



## Report to West Area Planning Committee

---

<b>Application Number:</b>	21/07347/FUL
<b>Proposal:</b>	Demolition of Formoso and erection of 6 dwellings with associated garages and stopping up vehicular access to Grassy Lane
<b>Site Location:</b>	Formoso & Land Adjacent To Formoso Bourne End Buckinghamshire SL8 5JE
<b>Applicant:</b>	RAK Kiln Lane Ltd
<b>Case Officer:</b>	Jenny Ion
<b>Ward(s) affected:</b>	The Wooburns, Bourne End & Hedsor
<b>Parish-Town Council:</b>	Wooburn And Bourne End Parish Council
<b>Date valid application received:</b>	8th September 2021
<b>Statutory determination date:</b>	3rd November 2021

### Recommendation

#### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application site comprises the plot occupied by the dwelling Formoso, together with the open land to the east. The proposed development is for six detached dwellings, taking access from Kiln Lane, using the existing access point used by Formoso. An existing access from Grassy Lane would be stopped up.
- 1.2 Permission has previously been granted for the erection of four large detached houses on the same site. The proposed scheme is for a similar layout of development to the previously approved scheme, but a reduction in the size of dwellings proposed has afforded the opportunity to increase the number of units proposed to six.
- 1.3 The development would be for six individually designed houses with associated garages set in spacious plots. The dwellings would have an acceptable relationship with their surroundings, both in terms of landscape impact and with neighbouring properties. It would create an acceptable living environment for future occupiers. The proposed access into and within the site is considered satisfactory by the Highway Authority in terms of highway safety and capacity and suitable measures would be incorporated into the development to manage surface water drainage, so that the risk of flooding from surface water would not be increased within the site or elsewhere. The applicant has indicated that they are willing to enter into a S106 agreement to

secure a contribution towards the provision of affordable housing off-site and to secure biodiversity net gain through off-setting off-site.

- 1.4 The application has been called in to the planning committee by Cllr Drayton. Cllr Drayton asked for the application to be considered by the committee due to concerns that the development is an overdevelopment of the site and will give rise to concerns over highway safety due to the nature of Kiln Lane and the increase in traffic which would result from the development. Although aware of previous permissions for development on the site (as well as refused and withdrawn schemes) Cllr Drayton is not assured that regard should be had to this in determining this application.
- 1.5 The application is recommended for approval subject to completion of a S106 agreement to secure a contributions towards the provision of off-site affordable housing and biodiversity off-setting.

## **2.0 Description of Proposed Development**

- 2.1 The application site is a large, irregularly shaped site of just under 1 hectare, set on sloping ground between Kiln Lane to the north and the bridleway Grassy Lane to the south. It includes the site of the dwelling known as Formoso and an adjacent paddock to the east which has access from Grassy Lane.
- 2.2 The application amalgamates the two sites to allow the construction of six detached houses, with a shared access from Kiln Lane. This access currently serves Formoso, Apple Tree Lodge and Aston House, the latter dwellings being to the west / south west of the application site. To the east of the site is public open space and a bridleway runs parallel to the east boundary.
- 2.3 The development would be accessed via the existing shared entrance onto Kiln Lane, from which a spur would be taken running north west – south east, roughly parallel with Kiln Lane. Plot 1 would be sited on the plot currently occupied by Formoso, with additional land to the east. Its main entrance would face the access to the west, but being a corner plot it has been designed to address the access on the south side also. The property would have five bedrooms at first floor and a detached garage with green roof on its eastern side.
- 2.4 Plot 2 would be adjacent to plot 1, backing onto Kiln Lane. It would be set at an angle to the access, with two forward projecting gables. The dwelling would have a large master suite and two further bedrooms on the first floor and would have two further bedrooms and a cinema room within the roofspace. It would also have a garage with green roof on its east side.
- 2.5 Plot 3 would sit diagonally across the north east corner of the site, with a link attached garage on its southern side. The amenity space would be between the house and Kiln Lane and between the house and the bridleway along the east boundary. It would have four bedrooms at first floor and a further two bedrooms and bonus room within the roofspace. The roofspace above the garage is shown as an annex.
- 2.6 Plot 4 would be set in the south east corner of the site, with staggered front projecting gables, set at an angle to the driveway, with Grassy Lane to the rear. A garage would be set at right angles to the house, on the northern side, backing onto the bridleway. This dwelling would have four bedrooms at first floor, a bedroom and cinema room in the roof space, and above the garage a one bedroom annexe.

- 2.7 Plot 5 would be set on the south side of the access drive, with a long rear garden extending to Grassy Lane. It would have a green roofed garage set to the front of the house. The house would have three bedrooms on the first floor and a further two bedrooms and cinema room in the roofspace.
- 2.8 Plot 6 would also be set to the south of the access, adjacent to Apple Tree Lodge. It too would have a garage with a green roof to the front. The house would have four bedrooms at first floor and a bedroom and games room within the roofspace.
- 2.9 The design and access statement gives an indication of proposed materials, which would include good quality bricks and plain clay tiles, tile hanging, and render.
- 2.10 The application is accompanied by:
- a) Design and Access Statement
  - b) Preliminary Ecological Appraisal
  - c) Ecology Report
  - d) Biodiversity calculator
  - e) Tree Report
  - f) Canopy cover calculator
  - g) Affordable housing calculator
  - h) SuDS report
  - i) Highways Statement
- 2.11 During the course of the application the plans were amended. The changes include dropping the level of the house on Plot 4 and a drop to the level of the house on plot 5. Updated ecological surveys, biodiversity accounting information, canopy cover information and affordable housing contribution calculations were also provided.

### 3.0 Relevant Planning History

- 3.1 Permission has, in the past, been granted for a single dwelling on the paddock part of the site, with access from Grassy Lane, and for four houses with access from Kiln Lane, using the existing access point for Formoso. Permission has also been refused for a single dwelling on the upper, paddock, part of the site, involving of the creation of a new access onto Kiln Lane, towards the eastern end of the site. An appeal was dismissed for that proposal due to the impact of the new access on the character and appearance of Kiln Lane.

