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App No : 16/07347/FUL App Type : FUL

Application for : 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

At Formoso and Land Adjacent Formoso, Kiln Lane, Bourne End, Buckinghamshire, SL8 5JE

Date Received : 09/09/16 Applicant : Leywood Estates Ltd

Target date for decision: 04/11/16

## 1. **Summary**

- 1.1. The application site comprised the plot occupied by Formoso and the adjacent land to the east, where permission has previously been granted for a single dwelling with access from Grassy Lane. The proposed development of four detached houses would be accessed from Kiln Lane, using the existing access point used by Formoso, with the access onto Grassy Lane proposed to be stopped up.
- 1.2. The development would be for four individually designed houses in spacious plots. These would have an acceptable relationship with their surroundings, both in terms of landscape impact and relationships to neighbouring properties. The access to the site is judged to be satisfactory by the Highway Authority and with suitable conditions in place the development would not have an adverse impact on biodiversity.
- 1.3. The application is therefore recommended for permission.

## 2. **The Application**

- 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, with the remainder of the site having a permission for a single dwelling with access from Grassy Lane.
- 2.2. The application amalgamates the two sites to allow the construction of four 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. The site is located in the Hawks Hill / Harvest Hill area covered by Policy C16 of the adopted Local Plan.
- 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. It would have its main façade facing the existing private drive to the west. It would have a linked garage set to the rear with access from the new drive.
- 2.4. Plot 2 would be between Kiln Lane and the drive with the house sited at an angle to Plot 1, with the rear facing the north east corner of the site, with a garage set back to the side.
- 2.5. Plot 3 would be set towards the south east corner of the site, close to the position of the house permitted in 2013. It would have an attached garage set at right angles to the house. Of the four houses this would have the largest plot with a substantial rear garden which would back onto Grassy Lane. The plans indicate that the existing

vehicular access onto Grassy Lane would be stopped up, although a pedestrian gate would be retained, allowing occupant access to the bridleway for walks.

- 2.6. Plot 4 would be on the south west side of the drive, adjacent to Apple Tree Lodge and Aston House. It would have an attached garage on the north-west side adjacent to Apple Tree Lodge.
- 2.7. The application is accompanied by:
  - a) Design and Access Statement
  - b) Highways Statement
  - c) Ecology Report
  - d) Tree report
- 2.8. During the course of the application the plans were amended. The changes included dropping the level of the house on Plot 1 and raising the level of its garage, raising the garage level on Plot 2, altering the glazing in Plot 3 and reducing the garage on Plot 4 from three to two bays.
- 2.9. Updated ecological surveys were also provided and further information about ecology including and ecological accounting exercise.

### **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 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
- 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 application was referred to the Local Councillors prior to determination.

### **4. Relevant Planning History**

- 4.1. 09/05885/FUL – erection of three bedroom dwelling and detached garage with access from Grassy Lane. Refused and dismissed at appeal.
- 4.2. 09/05883/FUL – erection of three bedroom dwelling with access from Kiln Lane. Refused and dismissed at appeal.
- 4.3. 13/05046/FUL – erection of three bedroom dwelling and detached garage with garden / store room under, retaining access from Grassy Lane. Permitted.

### **5. Issues and Policy considerations**

#### **Principle and Location of Development**

ALP: C16 (Hawks Hill / Harvest Hill)

