Lack of parking within the curtilage of the property, which could lead to highway safety issues arising from poor visibility accessing and egressing the site onto the A40 Oxford Road. The site is an overdevelopment of the plot, as this side of the road is mainly houses and will create a precedent in the street scene. Our existing call-in request remain and requires public scrutiny at a future planning meeting.

Consultation Responses

Ecology Officer:

No objection, subject to conditions

A bat activity survey was carried out on 30th May 2023 in accordance with appropriate survey methodology. No bats recorded emerging or re-entering the building thus no further surveys are required. Should this application be granted permission the proposed works should be carried out in line with the precautionary measures stated in the report. I would recommend that a compliance condition is attached to any approval granted. The proposed works and any associated vegetation clearance should be undertaken outside the nesting bird season that lasts March to August (inclusive). If this is not possible then the site should be checked for nesting birds prior to works commencing. If nesting birds are present the works cannot proceed until the young have fledged. I would recommend that informatives relating to bats and nesting birds, as protected species, are attached to any approval granted.

Biodiversity Net Gain

An amended Small Sites Metric was provided indicating that the proposed development will result in a biodiversity net gain of 0.7111 habitat units and 0.0849 hedgerow units equivalent to total net change of 354.48% habitat units and 265.38% hedgerow units. I would recommend that the habitat creation and long-term management of the site are addressed in a Landscape and Ecological Management Plan (LEMP) to be secured via a condition to any approval granted.

Lead Local Flood Authority

Received 18th August 2023

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

Surface water drainage

Calculations

Updated calculations have been provided which show that the permeable paving has been included under the storage structure section.

Maintenance

A maintenance schedule for the soakaway has been provided. It details what maintenance tasks need to be completed and the frequency of when the maintenance tasks need to be carried out. I would request condition(s) be placed on the approval of the application, should this be granted by the LPA.

Council Waste Department

Received 15th May 2023

Bin store located at the front of the property for ease of access for collections and residents without the need for waste vehicles to enter site. Our recommended containers are, 3 x 1100L bins to ensure required waste separation can be practiced by occupants. Residents to present their waste and recycling at the property in bin store for communal. All collections to take place in accordance with Council policies.

Highways Development Management:

Received 15th May 2023

The Highway Authority has previously commented on this application dated 10th March 2023. These comments requested additional plans demonstrating the access measuring 4.8m in width to allow for simultaneous two-way vehicles movements, as well as parking space dimensions measuring 2.8m x 5m to meet current standards.

Having assessed the amended plans, I note the parking space dimensions now measure 2.8m x 5m, along with a sufficient level of manoeuvrability space to allow vehicles to park, turn and exit the site in a forward gear. As mentioned in previous comments, the proposed development requires 6(no) parking spaces (1(no) space per flat). Whilst I recognise the representations that have been made on the portal regarding parking, the residential parking standards within the Buckinghamshire Countywide Parking Guidance are based on a dwellings level of habitable accommodation, in line with Census data.

With this in mind, the number of habitable rooms a dwelling has is primarily used to calculate its inherent parking requirement. Therefore, I consider all flats to fall within the 1-4 habitable room category and therefore require 1(no) parking space each.

In regard to the site access, I note the initial access will measure 4.8m wide. The driveway is also proposed to be widened, and although the width measures approximately 4.4m at its narrowest point, this is still sufficient to accommodate safe simultaneous two-way vehicular movements, in line with current Manual for Streets guidance.

Mindful of the above, I have no objections to the proposed application subject to conditions and informative points.

Tree Officer:

Received 23rd March and 5th May 2023

I have reviewed AIA & AMS by Trevor Heaps (4 February 2023) and is generally in accordance with BS 5837 guidance in categorising trees within close proximity of the site dwelling. The most significant tree from the public realm is the oak trees along the frontage and western boundary. The driveway I suspect will be widened so this should only occur on the western side of existing driveway so that any excavation/change of levels does not adversely affect the RPA T1 oak as the grass verge/ground level is raised and this would help with machinery clearance access into the site.

The amended plans OR-AP1-107 illustrates the widening of the driveway on the western side of nearby oak to avoid any excavation/change of levels within the RPA of T1. The submitted AMS & TPP relates to the superseded layout so a revised AMS & TPP is ideally required to ensure the ground protection measures and construction of any hard surfaces within vicinity of the T1 has fully considered arboricultural implications. I have no objection in arboricultural terms and if planning permission is permitted I recommend planning condition ST17.

Environmental Health – Contaminated Land

Received 15th March 2023

The site does not appear to have had a previous potentially contaminative use. Historical mapping indicates that the dwelling was built during the 1920s. The residential use of the site is unlikely to have given rise to anything more than diffuse anthropogenic contamination.

I have no further comments to make with regards to land contamination

Environmental Health – Noise

Received 27th February 2023

Given the close proximity of the development site to the A40 there is a significant potential for noise to materially impact on the amenity of the future residents of the proposed dwellings. The Environmental Noise Survey (report ref. 22114-1-R1) dated 18th November 2022 prepared by Jonathan Seiffert of noise.co.uk ltd on behalf of the applicant has been reviewed and the findings, recommendations and conclusions are generally accepted by Environmental health The internal noise levels should adhere to the levels as stated in BS8233:2014 and as such all habitable rooms will need to include acoustic glazing and ventilation systems that comply with the BS8233:2014 levels. Unfortunately, the applicant has not supplied any information in relation to the proposed glazing or ventilation schemes, nor have they provided any noise assessment to establish the level of control required to meet the BS8233:2014 requirements.

I would recommend that the Local Planning Authority (LPA) hold determination of this application in abeyance until the applicant has furnished it with a definitive noise control scheme for the dwelling houses (which reflects ventilation and cooling arrangements) and communal areas associated with the proposed development. However, if the LPA is minded to grant permission then I do believe that the issues cited above can be adequately managed via the use of a planning condition.

Heritage Officer:

Received 24th January 2023

The application is acceptable in heritage terms.

A Heritage statement has not been supplied. The NPPF paragraph 194 states applicants are required to describe the significance of any assets affected by the proposals including their setting. The

surrounding area is one of mix use development and the site is well screened from the front and side with a line of mature trees and hedging. Heritage would welcome that the greenery remains to lessen any impact on the nearby listed buildings.

The Planning (Listed Building and Conservation Areas) Act 1990

The proposals would preserve the architectural and historic interest of the listed building and therefore complies with sections 66 of the Act.

NPPF

The proposal would cause no harm to the significance of the heritage asset.

For the reasons given above it is felt that in heritage terms: The application would not raise any heritage objection.

Urban Design Officer:

(Verbal Advice)

No objections in terms of design. Officers to recognise the context of the surrounding area.

Representations

Letters of objections have been received from 5 separate households, the contents of which are summarised as follows:

- Concerns regarding the construction of further flats in the area
- Highway safety
- Anti-social behaviour due to increase in flats
- In adequate parking
- Obstruction of view
- Out of character
- Overdevelopment
- Overlooking
- Impact on amenity
- Parking pressure