Reference	Development	Decision	Decision Date
92/06701/FUL	PROPOSED DETACHED DWELLING AND DOUBLE GARAGE	REF	25 November 1992
05/07708/FUL	Erection of 3-bed dwelling and detached garage	WDN	27 January 2006
06/06815/FUL	Erection of 3-bed dwelling and detached garage	REF	21 June 2007

07/07555/FUL	Erection of 3-bed dwelling and detached garage with access off Kiln Lane	WDN	18 December 2007
09/05883/FUL	Erection of 1 x 3 bed dwelling and detached garage with garden room/store under with access off Kiln Lane	REF	15 July 2009
09/05885/FUL	Erection of 1 x 3 bed dwelling and detached garage with garden room/store under with access off Grassy Lane	REF	22 April 2010
12/07227/TPO	Remove lower small stems and crown lift canopies to 6 metres above access road and site entrance to two Beech trees (T11,T13) and one Ash tree (T12)	PER	27 November 2012
13/05046/FUL	Erection of 1 x 3 bed dwelling and detached garage with garden room/store under retaining the existing access from Grassy Lane	PER	13 December 2013
15/07516/TPO	Fell protected trees T1 and T2 to ground level and remove stumps	SPTPCZ	3 November 2015
PI15/02050/ADRC	Application for the approval of details subject to conditions 2 (materials) and 3 (surfacing materials) of planning approval 13/05046/FUL	PECOND	31 December 2015
PI16/00436/ADRC	Application for approval of details subject to conditions 4 (levels), 5 (landscaping), 8 (protective fencing), 9 (drainage & utilities), 14 (ecology), 15 (access) and 16 (carbon reduction and water efficiency) of planning approval ref: 13/05046/FUL	PECOND	13 May 2016
PI16/00711/ADRC	Application for approval of details subject to Condition 12 (Method Statement) of planning approval 13/05046/FUL	PECOND	10 June 2016

16/07347/FUL	Demolition of Formoso and erection of 4 x detached dwellings with associated garages (3 x 5 bed and 1 x 4 bed) and stopping up of vehicular access to Grassy Lane.	PEOBL	8 January 2019
19/07240/FUL	Demolition of Formoso and erection of 8 x dwellings with associated car ports garages (5 x 4 bed & 1 x 5 bed detached dwellings) and a pair of semi-detached dwelling (2 x 4 bed) with access to site using existing shared private driveway onto Kiln Lane and associated external alterations.	WDN	27 January 2021
21/08316/ADRC	Application for approval of details subject to Conditions 3 (Materials), 4 (Approval of Surface Materials) and 6 (Arboriculture) of planning ref: 16/07347/FUL	PECOND	5 January 2022
21/08325/ADRC	Application for approval of details subject to Condition 7 (Construction Traffic Management Plan) of planning ref: 16/07347/FUL	PECOND	5 January 2022
21/08524/ADRC	Application for approval of details subject to Conditions 17 (Ecological Mitigation) and 21 (Biodiversity) of planning ref: 16/07347/FUL	PCO	
21/08556/ADRC	Application for approval of details subject to Conditions 11 (Surface Water Development) and 19 (Foul Drainage) of planning ref: 16/07347/FUL	PECOND	24 March 2022

#### 4.0 Policy Considerations and Evaluation

##### Principle and Location of Development

List relevant policies & SPD

WDLP: CP1 (Sustainable Development), CP3 (Settlement Strategy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM1 (Presumption in favour of sustainable development)

4.1 The site is located within the settlement boundary for Bourne End / Wooburn. Residential development is therefore acceptable in principle within this area, subject

to relevant development management policies, notably DM32, DM34 and DM35, which together combine to shape the quantum and form of development most appropriate to the locality.

- 4.2 The previous Local Plan did include an area specific policy for the Hawks Hill / Harvest Hill area, however this was not carried through to the current adopted Local Plan.
- 4.3 It is understood that the Parish Council is progressing the preparation of a Neighbourhood Plan which would include a policy specific to this area. However in terms of the statutory processes for preparing a Neighbourhood Plan this is still at an early stage and carries little weight.
- 4.4 Taking into account both the policy context and the planning history of the site some form of residential development is acceptable in principle. The remainder of the report addresses the details of the scheme and whether they comply with all the relevant policies.

#### **Affordable Housing and Housing Mix**

DM24 (Affordable Housing)

Planning Obligations SPD

- 4.5 The proposed development would exceed 1000 square metres in floor space and is over the threshold for the provision of affordable housing. Whilst affordable housing will normally be provided on site, in some circumstances off site provision or a commuted sum to provide affordable housing will be acceptable. It was agreed in relation to the four house scheme that a commuted sum, rather than on-site provision, was appropriate, and the same approach is acceptable in relation to this application. In this instance the applicant has agreed in principle to offer a commuted sum.
- 4.6 Where the Council agrees to a financial contribution in lieu of on or off site provision, this should be of broadly equivalent value to the provision that would have been provided on site. Part of the site is previously developed land (Formoso), with the majority (84%) being a greenfield. Affordable housing should be provided at a level of 35% units on previously developed land which is not employment land, and 48% on green field land.
- 4.7 On this basis the applicant has used the Council's affordable housing calculator to agree a figure for a contribution for the provision of affordable housing off-site and has confirmed that they are willing to enter into a S106 agreement to secure the contribution. As such there is no objection in principle to the application on affordable housing grounds.

#### **Transport matters and parking**

CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

Buckinghamshire Countywide Parking Guidance (2015)

- 4.8 It is proposed to access the site using the existing shared private driveway onto Kiln Lane. A previous application for development on the site taking access from Kiln Lane was dismissed at appeal, however this involved creating an entirely new access removing a substantial section of the roadside bank, which was judged to have an adverse impact on the character of the area.
- 4.9 The Highways Officer has reviewed the submitted information and it is satisfied that the access will be of an appropriate standard to serve the development proposed without detriment to highway safety. Vision splays can be provided commensurate

with the speed of the road, the access is wide enough to allow two vehicles to pass, and turning is available within the site suitable for a refuse collection vehicle. Subject to appropriate conditions to secure the alterations the access arrangements are therefore acceptable. Conditions will also be necessary to prevent obstruction of the vision splays.

- 4.10 The scheme proposes a similar means of access to the permitted scheme for four houses, which established the principle of this form of access. It should also be noted that, although a scheme for eight dwellings on the site was withdrawn prior to determination the Highway Officer had raised no objections to that proposal in terms of trip generation and the impact on the capacity and safety of the highway network.
- 4.11 Each house would be provided with garaging and driveway parking, complying with the requirement of the Countywide Parking Guidance. Subject to a condition to secure the provision and retention of the parking spaces / garages, the application is acceptable on parking grounds.

