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SOUTH BUCKS DISTRICT COUNCIL DECISION NOTICE

Application no. PL/18/2365/FA

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure)(England) Order 2015

In pursuance of their powers under the above-mentioned Act and Order, South Bucks District Council, as Local Planning Authority, **HEREBY PERMITS** the following:

Applicant: Sweeney
Location: Karenza, 84 The Uplands, Gerrards Cross, Buckinghamshire, SL9 7JG
Proposal: Redevelopment of site to provide 3 dwellings, alteration to access and construction of two additional accesses

in accordance with your application received on **20 June 2018** and the plans and particulars accompanying it subject to the following conditions and reasons set out on the following page(s).

Steve Bambrick
Director of Services
On behalf of the Council

Date: 15 August 2018

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SCHEDULE OF CONDITIONS AND REASONS RELATING TO THIS PERMISSION

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 until a schedule of materials to be used in the elevations of the development hereby permitted have been submitted to and approved by the District Planning Authority in writing. Thereafter the development shall be carried out in accordance with the approved details. (SM01)**

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

3 The first floor window in the side elevations of the proposed development hereby permitted shall be of a permanently fixed, non-opening design, and shall be fitted and permanently maintained with obscure glass. (SD08)

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.)

4 No windows shall be inserted at or above first floor level in the side elevation(s) of the dwellings hereby permitted. (SD05)

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

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

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

6 **Prior to the commencement of works, a plan detailing the erection of protective fencing for trees and other vegetation shall be submitted to and approved in writing by the District Planning Authority. The plan shall be implemented prior to the commencement of all works, including demolition of any buildings on site, and shall include the accurate representation of the crown spreads of all trees, shrubs and other significant vegetation. All protective fencing erected to protect existing trees and other vegetation during construction shall conform to British Standard 5837:2012 'Trees in relation to design, demolition and construction' or any replacement thereof or EU equivalent and shall consist of a vertical and horizontal scaffold framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. Onto this, weldmesh panels shall be securely fixed with wire or scaffold clamps. The fencing shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without the prior written consent of the District Planning Authority. (ST14A)**

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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.)

7 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.)

8 Prior to the occupation of the development the new accesses to Uplands road shall be designed in accordance with the approved plans. The access shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Private Vehicular Access within Highway Limits" 2013.

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

9 Prior to occupation of the development space shall be laid out within the site for parking for cars, loading and manoeuvring, in accordance with the approved plans. This area shall be permanently maintained for this 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 Prior to the occupation of the development minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from both sides of the new accesses onto Uplands road shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

11 Prior to the occupation of the development Bat boxes and bat roosting features shall be designed and implemented in accordance with the submitted Bat Survey Report.

Reason: To protect any protected species and/or their habitats (Policy C11 of the South Bucks District Local Plan (adopted March 1999) refers).

12 The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings:

Drawing No.(s): 1525/SP1 B received on 20 June 2018, **1525/P3 A** received on 20 June 2018, **1525/P2 A** received on 20 June 2018, **1525/P1 A** received on 20 June 2018, **TREE PROTECTION PLAN** received on 20 June 2018,

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.

INFORMATIVES

1 **INFORMATIVE:** 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

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

Transport for Buckinghamshire (Streetworks)
10th Floor, New County Offices
Walton Street, Aylesbury,
Buckinghamshire

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.

GENERAL NOTES

1. See the attached Appeal Notes for details of appealing this decision
2. This permission does not operate for the purpose of the Building Regulations or exempt you from obtaining any approval which may be required under those Regulations or compliance with any other statutory requirements. For advice please visit the Building Control pages on the Council's website or telephone 01895 837296.
3. There must be no departure from the approved application, particulars and plans without the written consent of the Council.
4. If this Decision Notice includes conditions that require the submission of details for the written approval of the Local Planning Authority, then you must formally apply to the Local Planning Authority to discharge the condition(s). Such requests can be made by letter or by application form. Forms are available on the Council's website, together with details of the fee. This fee is payable per new request and not per condition. Requests made without the appropriate fee will not be validated and will therefore not be answered, until the correct fee is paid.

Please be aware that pre-commencement conditions must be discharged prior to works starting on site. The Development Management Section will not normally approve details required by a pre-commencement condition retrospectively. Failure to comply with the requirements of such conditions may mean that the planning permission itself cannot be implemented and a new application will be required.

Classification: OFFICIAL

APPEAL NOTES

The applicant may appeal to the Secretary of State if aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions.

Appeals must be made on a form obtainable from the Planning Inspectorate, Temple Quay House, 2 The <https://acp.planninginspectorate.gov.uk/>. Guidance can be found on their website including how to complete your appeal form.

NOTE – If the Local Planning Authority has taken enforcement action please see important information in relation to an enforcement notice.

Householder Applications(*)

If you want to appeal against the **refusal of planning permission** on a 'Householder Application' then you must do so within **12 weeks** of the date of this notice. However, if you want to appeal **against the granting of planning permission subject to conditions** on a 'Householder Application' then you must do so within **6 months** of the date of this notice.

(*) A householder development is development in the boundary of, or to an existing dwellinghouse for purposes incidental to the enjoyment of the dwellinghouse, that does not involve change of use or a change to the number of dwellings. It includes an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development. Please note, this does not include development in the boundary of, or to an existing flat or maisonette.

Other Planning Applications (Non Householder)

You may wish to appeal against the:

- (1) Refusal of a planning, listed building consent, including refusal to vary or discharge conditions.
- (2) The conditions attached to a planning or listed building consent application.
- (3) Refusal, partial refusal or deemed refusal of a lawful development certificate.

The correct form must be used to appeal – Planning: Listed Building Consent; or Certificate of Lawful Use or Development Appeal Forms. Please specify form required, if requesting from Inspectorate. The time period to do this will vary depending on the application type or development type. An appeal must be made within the following time periods of the decision date:

- (1) An **advertisement application** must be made within **8 weeks**
- (2) If development is a **shop front or other minor commercial development** must be made within **12 weeks**
- (3) All other **non-householder application types** or development types must be made within **6 months**

Important information in relation to an enforcement notice

However, different timescales apply where the development is also the subject of an enforcement notice. If an enforcement notice has been served within two years of an application being submitted or is served before the time period for determining the application has expired, the time limit to appeal is within: **28 days from the date of refusal or the date of determination**. If an enforcement notice is served after the application's decision date or date for determination, the time limit is **28 days from the enforcement notice date**, unless this would extend the period beyond the usual time limit for cases not involving an enforcement notice. (This does not apply to Advertisement Consent Applications)

- The Secretary of State can allow a longer period for giving notice of an appeal but he/she will not normally be prepared to use this power unless there are special circumstances which excuse the delay
- The Secretary of State need not consider an appeal if it seems to him/her that the local planning authority would not have been able to have granted planning permission for the development or would not have been able to have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him/her.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim he can neither put the land to a reasonably beneficial use in its existing state, nor render the land capable of a reasonably beneficial use, either carrying out any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land, in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.