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App No : 17/05241/FUL App Type : FUL

Application for : Demolition of existing buildings and erection of a 2.5-storey block of sheltered housing for the elderly comprising 21 apartments (3 x one bedroom apartments and 18 x two bedroom apartments) with communal owners lounge and concierge office; associated parking space, refuse bin store, electric pavement buggies/cycle store and modification of existing vehicular/pedestrian access onto Wharf Lane

At Wharf Business Centre, Wharf Lane, Bourne End, Bucks, SL8 5RU

Date Received : 27/02/17 Applicant : Renaissance Retirement Ltd And Rosecourt Properties Ltd

Target date for decision: 29/05/17

1. Summary

- 1.1. The site is an existing scattered business site which has a history of residential development proposals. Whilst the Council was minded to approve the last scheme in 2012 a S106 agreement to secure affordable housing was never signed and the application was withdrawn.
- 1.2. The current policy framework requires that evidence be submitted to demonstrate that the site is no longer practicable for employment uses or similar uses including community facilities. Satisfactory marketing evidence has been provided which means that there is no in principle objection to the redevelopment of the site for residential purposes.
- 1.3. The scheme for the site is a 21 unit sheltered housing scheme with communal facilities. The accommodation is provided in one central block with three wings close to the east, south and western boundaries. This design is a response to the island nature of the site which is surrounded by existing residential properties and an attempt to restrict habitable development close to the boundaries. The careful design of habitable windows and the existing vegetation and proposed landscaping strategy are integral elements to ensuring that reasonable degrees of privacy can be maintained within and out of this constrained site.
- 1.4. Given the close proximity of the residential properties that surround the site and the shallow garden depths of those properties there are challenges to ensuring satisfactory amenity for future residents and maintaining satisfactory residential amenity for existing neighbours. Although the business site is almost empty and has very low levels of activity the site has no restrictions on the nature of potential business users and therefore there remains a potential conflict between existing use and impact on residential amenity. This has been the case in the past.
- 1.5. The design has been amended to remove some balconies and a detailed landscaping strategy has been submitted to demonstrate how landscape can mitigate against some of the impact of the development.
- 1.6. There are no objections raised to the redevelopment from a sustainable drainage or ecology point of view. A land contamination report and scheme of mitigation will be required by condition given the existing business use of the site.
- 1.7. There is a potential conflict between refuse and delivery vehicles and other vehicles given the constrained nature of the access. However the Highways Authority consider that the proposed development will represent an improvement over the existing situation.

- 1.8. There are 21 car parking spaces proposed which equates to one per unit. This is significantly in excess of the requirement of 1 per 3 units in the parking guidance. However local concerns have been raised about this level being inadequate. Whilst the development is restricted to the over 60's it should be acknowledged that the typical age of occupiers on first occupation of homes provided by Renaissance Retirement is 79 and a reasonable proportion of residents give up their cars on taking up residence.
- 1.9. Despite a viability report being submitted by the applicant it has been agreed that a commuted sum contribution will be made on a "without prejudice basis" which would be in line with the policy requirement.
- 1.10. The design does not meet all the residential design guidance and a balancing exercise has been undertaken. As a consequence the application is recommended for conditional permission subject to a S106 agreement to secure an affordable housing contribution.

2. The Application

- 2.1. This is an existing employment site which is considered to be one of the District's scattered business sites. Whilst most of the buildings are no longer occupied it has provided a range of B Class employment uses. The site comprises single and two storey office and warehouse accommodation in 9 separate units. They are older style premises and there is a single point of access along a narrow entrance between two residential properties. The site is surrounded by residential properties but is well located to Bourne End shopping facilities.
- 2.2. The proposal is to demolish the existing buildings and provide a single block of accommodation providing 21 apartments for older people. There are to be 3 one bedroom units and 18 two bedroom units. The accommodation is provided over three floors with the top floor accommodation being located within the roof space. Within the building there is communal facilities and a concierge office. The external area will provide 21 parking spaces, refuse bin storage and storage for electric buggies and/or cycle storage. The grounds will be landscaped with a garden patio feature and croquet lawn.
- 2.3. A landscaping plan has been submitted to demonstrate how the site and the boundaries will be landscaped.
- 2.4. The application is accompanied by:
 - a) Planning Statement
 - b) Design and Access Statement
 - c) Transport Assessment
 - d) Transportation Statement
 - e) Tree Survey
 - f) Arboricultural Assessment and Method Statement
 - g) Employment Land Availability Report
 - h) Marketing Evidence
 - i) Environmental Investigation Report
 - j) Statement of Community Involvement
 - k) Flood Risk and Drainage Strategy
 - l) Ecology Wildlife Checklist
 - m) Extended Phase 1 Habitat Survey
 - n) Land Contamination Assessment
- 2.5. Concerns were raised in respect of potential overlooking and additional information was requested in terms of a landscaping and planting plan, sections through the site and street scene drawings.
- 2.6. Amended drawings were received. These drawings removed a number of balconies and indicated the proposed landscaping along the boundaries.