#### **Raising the quality of place making and design**

WDLP: CP9 (Sense of Place), DM32 (Landscape Character and Settlement Patterns), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

Residential Design Guide SPD

Housing Intensification SPD

- 4.12 The site is not located in an area designated for its landscape importance. It is located between two areas of Green Space, to the east and west, and the land on the opposite side of Kiln Lane is within the Green Belt and an area of attractive landscape. The general character of the area is of detached dwellings in spacious plots, creating a semi-rural character.
- 4.13 The supporting text to Policy DM32 notes that some areas, such as the Hawks hill / harvest Hill area, display a semi-rural character, and that this should be protected from development which would introduce an urban character through its design, density of layout.
- 4.14 The overall site is just under one hectare in size. Six dwellings are proposed, resulting in a density of six dwellings per hectare, indicating a fairly spacious development which is similar to development in the surrounding area. Each plot would be of a good size, with space around each dwelling and a good degree of separation between the houses.
- 4.15 It has been suggested that the plots would be small and cramped with small gardens. Plot 2 is the smallest of the plots. Its rear garden would be 29 metres wide with an average depth of about 15 metres. The overall plot depth is over 40 metres deep and 29 metres wide, exceeding 0.11 hectares. The other five plots vary in dimensions and shape and are larger than plot 4. All are considered to be spacious and in keeping with the sizes of plots found in the surrounding area. The layout is more spacious than may appear from the layout plan as the majority of garages are cut into the slope with green roofs.
- 4.16 The design approach is similar to that in the previously approved four house scheme. Each plot is of an individual design inspired by the arts and crafts style. The dwellings have differing footprints, layouts, roof forms, rooflines and projections. The development makes use of the sloping nature of the site with garages set at different levels to their parent property. The layout remains relatively informal – plot 1 faces

west to the entrance drive as it comes into the site, plots 2, 4 and 5 are set at an angle to the main drive, with plot 3 set diagonally across the corner of the site, and plot 6 set parallel to the drive.

- 4.17 The houses will be of similar style but individual design. The choice of materials, which can be secured by condition, will add further variety in appearance. The design and access statement indicates the use of good quality bricks and tiles, including the use of tile hanging and render to different elevations.
- 4.18 The site slopes markedly and some excavation is therefore required for the development, to provide level areas for the dwellings. The development will be cut into the slope, although some ground raising will also be necessary to create a level platform for each house. Some amendments have been made to the levels across plots 4 – 6, particularly for plot 4, to better embed the development in the landscape. Each dwelling would have a level area of garden, with the remaining garden areas retaining much of the natural slope.
- 4.19 The site has mature tree screening along its eastern boundary to the bridleway, the south boundary to Grassy Lane (where some trees are protected by a TPO), and along parts of the boundary with Kiln Lane. The retention of the mature trees maintains the contribution they make to the visual amenity of the area and will provide a framework and some screening for the development, helping it to assimilate into the surrounding landscape.
- 4.20 The buildings are set well in from the public site boundaries. Plot 1 is set back by about 17metres from Kiln Lane, and Plot 2 by 15metres. Plot 3 would be approximately 13 metres from the bridleway to the east, but is cut into the slope and set at a much lower level than the bridleway, as are the dwelling and garage on plot 4. Plot 4 is set 25 metres from Grassy Lane and is at a ground level between four and five metres lower than Grassy Lane. Plots 5 and 6 are set further down the slope and at greater distance from Grassy Lane.
- 4.21 New planting would be incorporated into the development, including trees, shrubs and hedging. Appropriate conditions would secure the details and retention of the landscaping, together with protection of retained trees during construction.
- 4.22 Taking into account the design, layout, levels, retained and additional trees and hedges, which provide screening, it is concluded that the development would be in keeping with the general character of the area and would not have an adverse landscape impact on either the immediate surroundings or wider views. The development would be low density with a fairly informal layout, the large, well vegetated plots being in keeping with the character of the surrounding area. It would not, therefore harm the character of the area and is acceptable, meeting the requirements of Policies DM32 and DM35 in relation to design and landscape setting.

#### **Amenity of existing and future residents**

WDLP: DM35 (Placemaking and Design Quality), DM40 (Internal Space Standards), DM41 (Optional Technical Standards for Building Regulation Approval)

Residential Design Guide SPD

Housing Intensification SPD

- 4.23 The dwellings would all be spacious houses with generous living accommodation and garden areas. These exceed the internal space standards and would create an attractive living environment for future occupiers. The degree of spacing between the

houses is such that, combined with the orientation, the dwellings would not give rise to mutual overlooking or loss of privacy to the dwellings or the gardens. Some flank windows will require obscure glazing but these are generally either secondary window or light non-habitable rooms.

- 4.24 On plot 1 the east facing en-suite bathrooms would require obscure glazing to prevent overlooking to Plot 2. The south elevation faces towards Apple Tree Lodge with a separation of approximately 28 metres is at sufficient distance that it would not result in undue loss of privacy.
- 4.25 The first floor flank windows in plot 2 (serving a dressing area and en-suite) would require obscure glazing to prevent overlooking. The side facing rooflights would be high level and can be conditioned as such. The alignment of the house and position of the garage on plot 3 mean that obscure glazing of first floor flank elevation windows is not required and the rooflights would similarly not result in loss of privacy.
- 4.26 The east elevation of plot 4 faces the bridleway, however the west elevation faces plot 5 and conditions will be required to ensure the rooflights are high level. The first floor flank windows of plot 5 will need to be obscure glazed and the rooflights high level. The same applies on plot 6.
- 4.27 The only neighbouring dwellings near the development are Apple Tree Lodge and Aston House. Plot 6 would be to the south east of Apple Tree Lodge and is on higher ground. The house on plot 6 is set 5 metres from the mutual boundary which is sufficient distance such that it would not have an overbearing impact on Apple Tree Lodge. The garden of plot 6 adjoins the gardens of both Aston House and Apple Tree Lodge. The rear garden is approximately 25 metres deep. The house is situation such that it would not result in undue loss of privacy to either dwelling.
- 4.28 The house on plot 5 also shares a garden boundary with Aston House but is set at 16 metres from the boundary and would not therefore result in any adverse impact in terms of light, outlook or privacy.
- 4.29 The house on plot 1 is opposite Apple Tree Lodge, across the access drive, at a distance of 28 metres. It is therefore sufficiently separated that it would not result in undue loss of amenity in relation to privacy, light or outlook.

#### **Environmental issues**

CP7 (Delivering the infrastructure to support growth), CP12 (Climate Change), DM20 (Matters to be determined in accordance with the NPPF), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 4.30 The site is located adjacent to a former landfill site (to the east of the site). Environmental Services has not raised any objections on this basis, however an informative drawing this to the applicant's attention is suggested.
- 4.31 It is anticipated that the development would be connected to the existing public foul drainage network since this was the detail agreed for the previous scheme. Should this not prove feasible for any reason then the option of a using a septic tank to serve the development would be acceptable.
- 4.32 There is sufficient space within the site for refuse storage and the Highway Officer is satisfied that a refuse vehicle could achieve satisfactory access. All residential development is expected to make provision for electric vehicle charging points to

reduce reliance on fossil fuels and reduce air pollution. This can be secured by condition.

### **Flooding and drainage**

DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 4.33 The site is not identified as being in a flood risk area, nor is there a risk of surface water flooding. Kiln Lane does have a low risk of surface water flooding (likely to be linked to the topography).
- 4.34 The scheme would increase the areas of hard surfacing compared to existing. Details of proposed management of surface water have been provided with the application. The plans indicate that it is proposed to use permeable surfacing for the driveways and soakaways within the site. The Lead Local Flood Authority is satisfied, from the information provided, that surface water drainage can satisfactorily managed within the site such that the risk of flooding would not be increased on the site or elsewhere. A condition will be imposed requiring approval of surface water drainage details as well as securing implementation and maintenance.