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

DSA: DM1 (Presumption in favour of sustainable development),

Draft New Local Plan: CP1 (Sustainable Development), CP2 (Overall Spatial Strategy), CP3 (Settlement Hierarchy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 5.1. The application site is located within the Hawks Hill / Harvest Hill zone, an area for which there is a specific policy, C16, in the adopted Local Plan. The supporting text to the policy identifies the character of the area as being semi-rural, surrounded and dominated by open countryside which is in the Green Belt and an Area of Attractive Landscape. Whilst residential development is not precluded in this area the aim of the policy is to control development so that it maintains the area's low density, well-landscaped and semi-rural character. Areas of green space, both those formally designated under Policy L3, and those that are not, are recognised as making a particular contribution to the character and amenity of the area and should be retained.
- 5.2. Policy C16 does allow for development within the Hawks Hill / Harvest Hill area, provided that it complies with the specific requirements of the policy. The policy itself stipulates that development will not be permitted where it would introduce an urban character to the area, through design, density, layout or location or where it would necessitate highway improvements which would destroy or damage features which contribute to the landscape character of the area. Proposals should be for individually designed buildings in their own substantial grounds with an informal layout commensurate with the semi-rural character of the area. Landscaping details should reflect the semi-rural nature of the area. Infill or subdivision of plots will not be allowed where it would result in urban forms out of character with the surrounding area.
- 5.3. The supporting text adds that where development of more than one dwelling is proposed it should retain the characteristics of an informal arrangement of individual houses in their own grounds and should avoid the creation of formal housing estates. The use of hard surfacing and walling is generally inappropriate.
- 5.4. The grant of permission in 2013 for the erection of a dwelling on the eastern part of the site has established the principle of residential development on the site, and there is of course an existing dwelling at Formoso. This proposal would in effect increase the number of dwellings on the combined site from two to four. The details of the scheme will be assessed in the following sections of the report.
- 5.5. Since that permission was granted the Council has progressed the preparation of the new Wycombe District Local Plan. The Regulation 19 publication has completed a period of consultation and is therefore a material consideration to which regard must be had. Of particular relevance are Policies CP2 and CP3, this site being within the settlement boundary for Bourne End / Wooburn.
- 5.6. The intention of emerging policy CP2 and CP3 regarding this area is that residential development will be acceptable in principle, but this will of course be subject to the full suite of development management policies, including in particular DM32, DM34 and DM35, which should together combine to shape development to the quantum and form most appropriate to the locality. As such it should not be assumed that development at Hawks Hill / Harvest Hill should or could adopt an intensive urban character.
- 5.7. It should also be noted that the Parish Council is actively pursuing a Neighbourhood Plan to complement the Local Plan in due course, and that this may well include policy akin to the current LP Policy C16. It should also be noted that there is a significant level of unresolved objections to draft policy DM32 specifically citing the absence of 'C16' criteria for this area. As such only limited weight should be given to any parts of the emerging plan that pull against adopted Policy C16 prior to the examination of the plan.
- 5.8. 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**

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)

Planning Obligations Supplementary Planning Document (POSPD)

- 5.9. The site is located in a rural area where developments of 5 or more dwellings, or on sites exceeding 0.16 ha in size, or which exceed 1000 square metres in floor space, will normally be required to provide 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. In this instance the applicant has agreed on principle to offer a commuted sum.
- 5.10. As set out in the Planning Obligations SPD (April 2013), 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. Using the methodology set out in the SPD the proposed development would provide 54 bedspaces. 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 30% bedspaces on previously developed land which is not employment land, and 40% on green field land. In this instance this equates to the provision of 21 bedspaces as affordable housing.
- 5.11. The exact level of contribution has not, at this stage, been agreed. However, given that the applicant has indicated a willingness to make the appropriate provision, subject to the conclusion of a S106 agreement to secure the required amount, there is no objection in principle to the application on affordable housing grounds.

## **Transport matters and parking**

ALP: T2 (On – site parking and servicing), T5 and T6 (Cycling), T7 (Public transport), T8 (Buses)

CSDPD: CS16 (Transport), CS20 (Transport and Infrastructure), 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), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 5.12. 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.
- 5.13. This application is supported by a Transport Statement which includes a topographical survey, speed survey and survey of traffic volumes. This then sets out the required vision for the access to meet guidance in Manual for Streets, commensurate with the site conditions. This demonstrates that the existing access can achieve a satisfactory level of visibility with only minor alterations, including the widening of the access drive itself from 3 to 4.5 metres to allow two vehicles to pass.
- 5.14. The County Highway Authority 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. Subject to appropriate conditions to secure the alterations the access arrangements are therefore acceptable.
- 5.15. The scheme would provide each dwelling with garaging and driveway parking spaces which would more than meet the requirements of the Buckinghamshire Countywide Parking Guidance for Residential Zone B, in which the site is situated. The guidance

requires the provision of 3 spaces per dwelling. The garages would provide space for cycle storage to meet the requirements of the guidance.

### **Raising the quality of place making and design / Landscape Issues**

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), C16 (Hawks Hill / Harvest Hill) Appendix 1

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

DSA: DM11 (Green networks and infrastructure), DM13 (Conservation and enhancements of sites, habitats and species of biodiversity and geodiversity importance)

Draft New Local Plan: CP8 (Sense of place), DM32 (Landscape character and Settlement Patterns), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality),