- 2.7. Statement of Community Involvement. The applicant has carried out a community consultation exercise which has included an exhibition and meetings with concerned residents. The Council has also widely consulted on the planning application and the responses are summarised in Appendix A of this report and are available in full on our web site.

3. Working with the applicant/agent

- 3.1. In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
- by adhering to the requirements of the Planning & Sustainability Customer Charter.

- 3.2. In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- The applicant was requested to provide additional evidence in terms of marketing for the site.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

4. Relevant Planning History

- 4.1. 12/07653/OUT Outline application with all matters reserved for the demolition of the existing commercial building and the redevelopment of the site for residential purposes. The Council was minded to grant, subject to the completion of a S106 agreement securing 40% of the bedspaces as affordable. The S106 was not signed and the application was withdrawn in January 2015.
- 4.2. 12/07194/OUT Outline application with all matters reserved for demolition of existing commercial buildings and re-development of the site for residential purposes. Application withdrawn.
- 4.3. 11/05723/FUL Demolition of existing buildings (B1 Business and B2 General Industrial 1058sm) and the construction of 2 x 2 bed dwellings, 4 x 3 bed dwellings and 4 x 4 bed dwellings (10 in total), shared access adjacent to Holly Bank & associated parking and landscaping. Application refused 09.06.2011. For the following reasons:
- Cramped overdevelopment of the site
 - Danger and inconvenience to users of the highway
 - No agreement to secure affordable housing
 - No agreement to secure contributions towards open space, secondary education, indoor sport and leisure and police services.
- 4.4. 09/06120/FUL Demolition of existing buildings (B1 business and B2 general industrial 1058sq m) and the construction of 3 X 2 bed, 4 X 3 bed, 4 X 4 bed houses (11 in total) and associated garages, new shared access, parking and bin stores. Refused on the grounds of lack of affordable housing or contribution towards it and a lack of a S106 agreement for other contributions required by the development.
- 4.5. 08/07577/FUL Demolition of existing buildings (B1 business and B2 general industrial 1058sq m) and the construction of 3 X 2 bed, 4 X 3 bed, 4 X 4 bed houses (11 in

total) and associated garages, new shared access, parking and bin stores. Refused on the grounds of adverse impact upon the amenities of the surrounding properties and of future resident; cramped form of development with excessive hardstanding and inadequate scope for landscaping; a lack of affordable housing or contribution towards it; a lack of a S106 agreement for other contributions required by the development; and an unacceptable mix of larger dwellings with no smaller dwellings proposed.

5. Issues and Policy considerations

Principle and Location of Development

CSDPD: CS1 (Overarching principles - sustainable development), CS2 (Main principles for location of development), CS12 (Housing provision)

DSA: DM1 (Presumption in favour of sustainable development), DM6 (Mixed-use development)

Draft New Local Plan: CP1 (Sustainable Development), CP3 (Settlement Hierarchy), CP4 (Delivering Homes), DM32 (Accessible locations, sustainable transport and parking)

- 5.1. This is previously developed land within the village of Bourne End. It is well located to the centre of Bourne End which has a variety of public transport options and there are a range of local shops available. The site is considered to be in a sustainable location.
- 5.2. The site is an existing business site although not a designated employment area. Policy DM5 Scattered Business Sites seeks to protect such sites. However the policy in line with the National Planning Policy Framework (NPPF) allows a degree of flexibility and responsiveness to market conditions. The residential redevelopment of this site may be acceptable if it can be demonstrated that the reuse of the site for employment uses is no longer practicable.