### **Green networks and infrastructure**

WDLP: CP7 (Delivering the infrastructure to support growth), CP9 (Sense of Place), DM34 (Delivering Green Infrastructure and Biodiversity in Development)

DSA: DM11 (Green Networks and Infrastructure)

- 4.35 There are public rights of way along the east and south boundaries of the site, and there are mature trees along both of these boundaries. In the case of those along Grassy Lane, to the south, a number are covered by a tree preservation order.
- 4.36 A tree report was submitted within the application and, during the course of the application a canopy calculator has been submitted to demonstrate that the development could achieved 25% canopy cover to comply with Policy DM24.
- 4.37 The proposals are to retain existing trees within the site, and to supplement these with additional tree and hedge planting. The Council's Arboricultural Officer is satisfied that the development can be achieved without detriment to the retention of the existing trees. Details of a revised Arboricultural Method Statement will need to be approved, as the document originally submitted with the application does not reflect the amended plans which alter the building levels on plot 4.
- 4.38 The Arboricultural Officer is also satisfied that the required level of canopy cover can be achieved, although a detailed planting plan will be required to be submitted. This can be secured by condition.

### **Ecology**

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)

WDLP: DM34 (Delivering Green Infrastructure and Biodiversity in Development)

Biodiversity Net Gain SPD (2022)

- 4.39 With the exception of the part of the site occupied by Formoso the majority of the site is undeveloped land which is of potential ecological interest. An updated Preliminary Ecological Appraisal (PEA) was submitted with the application. The Council's Natural Environment Officer is satisfied with the level of information provided in the PEA. That further specialist surveys are not required, and that suitable mitigation and

compensation measures can be secured by way of conditions. This approach was agreed in relation to the previous four house scheme on the site.

- 4.40 Since the last application was approved the current Local Plan has been adopted as has the Biodiversity Net Gain SPD. The majority of the site where development would take place is grassland and scrub, with mature trees / woodland mainly around the periphery of the site where it would not be disturbed by the new buildings or access road. These woodland areas to the east and south west of the site are identified as being of ecological and nature conservation value. The scheme retains the mature trees which are of visual significance, and suitable protection measures can be put in place during construction of the development to ensure that this area and the associated habitat is not disturbed.
- 4.41 The vegetation in the central part of the site will be removed to enable the development to be built. A biodiversity accounting exercise, using the DEFRA metric, was required to be submitted with the application, prior to determination, to demonstrate whether the application would achieve a net gain in biodiversity. This too has now been carried out and the report submitted. This indicates that, although there would be net gain in hedgerow habitat there would be a net loss of modified grassland habitat and overall there would be a net loss in biodiversity on the site.
- 4.42 The applicant has indicated that to address this net loss they would be prepared to compensate for this loss off-site, using a third party provider. Although it is always preferable to secure biodiversity net gain on site there will be circumstances where this is not possible. This is recognised in the Biodiversity Net Gain SPD which does make provision for off-setting.
- 4.43 In this instance the history of the site is of some relevance. It was acknowledged, at the time that the four house scheme was permitted, that there would be some reduction in habitat of biodiversity value. That scheme incorporated measures such as provision of bird and bat boxes to provide some compensation for that loss. Although these would be of benefit to wider biodiversity they would not have provided replacement habitat of the type lost.
- 4.44 Although it is acknowledged that the policy framework has altered since that permission was granted (with the adoption of both the Local Plan and the SPD), the Local Planning Authority has previously agreed to loss of habitat on this site. Therefore in this particularly instance, the principle of biodiversity off-setting is considered acceptable, subject to this being secured through appropriate conditions / S106 provisions.
- 4.45 The trees, hedges and scrub do provide potential nesting sites for breeding birds. Site clearance works will therefore need to take place outside the bird breeding season, or immediately after an ecologist has confirmed breeding birds are absent.

#### **Building sustainability**

WDLP: CP12 (Climate Change), DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM41 (Optional Technical Standards for Building Regulation Approval)

- 4.46 All residential development is expected to meet a higher standard of water efficiency to comply with Policy DM41, and this can be secured by condition. A condition will also be imposed to ensure that the development will achieve the standards in Building Regulations Approved Document M4(2) – accessible and adaptable dwellings. The DAS indicates that the dwellings have all been designed to meet this standard.

4.47 Policy CP12 promotes mitigation and adaptation to climate change and supports the integration of renewable technologies into residential and commercial developments of all sizes. Policy DM33 also requires the integration of renewable technologies into developments. In this instance the supporting statement indicates that ground or air source heat pumps will be incorporated into the development.

#### **Infrastructure and Developer Contributions**

WDLP: CP7 (Delivering the infrastructure to support growth), DM19 (Infrastructure Delivery)

4.48 The development is a type of development where CIL would be chargeable.

4.49 It is considered that there would not be other types of infrastructure, other than the provision of affordable housing and compensation for biodiversity, that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.

4.50 Having regard to the statutory tests in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that the following planning obligation(s) are required to be secured within a section 106 agreement:

- Affordable housing
- Biodiversity off-setting

4.51 The applicant has confirmed that he is willing to enter into a legal agreement.

### **5.0 Weighing and balancing of issues / Overall Assessment**

5.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

5.2 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

5.3 As set out above it is considered that the proposed development would accord with the development plan policies.

5.4 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.

5.5 The Human Rights Act 1998 Article 1 the protection of property and the peaceful enjoyment of possessions and Article 8 the right to respect for private and family life, have been taken into account in considering any impact of the development on residential amenity and the measures to avoid and mitigate impacts. It is not considered that the development would infringe these rights

## **6.0 Working with the applicant / agent**

- 6.1 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.
- 6.2 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.
- 6.3 In this instance
- was provided with pre-application advice,
  - the applicant/agent was updated of any issues after the initial site visit,
  - The applicant was provided the opportunity to submit amendments to the scheme/address issues.
  - The application was determined without delay.
  - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## **7.0 Recommendation**

### **7.1 Minded to grant permission subject to completion of a Planning Obligation or other agreement**

That the Head of Planning and Sustainability be given delegated authority to grant Conditional Permission provided that a Planning Obligation is made to secure affordable housing and biodiversity off-setting, or to refuse planning permission if an Obligation cannot be secured.