- 5.16. 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. It is located within the Hawks Hill / Harvest Hill area where policy C16 sets out various criteria for development to ensure that it is in keeping with the semi-rural character of the area. Essentially this is that dwellings should be individually designed, located within spacious plots, in an informal layout, and should not require highway improvements which would have an adverse impact on the character of the area.
- 5.17. The overall site area is just under one hectare, and, with four units proposed the overall density is therefore four dwellings per hectare, indicating a fairly spacious development which is not dissimilar to others in the vicinity. Each plot is spacious with a good amount around all sides of each dwelling, giving a good degree of separation between the houses.
- 5.18. The architect has opted for an arts and craft style approach for the design of the dwellings, however each house is of an individual design. As can be seen from the site layout each house has a different footprint, both in terms of size and layout, differing roof forms, rooflines and projections. Due to the levels on the site each dwelling has also been designed to work with the levels on its particular plot, with some changes in level between different parts of the house, for instance on Plots 3 and 4, with the garages also set at different levels relative to their parent property. The layout is relatively informal, with Plot 1 oriented roughly east – west to face the existing access drive, plot 2 aligned north east – south east, and Plots 3 and 4 roughly north east – south east but at a slight angle to each other.
- 5.19. In terms of appearance, whilst displaying a similar style the four houses will be identifiably different, using different design features such as tile hanging and two storey glazing. The differences are less evident on the two dimensional plans than would be apparent in three dimensions where the use of different projecting features will give each house a distinct appearance. Indicative details of materials have been provided showing the use of render, good quality brick and clay tiles. Plot 3 would have quite significant areas of render, as would Plot 4 to a lesser extent. Plot 1, however would be only brick, and Plot 2 would be mainly brick with some small areas of render. Materials would be approved by condition and this could introduce further variation in the appearance of the houses. The scheme is therefore considered to meet the parameters of Policy C16 in terms of achieving a spacious design of individually designed dwellings.
- 5.20. As referred to above the site is quite steeply sloping, and some excavation will therefore be required to provide level areas for the dwellings, however the scheme has been designed around the levels by varying the floor levels. The development will be cut into the slope, rather than built out from it, which will embed it better into the surrounding landscape. Each house will have a terrace immediately to the rear to provide a level area but the remainder of the garden areas will retain the natural

slope.

- 5.21. The site benefits from mature trees along its east boundary to the bridleway, the south boundary to Grassy Lane (some of which are protected by a TPO), and along parts of the boundary with Kiln Lane. A tree survey was submitted with the application identifying the majority of these as category B trees, and the layout has been designed so that these trees are retained as part of the development. This is of benefit both in terms of retaining the visual amenity provided by the trees and by providing a framework and some screening for the development, to enable it to assimilate into the landscape.
- 5.22. The development is set well in from the public site boundaries. The house on Plot 1 is set back by about 15 metres from Kiln Lane, and Plot 2 by over 16 metres. It would be closer to the bridleway (about 10 metres from the nearest corner of the garage) but this plot is cut into to the slope on the east side and set at a much lower level than the bridleway. Plot 3 is similarly cut in on the east side when viewed from the bridleway and is over 20 metres from Grassy Lane, from which it is set down such that the eaves of the house would be roughly level with the level of the lane at the existing gateway.
- 5.23. The plans also indicate significant opportunities for new planting within the development, including hedging on the plot boundaries to separate the gardens, trees within these hedges and around the development, and additional planting along the Kiln Lane boundary. The supporting documents indicate that the new trees would be of good size and suitable native species. Appropriate conditions would be required to secure tree protection measures during construction, a method statement to ensure the construction did not prejudice the retention of the trees, and details of the additional planting.
- 5.24. Taking the design, layout, levels and screening into account it is concluded that the development would not have an adverse landscape impact on either the immediate surroundings or longer views. It would not, therefore harm the character of the area and is acceptable.

#### **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: DM35 (Placemaking and Design Quality), DM40 (Internal space standards), DM41 (Optional Technical Standards for Building Regulations Approval)

- 5.25. The dwellings would all be spacious houses with generous living accommodation and garden areas which 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.
- 5.26. On Plot 1 the window in the flank elevation of the garage needs to be obscurely glazed to prevent overlooking to Plot 2. Although the south elevation of the house faces Apple Tree Lodge this is at a distance of 28 metres, with the new house at a lower level, and this would not, therefore, result in undue loss of privacy. On Plot 2 the side facing rooflights to the games room require obscure glazing along with the side facing window to bedroom 2 which would look towards the garden of Plot 1.
- 5.27. Plot 3 has first floor flank windows to the dressing rooms and en-suite and at second floor to the en-suite and bedroom suite facing Plot 4 which need to be obscurely glazed. Plot 4 has a utility and en-suite window facing towards Apple Tree Lodge and it is considered appropriate to require them both to be obscurely glazed. Similarly the first floor windows and rooflights in the elevation facing Plot 3 need to be obscured.