Employment issues

ALP: E2 (Existing business parks), E3 (Employment areas)

CSDPD: CS11 (Land for business)

DSA: DM5 (Scattered business sites)

Draft New Local Plan: CP5 (Delivering Land for Business), DM29 (Business parks and industrial areas)

- 5.3. A general report was initially submitted which details the shortcomings of the available accommodation. These are:
 - Poor quality buildings with low ceiling heights
 - Considerable expenditure required to bring them into lettable condition and they are still unlikely to be conducive to modern employment requirements
 - Narrow access located between residential premises
 - Limited parking and poor loading/unloading facilities
 - Site surrounded by residential properties which limits working outside of normal business hours
 - There are alternative employment sites which are more attractive in Bourne End
- 5.4. Whilst it is recognised that these are salient factors which affect this site this alone is not sufficient evidence to demonstrate that the site is no longer practicable for employment purposes.
- 5.5. Subsequently the applicant has submitted evidence from a commercial agent who was instructed to market the site on 18 February 2015. The site was marketed by emailing details to potential companies/individuals. The property also featured on the website of the agent's and as a standard property listing on relevant sites. To date the site remains on the market and available. The marketing lead to a number of enquiries which have been documented. Some possible users would potentially have caused noise, fumes or heavy traffic generation and were considered unsuitable for

the site. During the period of marketing up to the present day no offers have been received. The feedback from the marketing exercise has indicated that there have been issues related to the ceiling height, access for deliveries, inflexible internal layout and no visible frontage.

- 5.6. There are two units which remain occupied. One of the occupiers is provided rent free office space to provide some security for a largely vacant site but will be vacating the site in November. The other occupier is a festival/event organiser who uses part of the premises as an administrative office and storage of marquees/event equipment. They currently have a month by month rental contract but have indicated that they will also be vacating the premises in November 2017 to relocate to more suitable commercial premises.
- 5.7. This evidence indicates that the site has been marketed for a sufficient period of time to indicate that there are practicable reasons why the site is not attracting potential suitable employment generating uses. It is also necessary to consider whether the site would be suitable for a community facilities use as part of a requirement of the policy.
- 5.8. The Community Facilities Strategy Update 2014 indicates that there is no deficiency in community facilities for this particular ward. Therefore it is not identified as a priority for developing facilities for the future. Furthermore given the limitations identified with the existing buildings it is likely these shortcomings would also make the buildings less adaptable to community uses as well and therefore not particularly practical for such alternative use.
- 5.9. The evidence submitted indicates that the site is not particularly well sited or has appropriate buildings to meet modern business needs. Subject to compliance with other policies in the local plan the site would be appropriate for residential redevelopment.

Affordable Housing and Housing Mix

ALP: H9 (Creating balanced communities)

CSDPD: CS13 (Affordable housing and housing mix), CS21 (Contribution of development to community infrastructure)

Draft New Local Plan: DM22 (Housing Mix), DM24 (Affordable Housing), DM39 (Optional technical standards for Building Regulations approval)

Planning Obligations Supplementary Planning Document (POSPD)

- 5.10. The site provides specialist accommodation to meet the needs of the over 60's. The 2011 census indicates that the over 65 year's old age group is the fastest growing age group. The need to provide specialist housing for older people has been recognised at para 21 of the National Planning Policy Framework (NPPF). The Buckinghamshire "Housing and Economic Development Needs Assessment Update 2016 – Report of Findings identified that the potential requirement for new specialist housing in the form of leasehold schemes for the elderly (which is the current proposal) will be 1,120 dwelling units. It is clear from the evidence that Wycombe like other districts has a need for this type of specialist accommodation.
- 5.11. The proposal provides a limited mix of one and two bedroom units which is the typical size of units to meet the needs for elderly people's accommodation as they are generally downsizing from larger properties. The mix of units is considered acceptable.
- 5.12. As with other proposals for this type of accommodation the Council's Housing team support the principle of a financial developer contribution in lieu of affordable housing delivery on site.
- 5.13. A Viability Report was submitted with this application which was considered by consultants on behalf of the Council. Whilst there have been significant areas of dispute between the two parties and the amount payable towards an affordable

housing contribution the appellant has agreed to a contribution on a “without prejudice” basis of £500,000. This is in line with the amount identified by the Council’s consultant in their Viability Review and Commuted Sum Calculation. This contribution means that the proposal would be compliant with policy CS 13.