It is anticipated that any permission would be subject to the following conditions:

Subject to the following conditions and reasons:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
2. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 21 KLB SL2, 21 KLBR PL-01, 21 KLBR PL1-02, 21 KLBR PL2-01B, 21 KLBR PL2-02B, 21 KLBR PL3-01A, 21 KLBR PL3-02A, 21 KLBR PL4-01A, 21 KLBR PL4-02A, 21 KLBR PL5-01A, 21 KLBR PL-02A, 21 KLBR PL6-01, 21 KLBR PL6-02, 21 KLBR EX01, 21 KLBR EX02, 21 KLBR A01, 21 KLBR SE01 B, 21 KLBR SP10A, 21 KLBR SP11A, 21 KLBR SP12A, 21 KLBR SP13A amd ACE\_15050-01 unless the Local Planning Authority otherwise first agrees in writing.  
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
3. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be

submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance.

4. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory appearance.

5. The finished floor and ground levels after the completion of the development shall accord with the approved details on drawing 21 KLBR SP11A or shall accord with any alternative details that are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposal is constructed at an acceptable level with regards to the surrounding area.

6. A revised Arboricultural Method Statement (AMS) including a Tree Protection Plan (TPP) in accordance with the British Standard 5837:2012 Trees in relation to demolition, design and construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority before any development or other site clearance works take place.

The AMS shall include:

- a) Detailed plans showing location of the protective fencing including any additional ground protection whether temporary or permanent;
- b) Details as to the location of proposed and existing services and utilities including drainage, where these are close to Root Protection Areas (RPAs);
- c) Details as to the method, specification and materials to be used for any "no dig" surfacing (and the area within the development to which it applies) and;
- d) All phases and timing of the project in relation to arboricultural matters and details of supervision by a qualified arboriculturist.

Unless otherwise first agreed in writing by the Local Planning Authority, the development shall thereafter be carried out strictly in accordance with the AMS.

Reason: To ensure the satisfactory protection of retained trees in the interests of visual amenity. A pre-start condition is necessary to ensure that protection measures are in place prior to the commencement of work on site.

7. Prior to the commencement of any works on the site, a plan detailing the management of construction traffic (including vehicle type, frequency of visit, the internal loading / unloading area, routing strategy and parking of site operatives vehicles) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the 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.

8. No other part of the development shall take place until the access has been widened and the vision splays provided in accordance with the details shown on drawing no. ACE\_15050-01. The vision splays shall thereafter be retained as such.

Reason: To ensure the provision of satisfactory access to the site in the interest of the safety and convenience of users of the highway and the access. A pre-start condition is required to ensure that adequate access is provided during construction of the development.

9. Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that Order) no gates, fences, walls or other means of enclosure other than those shown on the approved plan shall be erected along the site frontage within 15 metres of the edge of the carriageway.

Reason: To enable vehicles to draw off clear of the highway for the safety and convenience of the highway users.

10. No wall, fence, hedge or other means of enclosure shall be provided along the site frontage with Kiln Lane exceeding a height of 0.6 metres above the base of the graded bank to the east of the centreline of the site access for a distance of 30 metres.

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

11. No works (other than demolition) shall begin until a surface water drainage scheme for the site, including drainage of surface water from the access, based on sustainable drainage principles 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 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
- Drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s), showing pipe numbers, gradients and sizes, complete together with storage volumes of all SuDS component(s)
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Construction details of all SuDS and drainage components
- Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance
- 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 pre-start/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.

12. Prior to the commencement of development, including site clearance, the existing vehicular access onto Grassy Lane shall be stopped up. Thereafter, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order), no new vehicular access onto

Grassy Lane shall be created without the express planning permission of the Local Planning Authority.

Reason: To protect the character of the area and to ensure that construction traffic does not use Grassy Lane to access the site. A pre-start condition is required to ensure that construction traffic does not attempt to access the site via Grassy Lane.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), no development falling within Classes A, AA, B, E and F of Part 1 and Classes A and B of Part 2 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality and the ecology and biodiversity of the site.

14. Notwithstanding any other details shown on the plans hereby approved, the windows and any other glazing to be inserted in the first floor east flank elevation of plot 1, the first floor flank elevations of plot 2, the first floor flank elevations of plot 5 and the first floor east flank elevation of plot 6 shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass. Notwithstanding any other details shown on the plans hereby approved the rooflights in the west facing roofslope of plot 2, west elevation roofslope of plot 4, the east facing roofslope of plot 5 and east and west facing roofslopes of plot 6 shall have a minimum internal cill height of 1.7m above finished floor level. The window(s) shall thereafter be retained as such.

Reason: In the interests of the amenity of neighbouring properties.

15. No part of the development shall be occupied before a fully detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the retention of important trees and shrubs, incorporate the recommendations in the Applied Ecology Ltd Ecological Mitigation and Management Plan January 2018 and Applied Ecology Ltd Preliminary Ecological Appraisal October 2021 and the provision for:

- screen planting to protect visual amenities of neighbouring properties;
- screen planting to soften the appearance of the proposed development in public views; in particular views from Kiln Lane
- native planting to reflect the semi-rural context of the application site;
- structural planting of a scale and size relative to the development to soften the appearance of the development and to provide a high quality environment
- structural planting to help define different areas of outdoor space, in particular to differentiate between public and private space
- tree planting to achieve 25% canopy cover
- native hedge planting to secure biodiversity net gain

The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping, canopy cover and biodiversity.

16. 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 buildings

or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 5 years from the completion of the development, 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 first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping and biodiversity enhancement.

17. A scheme for the mitigation of the impact of the development on ecology shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the site. The scheme shall be based on the recommendations at paragraphs 4.14 and 4.15 on pages 17, 18 and 19 of the Applied Ecology Ltd Preliminary Ecological Appraisal dated October 2021 and include the following measures:

- Any works to vegetation that might be used by breeding birds must be carried out outside the bird breeding season, i.e. outside March - September inclusive, unless first checked by a suitably qualified ecologist who has confirmed that breeding birds are absent.
- a check by a suitably qualified ecologist for the presence of nesting Red Kites
- vegetation in areas suitable as reptile habitat to be subject to a two phase cutting regime
- the retention and protection of the outlier badger sett
- \*any temporary or permanent fencing to be installed on the site to be raised slightly off the ground (by 200mm) to allow unrestricted access for badgers through the site;
- any deep excavations that are to be left open overnight to include a means of escape for any animals that may fall in;
- where possible works to be limited to the hours from dawn to one hour before sunset;
- where possible avoid the creation of large stock piles of earth which may prove attractive to badgers to excavate new sets;
- \*no pipework should remain open with any exposed ends capped-off at the end of the working day to prevent any animals entering pipework;
- any new lighting to be designed to minimise light spillage with a preference for low bollard mounted lights and to be outside the woodland areas.
- briefing of all site operatives / construction workers.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To comply with the requirements of the Conservation (Natural Habitats &c) Regulations 2010, Schedules 1, 5 and 8 of the Wildlife & Countryside Act 1981 (as amended), and the Protection of Badgers Act 1992. A pre-start condition is necessary to ensure mitigation measures are in place before development begins.