- 5.28. The only neighbouring dwellings near the development are Apple Tree Lodge and Aston House. Plot 4 would be to the south east of Apple Tree Lodge and is on higher ground. The plans were amended to reduce the size of the garage and increase the space between the new house and shared boundary. The two would now have an acceptable relationship and the new house would not be overbearing, result in undue loss of privacy or light. Plot 1 is at a lower level than Apple Tree Lodge and well separated and would not adversely affect its amenity.
- 5.29. Aston House shares boundaries with both Plot 3 and Plot 4. The two storey part of the house on Plot 4 is 23 metres from the boundary with Aston House and the house on Plot 3 is set further away than the house on Plot 4. These houses would not therefore result in any adverse impacts in terms of light, outlook or privacy.

### **Environmental issues**

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)

- 5.30. The site is located adjacent to a former landfill site (to the east) of the site. Environmental Services has not raised any objection to the development on this basis but an informative drawing this to the applicants attention has been suggestion as this may have a bearing on the details of the construction of the houses.
- 5.31. The site is not currently connected to mains foul drainage. The supporting information submitted by the applicant states that they understand that there is a public sewer in Kiln Lane but do not know if it would be feasible to connect to this, given that there should not be any work to the banks along Kiln Lane. As a fall back position, if connection to the public sewer is not possible, the development would be served by septic tank.
- 5.32. There is sufficient space within the site for refuse storage and the Highway Officer is satisfied that a refuse vehicle could achieve satisfactory access.

### **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: DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 5.33. 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) and the Highway Officer has therefore requested a condition that details of the surface water drainage for the access should be approved. This would be to ensure that water from the development does not drain onto the public highway.
- 5.34. The scheme would increase the areas of hardsurfacing compared to existing. The plans indicate that it is proposed to use permeable surfacing for the driveways. A condition will be imposed requiring approval of surface water drainage.

### **Ecology**

CSDPD: CS17 (Environmental assets)

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

- 5.35. 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. Previous applications on the site have been accompanied by ecological reports and relevant surveys. The information initially submitted was not sufficiently up to date, having been prepared for a previous application, and the applicant was therefore asked to provide an updated ecological report. In addition to this a new reptile survey and a Red Kite and

breeding bird survey were required, which could only be carried out at particular times of year. These surveys have been carried out and the survey reports provided.

- 5.36. 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 could be put in place during construction of the development to ensure that this area and the associated habitat is not disturbed.
- 5.37. The vegetation in the central part of the site will be removed to enable the development to be built. This results in the loss of wildlife habitat from the site. Although it has not been identified as being of high ecological or nature conservation value the Council's Natural Environment was nevertheless concerned that the site would not achieve a net gain in biodiversity and advised that in this instance a biodiversity accounting exercise should also be undertaken, prior to determination of the application. This too has now been carried out and the report submitted.
- 5.38. The survey information has identified that the buildings on site are not suitable as bat roosts, but the mature trees could provide roosting opportunities. Since these are to be retained the scheme does not raise any issues with regard to impact on bat roosts. A single badger hole is located in the north east corner of the site, in an area which would not be disturbed by the development. However mitigation will be required as part of site clearance and construction process.
- 5.39. 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.
- 5.40. The reptile survey found only one slow worm on the final visit to the site. This indicates that whilst present the population is low and the site is relatively unimportant for the local reptile population. The site has a low likelihood of Great Crested Newts being present. The updated survey recommends a two phase cutting regime of vegetation in areas suitable as reptile habitat to encourage reptiles to leave the development area.
- 5.41. The Red Kite survey did not find any nests within the application site although one was observed on adjacent land to the south east. That nest was active at the time of the first two survey visits but not the third. The ecological report recommends a check by an ecologist for the presence of nesting kites prior to commencement of development.
- 5.42. The Ecological Mitigation and Management Plan January 2018 submitted in support of the application includes the biodiversity accounting exercise requested by the Natural Environment Officer. This shows the retention of 0.17ha of woodland around the east and south boundaries of the site, and the creation of new habitat, including the gardens, a new pond in the rear garden of Plot 1, species rich hedge planting around and between the plots. The report also recommends erecting a post and rail fence to separate the woodland from the more formal gardens to reduce "trampling pressure" from residents and encourage woodland regeneration, and the provision of a "bio diversity information pack" to homeowners to explain the habitat creation, enhancement and additional biodiversity enhancement measures and options for maintenance and monitoring.
- 5.43. The accounting exercise nevertheless showed a slight reduction in habitat biodiversity value. To offset this additional measures are proposed, including the provision of 8 bat boxes on south facing elevations of the houses and 20 bird boxes in the mature trees, of varying types to provide nesting opportunities for different species. Taking into account these additional measures the report concludes that the



development will have a neutral to slight positive overall biodiversity impact.