Transport matters and parking

ALP: T2 (On – site parking and servicing), T4 (Pedestrian movement and provision), T5 and T6 (Cycling), T7 (Public transport), T8 (Buses), T12 (Taxis), T13 (Traffic management and calming), T15 (park and ride), T16 (Green travel)

CSDPD: CS16 (Transport), CS21 (Contribution of development to community infrastructure)

DSA: DM2 (Transport requirements of development sites)

Draft New Local Plan: CP7 (Delivering the infrastructure to support growth), DM32 (Accessible locations, sustainable transport and parking)

- 5.14. The Highways Authority consider that the redevelopment of the site would result in a reduction in two-way traffic movements. Although there were concerns raised regarding the potential conflict between delivery/refuse vehicles entering and exiting the site and other vehicles it is recognised that this is an existing situation which is likely to be improved by the reduction in vehicular movements. There are no highway safety objections to this proposal.
- 5.15. The proposal provides for 21 units of accommodation comprising one and two bedroom units. The car parking requirement for retirement accommodation in zone 2 which is a less accessible location would be 7 spaces. This relatively low level of car parking provision reflects the fact that the average age of occupiers of private retirement housing are mostly older people with an average age of around 80. This trend shows little change over nearly 20 years based on a report from Joseph Rowntree Foundation “Supported Housing for Older People in the UK”.
- 5.16. Renaissance Retirement state that, “... by reason of the characteristics of the accommodation, including the services of a visiting Concierge/House Manager; use of communal facilities within the building; maintenance by Renaissance Retirement Ltd of the common areas within the building; maintenance of the building itself and the communal landscaped gardens; and the management charge that goes with it, the typical age of occupiers upon first occupation of our developments is 79 years of age or older.
- 5.17. The decision of older people seeking to down-size to this form of sheltered housing is usually prompted by a life changing event such as the death of a spouse; a fall; or decline in health/mobility; and a realisation that they are no longer able to cope with the management/maintenance of the family home. These factors also have a dampening effect on car ownership among residents of sheltered housing for the elderly compared to car ownership among the general elderly population. Hence the importance of a sustainable location within easy walking distance of local shops, facilities and access to public transport.”
- 5.18. The developer of this particular site has a policy of providing higher levels of parking than other such providers and in this instance the car parking provision reflects one space per unit of accommodation which equates to 21 spaces. In addition the Transport Statement identifies that the House Manager will be provided with a 7 seater people carrier to take residents on regular shopping trips and outings thus reducing the reliance on the private car and reducing overall daily vehicle movements.
- 5.19. The site also provides parking provision for scooter and cycle store.
- 5.20. The proposal complies with the relevant transport and parking policies.

Raising the quality of place making and design

ALP: G3 (General design policy), G7 (Development in relation to topography), G8 (Detailed

Design Guidance and Local Amenity), G10 (Landscaping), G11 (Trees), G26 (Designing for safer communities), Appendix 1
CSDPD: CS19 (Raising the quality of place shaping and design)
DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development)
Housing intensification SPD
Draft New Local Plan: CP8 (Sense of place), DM33 (Delivering green infrastructure in development), DM34 (Placemaking and design quality)