18. The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.

Reason: In the interests of water efficiency as required by Policy DM41 (Optional Technical Standards for Building Regulations Approval) of the Local Plan.

19. Prior to the occupation of the dwellings hereby permitted a 1.2 metre high post and rail fence shall be erected in a position which has first been agreed in writing by the Local Planning Authority, separating the formal garden and woodland areas on plots 4 and 5. The fence shall thereafter be retained as such.

Reason: To protect existing habitat of ecological and biodiversity value.

20. The dwellings shall not be brought into use until details of the provision of renewable technologies within the development (such as heat pumps and photo voltaic cells) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the dwellings shall not be occupied until the scheme has been fully implemented in accordance with the approved details.

Reason: To ensure that measures are incorporated within the development to reduce carbon emissions in accordance with Policies CP12 and DM33 of the adopted Wycombe District Local Plan (2019).

21. Prior to the development being brought into use, one electric vehicle charging point shall be installed in the parking area or garage for each dwelling, or in another suitable alternative location which has first been agreed in writing by the Local Planning Authority. The charging points shall thereafter be retained as such, in working order.

Reason: To assist in the reduction of air pollution from vehicular traffic by facilitating the use of electric vehicles to reduce the negative impact on the health of residents living within the Air Quality Management Area and to meet the requirements of Policies CP12 (Climate Change) and DM33 (Managing Carbon Emissions, Transport and Energy Generation) in the adopted Wycombe District Local Plan (2019).

22. The dwellings hereby permitted shall be designed and built to meet the standards set out in Building Regulations Approved Document M4(2), unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To meet the need for accessible, adaptable dwellings as required by Policy DM41 of the adopted Wycombe District Local Plan (2019).

23. No part of the development hereby permitted shall commence (unless otherwise approved in writing by the Local Planning Authority) until a Biodiversity Offsetting Scheme has been submitted to and approved in writing by the Council which ensures that the Development will result in a Biodiversity Net Gain in accordance with the National Planning Policy Framework, Buckinghamshire Council's Biodiversity Net Gain Supplementary Planning Document (SPD) and Policy DM34 (Delivering Green infrastructure and Biodiversity in Development) of the adopted Wycombe District Local Plan.

Reason: A pre-start condition is necessary to ensure that the developer is able to secure Biodiversity Offsetting so that the development will deliver a Biodiversity Net Gain in accordance with local and national policies.

#### INFORMATIVE(S)

1. In accordance with paragraph 38 of the NPPF Buckinghamshire 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. Buckinghamshire 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.

2. In this instance the applicant was updated of issues with the application and offered the opportunity to submit additional and amended information to address these. The

application was considered by the Planning Committee and the applicant was afforded the opportunity to address the committee.

3. You are advised that the development lies within 250 metres of a known landfill site and you may wish to satisfy yourself that the details of the construction of the proposals take the necessary account of the possibility of landfill gas from that source. If your proposal requires Building Regulation Consent this issue will be dealt with by the Building Control Division when a formal submission is made. However, this may require you to engage the services of a consultant with expertise in these matters.
4. It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
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.
6. 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.

## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments

#### **Cllr Drayton**

Comments: I am minded to call this application in.

Further comments: I would still like to request this goes forward to the Planning Committee as I believe it represents over development of the area (Hawks Hill and Harvest Hill). Historically this area had its own policy (C16) to protect against over development, although the most recent local plan replaced C16 with alternative policies, the emerging NDP which is in final stages does pick this up and so should be given consideration.

Kiln lane is a very overused country lane, single file for the main with a few passing places. It has many blind bends and traffic does tend to speed up and down there. Adding more residents turning out on this road increases risk of accidents and potential safety issues.

Whilst permission has been granted in the past for 4 houses, many other applications over the years have been refused or withdrawn (Permitted x2, refused x4, withdrawn x3), and as the last permission has now expired (I believe?) I am not sure consideration should be given to this (or any other past applications) in relation to this application.

### Parish/Town Council Comments

#### **Wooburn and Bourne End Parish Council**

Strongly Object to the number and size of proposed dwellings given the location and topography of the site. If approved however, we support the conditions proposed regarding Grassy Lane being permanently closed for vehicular access and there being adequate onsite contractor parking throughout the entirety of the development as not to cause any highway obstructions

### Consultation Responses

#### **Lead Local Flood Authority**

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

#### Flood Risk

The Flood Map for Surface Water (FMfSW) provided by the Environment Agency shows that the site lies in an area of very low risk of surface water flooding meaning there is less than 0.1% likelihood of flooding occurring in a given year. An online version of this mapping data is available to view through the Environment Agency's Long term flood risk information mapping.

The Groundwater Flood Map (Jeremy Benn Associates, 2016), shows the groundwater level in the area of the proposed development to be at greater than 5m of the ground surface for a 1 in 100-year return period. This means that flooding from groundwater is not likely

#### Surface water drainage

The applicant is proposing to manage surface water generated on site via infiltration using soakaways. The applicant has previously undertaken infiltration rate testing to show the viability of infiltration on the site and derived a slowest rate of  $4.2 \times 10^{-5}$  m/s, which has been used to inform the calculations. At detailed design the applicant will be required to amend the calculations and should amend the drainage layout. Details are below.

## Calculations

The applicant has provided calculations to show that the proposed system can contain up to and including the 1 in 100-year event plus climate change. At detailed design the calculations must be amended to have a minimum safety factor of 2 attached to design of any infiltration components as per table 25.2 of the CIRIA SuDS Manual. Following any revisions to the scheme the calculations must be amended accordingly.

## Drainage Layout

The applicant is proposing to locate a soakaway in the rear garden of each plot. The applicant is also proposing to locate a garage and drive soakaway in the front garden of each plot, as well as three access road soakaways. The LLFA would encourage the applicant to consider using permeable paving for the access road. The attenuation provided in the sub-base of the permeable paving may mean that the soakaways in the front of the properties, as well as the access road soakaways are not required. The use of permeable paving will also provide water quality benefits.

The LLFA would also like to raise concerns about the current locations of the soakaways in the rear gardens of plot 2 and 5 as shown in drawing no. 211440/DS/01. For the soakaway in plot 2, the applicant must ensure that the soakaway has a 5m buffer distance from Kiln Lane, to prevent the saturation of the sub-base of the road. The soakaway in the rear garden of plot 5 must have a 5m buffer from the land of Aston House, in order to ensure that a 5m buffer is maintained between the soakaway and any future developments in the neighbouring land. Following any revisions to the scheme the drainage layout must be amended accordingly.