- 5.44. Having reviewed all the submitted reports and information the Council's Natural Environment Officer is satisfied that with suitable conditions in place to secure the protection, mitigation and enhancement measures proposed, the development would not result in a net loss of biodiversity or harm to protected species.

### **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. This can be achieved by imposing a condition to require the development to meet a standard of 110 litres / head / day.

### **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)

- 5.46. The development is a type of development where CIL would be chargeable.
- 5.47. 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.
- 5.48. The Planning Obligations SPD sets out the Local Planning Authority's approach to when planning obligations are to be used in new developments.
- (a) Having regard to the statutory tests in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that a planning obligation is required to be secured within a section 106 agreement for Affordable housing.
- 5.49. The applicant has confirmed that he is willing to enter into a legal agreement.

### **Weighing and balancing of issues – overall assessment**

- 5.50. 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.
- 5.51. 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
- 5.52. As set out above it is considered that the proposed development would accord with the development plan policies.

## **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 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 16 KLB SL1, 16 KLB SP2 Rev D, 16 KLB SP3 Rev A, 16 KLB E1 Rev A, 16 KLB E2 rev A, 16 KLB E3 Rev A, 16 KLB E4 ev A, 16 KLB P1 Rev A, 16 KLB P2 Rev A, 16 KLB P3 Rev A 16 KLB P4 Rev A and 15050/101 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 16 KLB SP2 Rev D or shall accord with any alternative details that are 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; (and the area within the development to which it applies).
- 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. 15050/101.

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 development other than site clearance shall take place until details of surface water drainage, including drainage of surface water from the access, have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b) include a timetable for its implementation; and
- c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The dwellings hereby permitted shall not be occupied until the surface water drainage has been installed in accordance with the approved details.

Reason: To ensure the provision of suitable surface water drainage and to ensure surface water does not drain onto the highway. A pre-start condition is necessary as the drainage works may need to be installed underneath other parts of the development.

- 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, 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 window(s) and any other glazing to be inserted in the flank elevation of the garage on plot 1, the side facing window to bedroom two and the rooflights to the games room both in the left flank elevation of plot 2, the side facing dormer and the rooflights in the first and second floor right flank elevation of plot 3 and the utility and en-suite window in the right flank elevation of plot 4 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. 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 Ecological Appraisal July 2017 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

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.

- 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 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.

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 4.15 and 4.16 on pages 22 and 23 of the Applied Ecology Ltd Preliminary Ecological Appraisal dated July 2017 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
- o \*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;
- o \*no pipework should remain open with an 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 not 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.

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 CS18 of the Adopted Core Strategy and Policy DM 18 of the Adopted Delivery and Site Allocations Plan (July 2013).

19 Prior to the commencement of development details of the proposed foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Details shall follow the hierarchy of package treatment plant, septic tank, cess pit as set out in the Planning Practice Guidance. The foul drainage shall be installed prior to the occupation of the development in accordance with the approved details.

Reason: To ensure the provision of foul drainage in the interest of the amenities of the future occupier, and environmental protection. A pre-start condition is required as it involves the installation of drainage below ground which may need to be carried out prior to other parts of the development.

20 Prior to the occupation of the dwellings hereby permitted a 1.2 metre high post and rail fence shall be erected in the position shown on Figure 2.2 of the Applied Ecology Ltd Ecological Mitigation and Management Plan January 2018, separating the formal garden and woodland areas. The fence shall thereafter be retained as such.

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

- 21 Prior to the commencement of site clearance works the details of the design and location of the 8 bat boxes and 20 bird nesting boxes and details of the proposed pond on plot 1 referred to in the Applied Ecology Ltd Ecological Mitigation and Management Plan January 2018 shall be submitted to and approved in writing by the Local Planning Authority. The nesting boxes shall be installed prior to the commencement of site clearance works and the bat boxes prior to the occupation of the dwellings, and shall thereafter be retained as such. Reason: To ensure the provision of measures to improve the biodiversity of the site.

#### 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 CharterIn 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 application was referred to the Local Councillors prior to determination.
- 2 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.
- 3 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.
- 4 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.
- 5 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.