- 5.21. The site is well located to the village centre to make it a suitable location for older people who may no longer have access to a car. The site is surrounded by residential development with a narrow access off of Wharf Lane. Whilst the access is not ideal it is an existing situation that served business uses and the highways authority consider that the redevelopment of the site will bring an improvement over the existing situation. The access road has been designed with a pedestrian walk way forming part of the shared driveway to be demarcated by a change in surface material.
- 5.22. In principle the layout is acceptable using the existing access and the front of the building facing the parking area. The car parking has been located on the northern side of the site and garden amenity areas have been located to the south of the site.
- 5.23. The proposed building due to its use as sheltered accommodation is of significant scale and mass and is quite different from surrounding existing buildings. The concept is a central block with side wings which reduce in height closer to the boundaries with the surrounding residential properties. Although there has been significant concern regarding the fact that the building is three storey. The scale of the building has been reduced by incorporating the second storey into the roof.
- 5.24. The building as a whole will only be seen within the site at the front. From other public vantage points it will be seen in views from existing residential dwelling where it is not screened by boundary vegetation. The winged form of the building plan makes it appear like a series of linked buildings, low eaves and the reduced ridge heights in sensitive locations closer to existing properties helps to disguise its scale.
- 5.25. The building takes cues from the surrounding Victorian properties along Wharf Lane from which accessed is gained. This is a valid approach in an area with quite a mix of character and building styles
- 5.26. A more detailed landscape plan was submitted to show how the boundary treatment is intended to address the potential impacts with the neighbouring properties. Pleached trees of 4m in height are placed along part of the western and southern boundaries to improve screening and soften the boundary. A new laurus hedge is proposed to be planted and maintained at 3m in height to assist with screening along the western boundary. It is intended to rely on the existing planting along the boundaries which do provide a good degree of planting. Some neighbours have expressed concern that the existing vegetation has not been maintained adequately and has led to overshadowing within their garden areas and concerns that this will continue given the need for boundary screening to maintain privacy. The developer of this site provides an in house management company who will manage the sheltered housing development and all associated maintenance of the communal garden areas and boundaries. This type of management should provide some reassurance that the boundaries will be maintained in the longer term.
- 5.27. The principle of the landscaping plan is considered acceptable to address issues of maintaining adequate screening. The landscaping treatment of the parking area needs further amendment to meet the Residential Design Guidance guidelines. Large trees rather than the multi stem trees proposed are needed to reduce the visual impact and provide an attractive setting for the building. This will be secured by condition.

Amenity of existing and future residents

ALP: G8 (Detailed design guidance and local amenity), H19 (Residents amenity space and gardens) Appendix 1

CSDPD: CS19 (Raising the quality of place shaping and design)

Housing intensification SPD

Draft New Local Plan: DM34 (Placemaking and design quality), DM38 (Internal space standards)

Existing Residential Amenity

- 5.28. There are inherent issues to overcome from the footprint of the building and its proximity to neighbours. The concept of the design has been to place the wings of the development on the same building line as the existing buildings on site. The eaves of the new building are lower than the eaves of the existing buildings. The roof is then pitched moving away from the boundary. This has been designed to minimise the impact of the built form closest to the boundaries with the neighbouring properties.
- 5.29. In terms of achieving privacy the residential design guidance provides specific guidance in terms of building relationships. Where side walls of dwellings closely face other dwellings only windows that are high level, or are lighting a non-habitable room should be provided. This is the relationship between the wings on the different boundaries.

The Eastern Boundary

- 5.30. The properties on Southbourne Drive have short rear gardens and there is a side wall to rear garden relationship to Nos 8 and 10. The windows in the side wall are either bathroom windows or high level in the roof space.
- 5.31. The east elevation of the rear wing faces towards the eastern boundary and is set back approximately 11 metres from the existing building line and about 15m from the site boundary. This part of the development has a front wall to rear wall relationship with Nos 10 and 12 Southbourne Avenue. Along the latter part of the eastern boundary there is an existing hedge which is in the region of 5 metres in height which largely screens the existing buildings. The high boundary hedge will limit views from the three flats in the east elevation at ground, first and second floor. There is a balcony at first floor level however the hedging limits the ability to look directly into the rear garden and the house. There is no balcony at the second floor level. The hedge is within the site application area and is within the control of the owners. As the management company remains in house Renaissance Retirement will manage the hedging to ensure privacy into and out of the development. The distance between the rear elevation and the front elevation is less than required in the residential design guidance but the hedge will limit views significantly.