## Water Quality Assessment

In order to meet the Water Quality assessment criteria an applicant must demonstrate their compliance in trying to reduce the risk of pollutant run off into natural water systems. Often a combination of various controls to mitigate pollutant run off will be sufficient enough to meet the criteria. Controls or SuDS on the ground surface are preferable as they help to not exceed the pollution hazard index. These methods can consist of permeable paving, green roofs and SuDS which prevent potentially harmful pollutants in all forms from entering eco-systems or our own water ways.

I would request the following condition be placed on the approval of the application, should this be granted by the LPA:

### Condition 1

No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles 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
- Drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s), showing pipe numbers, gradients and sizes, complete together with storage volumes of all SuDS component(s)
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Construction details of all SuDS and drainage components

- Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance
- 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 pre-start/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.

### **Highways Officer**

The Highway Authority has commented on multiple applications at this site, most recently for application reference 19/07240/FUL, dated 25<sup>th</sup> October 2020. The application proposed demolition of Formoso and erection of 8(no) dwellings. Whilst the application was ultimately withdrawn by the applicant, the Highway Authority had no objections to the proposals, subject to conditions.

The current application also proposes demolition of Formoso, however the quantum of development has been reduced compared to the previous application, as 6(no) dwellings are now proposed.

When considering trip generation, I would expect a dwelling in this location to generate approximately 6 vehicular movements (two-way) per day. Therefore in terms of trip generation from the site, the 6(no) dwellings would have the potential to generate approximately 36 daily vehicular movements (two-way). I am satisfied these movements can be accommodated on the local highway network. Nonetheless, the access arrangements will need to be assessed in order to determine its suitability to accommodate the vehicular movements anticipated.

Similarly to previous applications at the site, the development proposes to utilise the existing access onto Kiln Lane. I note as part of the Highways Statement, a speed survey from 2015 has been included which demonstrates speeds of 24.6mph in both directions. Whilst the Highway Authority regularly requests speed surveys are undertaken within a relatively close timeframe to when the application is submitted (i.e. within 3 years), I note as part of the submissions for application reference 19/07240/FUL, a speed survey was carried out in 2019 which demonstrated speeds of 28mph and 23.5mph in the westbound and eastbound directions respectively.

Therefore, similarly to previous comments, the resulting data demonstrates that, even though there are potential vertical and horizontal barriers, the available visibility splays are commensurate with recorded 85<sup>th</sup>ile speeds.

Having assessed the submitted plans, I note the site access will be enlarged to 4.8m, which will allow simultaneous two-way movement between a car and a refuse or delivery vehicle. Further into the site, the width is reduced to approximately 4.5m, which is still sufficient to safely allow to two-way simultaneous private vehicle movements.

Whilst the submitted Highways Statement and proposed plans indicate that refuse collection will take place in the form of kerbside collection, the bin store location for the development is located further than resident haul distances as recommended within Part H of the Building Regulations. That said, the development also features a Type B turning head, which would allow refuse and delivery vehicles to both access and egress the site in a forward gear.

In accordance with the *Buckinghamshire Countywide Parking Guidance* (BCPG) policy document, the proposed development is situated in Residential Zone B, therefore each of the proposed dwellings have a parking requirement of 3(no) spaces. Having assessed the plans, I am satisfied that the hardstanding and garage for each dwelling is sufficient to provide the optimum level of parking required when taking into account the level of habitable accommodation featured.

Given the single track nature of Kiln Lane between the site and the junction with Hawks Hill, that it is unlit and does not benefit from segregated footways, a significant barrier is presented to those who would seek to walk 400m to and from the bus stops on the A4094 (of which 200m could be achieved on footways to the west near the aforementioned junction).

Nonetheless, when considering previous comments made which had no objections to the sustainability of the site (which had extant permission for 4(no) dwellings that was granted under application 16/07347/FUL), as well as the achievable cycling distance to local services in Bourne End, the site's semi-rural location leads me to conclude that I would be unable to lodge or support an objection based upon sustainability.

Mindful of these comments, I have no objections to this application with regard to highway issues subject to the following conditions:

**Condition 1:** The development shall not begin until details of the disposal of surface water from the highway have been approved in writing by the Planning Authority and no dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

**Reason:** To minimise danger and inconvenience to highway users.

**Condition 2:** Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order) no gates other than those shown on the approved plan shall be erected along the site frontage within 15 metres of the edge of the carriageway.

**Reason:** To enable vehicles to draw off clear of the highway for the safety and convenience of the highway users.

**Condition 3:** No wall, fence, hedge or other means of enclosure to be provided along the site frontage with Kiln Lane shall exceed a height of 0.6 metres above the base of the graded bank to the east of the centreline of the site access for a distance of 30 metres.

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

**Condition 4:** 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, routeing strategy 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.

**Arboricultural Officer**

First Comments:

It should be possible to protect the retained trees following the methods proposed in the submitted TPP (subject to condition). The retained trees are generally set well back on the proposed plots (with the exception of G5 & G6).

The canopy cover calculations have not been submitted. Details should include -

- where the required soil volume will be provided, where underground infrastructure is to be located to avoid clashes.
- details of monitoring and supervision of the tree planting process.
- details of maintenance and management (and replacement procedure if necessary) of trees for at least 5 years after planting.

Mitigation for lost trees/hedgerows could be addressed by condition if minded to permit.

#### Second Comments:

It appears they've used the draft/superseded calculator which we understand contained some errors. This needs to be corrected.

#### Third Comments:

The submitted calculator would suggest that they can achieve the required % in principle, albeit that they don't have all of the details at present. We've had similar on other sites and have secured the outstanding details by condition.

Suggested condition:

No development (other than demolition) shall take place until a fully detailed tree planting and canopy cover implementation and management scheme produced in line with the Canopy Cover Supplementary Planning Document has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- 1- details of the required soil volume,
- 2- the locations of other underground infrastructure to demonstrate that there are no clashes.
- 3- details of monitoring and supervision of the tree planting process including provision to take photographs of each tree pit/soil volume space, prior to filling with soil.
- 4- details of how the tree planting is to be phased across the development so that planting takes place in line with the occupation of the development.
- 5- details of maintenance and management (and replacement procedure if necessary) of trees for at least 5 years after planting

Thereafter the development shall be carried out and completed in accordance with the approved scheme unless otherwise first agreed in writing by the Local Planning Authority. An annual monitoring and supervision report from a qualified arboriculturalist, shall be submitted to and approved in writing by the Local Planning Authority in line with the phased planting scheme and management and maintenance scheme approved under 4 and 5 above.

Reason: To ensure the canopy cover requirements for the site can be met.

Following the changes in the levels on plot 4 a revised Arboricultural Method Statement (AMS) and Tree Protection Plan will be required. This will need to be secured by way of a condition. The proposals in this area are similar to what was agreed in the previous scheme on the site and thus there are no objections to these changes.