The Southern Boundary

- 5.32. Along the southern boundary the neighbouring properties also have very shallow garden depths. The boundary is defined by low level hedging interspersed with some significant trees. Although the site plan would appear to indicate otherwise it is clear from a site visit that the trees are within the site boundary they are therefore within the control of the applicant.
- 5.33. As with the east boundary the south boundary has a side wall to rear wall relationship with Nos 18 and 20 Southbourne Drive. The southern wing is situated on the existing building line. As with the previous similar relationship the side wall contains non-habitable bathroom windows and there are no windows in the roof space. Again the eaves level of the new building is lower than the eaves of the existing building and the pitch roof slopes away from the boundary. This has been designed to lessen the impact of the building on the adjoining neighbours.
- 5.34. The south elevations of the east and west wing are set off the boundary but look

outwards towards the southern boundary and they contain habitable room windows at ground, first and second floor. The balconies for these flats have subsequently been removed to lessen the potential overlooking into adjacent properties. The west wing flats are approximately 16 metres from the boundary and the east wing is approximately 17 metres from the boundary. Nos 16 and 18 Southbourne Drive have the closest relationship to the habitable rooms on the south elevation of the east wing. The rear distance is approximately 27 metres although there is a substantial tree along the boundary and the walls and the roof form of the south wing also partly obscure views.

- 5.35. Nos 20 and 22 Southbourne Drive have the closest relationship to the habitable rooms in the south elevation of the west wing. There are substantial trees which sit within the development site and these and the walls and roof form of the south wing will partly obscure views for No 20. In terms of No 22 there is a more open boundary and to offset the likely overlooking the landscape plan has proposed a 4m high pleached hedge along the shared boundary. This will help to break up views between the two elevations and will ensure that the rear garden of No 22 cannot be overlooked.

The Western Boundary

- 5.36. On the west side of the site is a bungalow (Jalna) which has in part a side wall to side wall relationship with the proposed development. As with the other close relationships around the site boundary the east wing contains non habitable room windows and high level windows in the roof space. The existing building within the site is situated close to the common boundary and is single storey. The new building is set off the boundary by 3 metres. The west elevation of the south wing looks outward towards the western boundary and contains habitable room windows which have an oblique view into patio windows of an extension to Jalna. The balconies for the flats at first and second floor close to the garden with Jalna have been removed to reduce potential overlooking. The applicant has also proposed a 4 metre pleached hedge along part of the common boundary. These changes are considered to assist in addressing concerns regarding potential overlooking.

The Northern Boundary

- 5.37. The properties along the northern boundary of the site are located on Wharf Lane. The rear gardens of these properties are adjacent to the car parking area with a 1.8 metre fence demarcating the boundary. There is some landscaping proposed to break up and soften the car parking area. The front wall of the main building is set more than 40 metres away from the properties and does not lead to any overlooking issues. There are balconies proposed for these flats but the distance between the properties creates an acceptable relationship.

Occupier's residential amenity

- 5.38. Of the 21 apartments there are 10 which can be considered dual aspect and the other 11 are single aspect. This is not in line with the residential design guidance although very typical of this style of development. Whilst some of the apartments could potentially be dual aspect as they are located in the wings of the development the insertion of windows into side elevations would lead to potential overlooking to neighbouring properties. Again this is a compromise between residential amenity and potential overlooking and loss of privacy to existing neighbours.
- 5.39. The building is set within a landscaped setting and this will provide a high level of amenity for residents of the development. Whilst a number of flats do not have balconies this has been a compromise to ensure adequate levels of privacy for neighbouring properties. The communal gardens are designed to be social spaces with a lawn for boules and croquet. The two formal garden areas are south facing and there is also a patio area to the front of the site which will be accessible from the residents lounge. This area is to be enclosed by cedar screens with climbing plants

to screen the area from the surrounding properties. Overall the amount and design of the communal space is considered to be satisfactory to offset the lack of balconies to some properties.

- 5.40. The narrow access road is not an ideal environment for more vulnerable pedestrians however it is an existing situation. The access road will benefit from natural surveillance provided by the first and second floor flats in the north elevation and there are existing properties which also overlook the entrance way. In particular Holly Bank which provides the west boundary of the entrance road has windows within that wall which also provide natural surveillance.

Environmental issues

ALP: G15 (Noise), G16 (Light pollution)

CSDPD: CS18 (Waste, natural resources and pollution)

Draft New Local Plan: CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF)

- 5.41. Environmental health have identified that the site as one with potential risk from contaminated land given the historical business use of the site. Consequently they have requested that a land contamination report and potential remediation scheme be required by condition.

Flooding and drainage

CSDPD: CS1 (Overarching principles - sustainable development), CS18 (Waste, natural resources and pollution)

DSA: DM17 (Planning for flood risk management)

Draft New Local Plan: DM37 (Managing flood risk and sustainable drainage systems)

- 5.42. The site is not within an area of flood risk.
- 5.43. A sustainable drainage strategy has been submitted and is considered acceptable subject to suitable conditions. One of the proposals is to have a permeable resin bound driveway.

Ecology

CSDPD: CS17 (Environmental assets)

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

- 5.44. The ecology survey has not identified any protected species. The recommendations within the ecology report to increase biodiversity are appropriate but additional enhancements will be necessary such as nest or bat boxes. This will be required by condition.

Building sustainability

CSDPD: CS18 (Waste, natural resources and pollution)

DSA: DM18 (Carbon reduction and water efficiency)

Draft New Local Plan: DM39 (Optional technical standards for Building Regulation approval)

- 5.45. Following the Adoption of the Delivery and Site Allocations Plan (July 2013) and in particular policy DM18 (Carbon Reduction and Water Efficiency) it would have previously been necessary to impose a condition to secure the required 15% reduction in carbon emissions as well as reducing future demand for water associated with the proposed dwelling. However, this was superseded in October 2016 by ministerial policy to transfer the issue to Building Regulations. It is only considered necessary to condition water efficiency.

Public open space

CSDPD: CS21 (Contribution of development to community infrastructure)

DSA: DM16 (Open space in new development), DM19 (Infrastructure and delivery)

Draft New Local Plan: CP7 (Delivering the infrastructure to support growth)

5.46. The size of the development does not require the provision of public open space.

Infrastructure and Developer Contributions

CSDPD: CS21 (Contribution of development to community infrastructure)

DSA: DM19 (Infrastructure and delivery)

Draft New Local Plan: CP7 (Delivering the infrastructure to support growth)

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

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

5.49. The Planning Obligations SPD sets out the Local Planning Authority's approach to when planning obligations are to be used in new developments.

5.50. 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:

(a) Affordable housing

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

Weighing and balancing of issues – overall assessment

5.52. 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.

5.53. 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 (in this case, CIL)

(c) Any other material considerations

5.54. As set out the development seeks the redevelopment of a scattered business site for residential development. The relevant policy allows some flexibility and the criteria to demonstrate that the site is no longer practicable for business use or other appropriate employment generating uses including community uses has been established. As the site has remained largely vacant for some time the redevelopment of the site would provide an efficient use of urban land and weighs in favour of the development.

5.55. The development comprises of a large single block which is typical of this type of use. The building is of a significant scale and mass which is out of character with its surroundings however it is an island development surrounded by residential development and there are limited views of the building. The scale of the building means that it has a greater impact upon the neighbouring properties than the existing site. Its relationship with some of the surrounding neighbouring properties do not meet the residential design guidance. The impacts from the scale and mass of the building have been reduced to some degree through design and existing and proposed boundary treatments. Although the site has been largely vacant for some time it has formerly given rise to concerns of neighbourliness and was designated as a badly sited user under a previous policy designation. Whilst it is recognised that the business uses has co-existed quite happily with its residential neighbours in more recent years the use of the site is not restricted. A more intrusive business use could

operate from the site. On balance the scale and massing of the building weighs against the proposal.

- 5.56. The site will provide specialist accommodation for older people for which there is an identified need within the district. The provision of this accommodation allows the future occupiers to downsize and free up family sized properties. This weighs in favour of the development.
- 5.57. The district cannot currently demonstrate a five year supply of housing and this development would make a contribution to the housing supply for the area. This weighs in favour of the development.
- 5.58. The applicant for the site will make a contribution towards off site provision of affordable housing which given the viability assessment is considered to be a policy compliant position. This weighs in favour of the development.
- 5.59. There will also be economic benefits to the local area through the construction phase of development and through CIL.
- 5.60. On balance, it is your officer's opinion that the proposal is policy compliant and the benefits of the proposal outweigh any negative aspects and the proposal is therefore recommended for permission subject to condition and a section 106 agreement.