#### **Natural Environment Officer**

First Comments:

The Ecology information submitted is now all out of date having last been updated over two years ago. Therefore to ensure appropriate consideration is given to any changes to the ecological situation on site, updated surveys are required. This is in line with CIEEM guidance and paragraph 99 of the ODPM Circular 06/2005.

The proposals for the site have changed again since the last application (19/07240/FUL). At that time there were issues still outstanding which needed to be resolved with regards to calculations for biodiversity net gain. With no new biodiversity information submitted, a change in the proposed layout and a new Defra 3.0 metric now released which will soon become mandatory, this is quite a lot of work to demonstrate a biodiversity net gain can be achieved.

Ecology surveys need updating and Biodiversity Net Gain calculations need to be redone using the updated layout and the new Defra 3.0 metric. This all needs doing prior to determination.

#### Second Comments:

##### DOCUMENT REFERENCES:

Preliminary Ecological Appraisal 10/2021 (not uploaded onto Uniform)

Biodiversity Impact Assessment letter report 28/10/2021 (not uploaded onto Uniform)

2022 Biodiversity Impacts Spreadsheet (Warwickshire Metric)

2022 Biodiversity Impacts Habitat Impact Assessment

In my previous comments I asked for surveys to be updated and for the Biodiversity Net Gain calculations to be redone using the updated layout and the new Defra 3.0 metric.

A new PEA has been produced which reconsiders the findings of previous surveys and also reports the findings of an updated walk over survey. No further phase 2 surveys have been undertaken at this stage, but given the history of surveying and the relatively minor changes to site conditions, it is considered acceptable that mitigation, compensation and enhancement measures could be dealt with by condition.

The request for Biodiversity Net Gain calculations to be done using the Defra 3.0 metric has not been complied with. The Warwickshire metric which has been submitted shows that there would be a biodiversity net loss. This would suggest that the scheme need to be redesigned to ensure a net gain, or that offsetting arrangements need to be made. These offsetting arrangements will need to be made on the basis of the latest Defra Metric.

There is still a requirement for biodiversity accounting to be submitted using the latest Defra metric, this needs to be accompanied by a report which justifies the distinctiveness and condition of the existing and proposed habitats and plans which relate to each line in the metric. This needs to be completed in conjunction with the design process of the site to ensure the mitigation hierarchy has been followed.

As policy DM34 requires a measurable biodiversity net gain, if it can be demonstrated and justified that a measurable net gain cannot be achieved on site, the applicant must put forward a proposal to achieve a measurable net gain through offsetting, either on other land within their control, or through an offset provider.

This needs to be done prior to determination.

#### Third Comments:

##### DOCUMENT REFERENCES:

Biodiversity Metric 3.1

## Biodiversity Net Gain Report

### Preliminary Ecological Appraisal (October 2021)

The biodiversity net gain assessment shows an overall net loss of -1.17 habitat units, equivalent to a net loss of -27.31%. It also shows a net gain of +0.18 hedgerow units, equivalent to a net gain of +13.33%.

The previously permitted application (16/07347/FUL) which was for four houses, also showed a net loss, but in the time before the current local plan was adopted (with policy DM34), the ecological enhancements which were proposed, were considered enough to make the scheme acceptable. Since the adoption of the local plan in August 2019, there is a requirement (DM34) to achieve a measurable net gain.

This metric shows a more substantial biodiversity net loss than the previously permitted scheme (up from 1.07) and this is not surprising given the larger area of built development being proposed. Policy DM34 makes it clear that the mitigation hierarchy is to be followed in the pursuit of biodiversity net gain. This latest application has clearly moved in the opposite direction through the desire to fit more development on site.

As there is a net loss on site the scheme should be redesigned to achieve a Biodiversity Net Gain. Even if it were considered appropriate to allow such a net loss on site no offsetting proposals have been put forward to try and compensate for the net loss and achieve a biodiversity net gain.

Looking at the species lists provided and the descriptions provided in UKHabs, it is unclear how so much of the area has been classified as Modified Grassland.

It needs to be demonstrated with supporting evidence, how the distinctiveness of the habitats meets the UKHabs habitat descriptions. The distinctiveness and condition of proposed post development habitats also needs to be justified. It seems likely that the level of net loss is in fact higher than that suggested, as the baseline and proposed habitat distinctiveness and condition are not adequately justified and it seems likely that the baseline has been undervalued and the proposals have been overvalued.

The Preliminary Ecological Appraisal contains sufficient information to enable standard mitigation compensation and enhancement measures to be detailed through the submission of details by condition.

The proposals are in conflict with DM34 with regards to the lack of a measurable net gain in biodiversity, but also in the way in which this has been achieved through failing to work towards a biodiversity net gain and therefore failing to follow the mitigation hierarchy. The level of net loss needs to be further justified to enable the extent of missing the DM34 requirement to be understood. The information which has informed the completion of the metric needs to be revisited and justification for the distinctiveness and condition categorisations needs to be given alongside UKHabs plans for baseline and post development.

If it were decided that there are reasons to permit the application prior to determination, the level of onsite net loss would first need to be further justified and then details of offsetting would need to be put forward, which would also achieve a measurable biodiversity net gain, as they would need to be secured through s106 agreement.

### Representations

#### **Amenity Societies/Residents Associations**

##### Hawks Hill Widmoor Residents Group

- Additional traffic on Kiln Lane which has no footpaths
- Impact on existing utilities infrastructure
- Sink hole in Sappers Field
- Houses on the north side have small gardens contrary to the intentions of Policy DM32
- If permission is granted access from Grassy Lane should be stopped up and adequate contractor parking provided within the site, with no use of Grassy Lane.

### **Other Representations**

Six comments have been received objecting to the proposal:

- Additional traffic on Kiln Lane would be dangerous
- Congestion on the local road network
- Lack of footway on Kiln Lane
- Additional loading on utilities infrastructure
- Houses would have “pocket handkerchief” sized gardens
- Houses would encroach upon and overlook each other
- Reduction in permeable area and increased run-off may have an impact on subsidence in Sappers Field
- Seasonal spring in Grassy Lane may impact on development
- Potential for increased surface water run off into Kiln Lane
- Ecology report incorrect as nesting Red Kites have successfully raised fledglings in recent years
- Design of properties not in keeping with the surrounding area, particularly height
- Proposed site plan is misleading as a hedge shown does not currently exist
- Should permission be granted the access to Grassy Lane should be stopped up, no use should be made of Grassy Lane for contractors vehicles, and all construction traffic and materials storage should be contained within the site.
- Over development
- Impact on green habitat and green corridors
- A detailed planting plan including indigenous planting to connect areas and provide biodiversity net gain is required
- Increase in noise and air pollution

# APPENDIX B: Site Location Plan

21/07347/FUL  
Scale 1/2500



Planning Committee  
© Crown Copyright and database rights 2020.  
Ordnance Survey 100062456