Recommendation:

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 the following matters:

(a) Financial contribution towards the provision of off site Affordable Housing or to refuse planning permission if an Obligation cannot be secured

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

- 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:
5546-PL-AC-001 C Location and Block Plan
5447-PL-AC 002 E Site Plan
5447-PL-AC-003 C Ground Floor Plan
5447-PL-AC-004 D First Floor Plan
5447-PL-AC-005 C Second Floor Plan
5447-PL-AC-006 C Roof Plan
5447-PL-AC-007 C North and East Elevations
5447-PL-AC-008 D South and West Elevations
5546-03-AC-009 A Bin store and scooter store plan and Elevations

5447-PL-AC-01 B A Site Sections

5447-PL-AC-020 A Views from Southbourne Drive
5447-PL-AC-021 A Views from Southbourne Drive and Wharf Lane
2310-SV-1 Topographical Survey

2310-SV-2.1 Building 1 Elevations
2310-SV-2.2 Building 2 Elevations
2310-SV-2.3 Building 3 Elevations
2310-SV-2.4 Building 4 Elevations
2310-SV-2.5 Building 5 Elevations

LANDP001 Landscape Plan
PP001 02 Planting Plan
LP001 01 Lighting Plan
16195-BT4 Tree Protection Plan

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 scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.
Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.
- 6 Development shall not begin, other than site clearance, until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, 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:
 - Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
 - Demonstrate that water quality, ecological and amenity benefits have been considered
 - Existing and proposed discharge rates and volumes
 - Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
 - Full construction details of all SuDS and drainage components
 - 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.
 - Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
 - Flow depth
 - Flow volume
 - Flow velocity

- Flow direction

Reason: To ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 103 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

- 7 Development shall not begin, other than site clearance, until a "whole-life" maintenance plan for the site has been submitted to and approved in writing by the local planning authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) following construction, with details of who is to be responsible for carrying out the maintenance. The plan shall subsequently be implemented in accordance with the approved details.
Reason: To ensure that maintenance arrangements have been arranged and agreed before any works commence on site that might otherwise be left unaccounted for.
- 8 Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.
Reason: To ensure the Sustainable Drainage System is designed to the technical standards
- 9 No development shall take place, other than site clearance, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
Reason: To ensure that the potential contamination of this site is properly investigated and its implication for the development approved fully taken into account.
- 10 No development above damp proof course shall take place before a fully detailed landscaping scheme for the site based on the Landscape Plan LANDP001 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the retention of trees identified on the southern boundary and the provision for larger trees for the car parking area. 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.
- 11 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 3 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.
- 12 Prior to first occupation of the development the details of the privacy screens to be used on the balconies identified on drawing no 5546-PL-AC-004 C shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of residential amenity to the neighbouring properties in Southboure Drive.

- 13 The development shall take place in accordance with the Arboricultural Assessment and Method Statement and tree protection plan submitted as part of the planning application.
Reason: To ensure that the retained trees, shrubs and hedgerows are not damaged during the construction process and in the long term interests of local amenity value.
- 14 A scheme for the enhancing the quality of the development for ecology including a timetable for implementing the measures contained in the Extended Phase I Habitate Survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the site. The approved measures shall be implemented in accordance with the approved timetable and shall thereafter be retained.
Reason: In the interests of the future ecological potential of the site.
- 15 The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard:
* equivalent to 'excellent' under the BREEAM rating with a maximum number of water credits for the commercial element, and,
* of 110 litres per head per day for the residential element.
Reason: In the interests of water efficiency as required by Policy CS18 of the Adopted Core Strategy and Policy DM 18 of the Adopted Delivery and Site Allocations Plan (July 2013).
- 16 Each unit of the residential development hereby permitted shall be occupied only by persons aged 60 or above.
Reason: Because the application has been assessed as such and the parking requirement would be for greater for unrestricted residential use.

INFORMATIVE(S)

- 1 In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service,
 - as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
 - by adhering to the requirements of the Planning & Sustainability Customer Charter.
- In this instance the application was subject to negotiation and amended plans have received. The application was determined without delay once all the salient issues had been resolved.
- 2 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.
- 3 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.