

Contact: Robert Harrison DDI No. 01494 421641

App No : 18/05363/FUL App Type: Full Application

Application for : Outline planning application for up to 550 residential dwellings (with a minimum of 520 dwellings) and up to 1.6ha of land for employment use (Class B1c and/or Class B8) and/or community use; retention and enhancement of the Ride and provision of public open space, pedestrian links and other associated works (all matters reserved except for means of access);

And,

Full planning application for the development of Phase 1 for the erection of 129 residential dwellings (129 of the 550 dwellings described above) with associated parking, landscaping and access from Abbey Barn Lane.

At Abbey Barn South Reserve Site, Abbey Barn Lane, High Wycombe, Buckinghamshire

Date Received : 22/02/18 Applicant : Berkeley Homes Western Ltd

Target date for Decision 24/05/18

## 1. Summary

- 1.1. The Abbey Barn South site is a Reserve Site for future development. Cabinet resolved in 2014 to release the site and prepare a Development Brief.
- 1.2. The proposal, in terms of the arrangement of residential, business and leisure uses is considered to accord in full with the Development Brief.
- 1.3. As set out in the report it is considered that the proposed development would over provide in respect of some aspects of the development plan (planning benefits) and under provide in respect of others. In terms of benefits the site would:
  - a) Make a welcome and ongoing contribution to the Council's five year housing land supply.
  - b) Not result in any increased flood risk either on or off site.
  - c) Deliver 40% of bed spaces as affordable housing.
  - d) Provide some 17ha of public open space in the form of the Ride (a historically significant green infrastructure asset), playground, play features and areas of incidental open green space.
  - e) The retention and enhancement of green infrastructure links and ecological enhancements across the site.
  - f) Fund and/or deliver a number of transport improvements, which are not only of benefit to the site, but also the wider area. In particular the improvement to the Abbey Barn Lane/Heath End Road junction and funding towards the Abbey Barn Lane realignment. The funding to the Abbey Barn Lane realignment is considered to be of particular significance due to the time limited nature of the grant that has been made available through the Housing Infrastructure Fund (HIF).

- g) Investment in and pump priming of sustainable modes of travel.
- h) Investment in off-site walk/cycle improvements, which are of wider benefit to the community. These include a new walk/cycle route to Flackwell Heath and improvements to existing Bridle way links to the Rye.
- i) Land for a dedicated building for the Chiltern Rangers (Note: this was not a requirement of the Development Brief).
- j) A financial contribution to enable delivery of an additional form of entry to the new Daws Hill School.
- k) A good quality scheme that takes the opportunities available for improving the character and quality of the area in terms of design, green infrastructure provision and sustainability.

1.4. In terms of negatives the site would:

- a) Not provide new land for the delivery of new sports pitches. Although it should be taken into account that this harm would be partially offset by a financial contribution of £130k towards off-site improvements or new provision. This should also be seen in the context of the fact that the delivery of the Ride would represent a significant over provision of informal open space.
- b) An affordable housing tenure mix of 50% rent and 50% shared ownership, rather than the Council's preferred 66% for rent and 34% shared ownership.
- c) The loss of a small area of best and most versatile agricultural land. Although, this is tempered by the fact that the majority of the site is relatively poor in agricultural terms (i.e. grade 3b and below).

1.5. The development proposal, in the most part, accords with Development Plan, Abbey Barn South Development Brief, emerging policy and NPPF. Where there are negative aspects to the proposal these are considered to be outweighed by the positives when considering the Development Plan and all other material considerations taken as a whole. On balance, it is considered that subject to suitable conditions and legal agreement planning permission should be granted.

## **2. The Application**

- 2.1. The site is located within open countryside beyond the green belt. The whole of the site, save for the western corner has been designated as safeguarded land (i.e. a reserve site for future development) and as a green infrastructure area. The Ride and the area to the south-west of the Ride is designated as Green Space. The site is located within Residential Parking Zone A (Area of large population – relatively good accessibility) and CIL Zone A (High Wycombe, Lane End and Stokenchurch). There are a number of trees with Tree Preservation Orders in the Ride.
- 2.2. For the sake of clarity and avoidance of doubt the site is not within the green belt or Chilterns AONB. These designations start on adjoining land to the east and south. To the east of the site is Abbey Barn Business Centre, a Grade II Listed building.
- 2.3. The site covers an area of circa 33ha. It is bound to the north by Deangarden Wood, to the east by Abbey Barn Lane, the south by the M40 and the east by 'Pine Trees' (the former RAF Daws Hill site, which is currently being developed by Taylor Wimpey). The site is located circa 1.5 miles (as the crow flies) to the southeast of High Wycombe (1.8 miles drive or cycle).
- 2.4. The site consists of primarily agricultural land, with 'the Ride' running through the site east to west. To the north of the Ride are two rectilinear arable fields, separated by a

hedgerow. To the south of the Ride is open grassland. The south western corner of the site was in use as a baseball pitch until approximately three years ago.

- 2.5. The Ride comprises a wide double avenue of large mature lime trees with 13 mixed species mature Roundels. The Ride is approximately 55m wide and 700m long.
- 2.6. There is topographical variation throughout the site with a downwards slope towards Deangarden Wood and Keep Hill Wood.
- 2.7. Deangarden Wood to the north of the site comprises Ancient Woodland.
- 2.8. The site does not currently benefit from vehicular access (other than by agricultural vehicles) but can be accessed on foot through a number of Public Rights of Way (PROW). The PROW run along the northern edge of the site adjacent to Deangarden Wood and the Wycombe Summit site. One of the PROWs crosses diagonally (south-east) across the site to Abbey Barn Lane.
- 2.9. There is a broadcasting and mobile phone mast located in the south-eastern corner of the site.
- 2.10. To the immediate west of the site is 'Pine Trees' which is the development at the former RAF Daws Hills site. This site benefits from planning permission granted in 2014 for 441 dwellings with retail facilities, community centre, employment floorspace and primary school (ref. 13/05799/FULEA). The development is currently under construction.
- 2.11. To the immediate northeast of the site is the Wycombe Summit site, which is a former dry ski slope. This site forms part of the draft allocation for Abbey Barn South in the emerging Local Plan but already benefits from planning permission for 30 dwellings granted in November 2016 (ref. 16/06045/FUL). The planning permission remains extant and unimplemented.
- 2.12. A hybrid planning application has been submitted for a residential-led mixed-use development at Abbey Barn South. Phase 1 is proposed in full, with the remainder of the application in outline form with all matters reserved except access.
- 2.13. The proposal will include:
  - Up to 550 homes (of which 129 homes form the detailed Phase 1).
  - Up to 1.6ha of land for Class B1c and/or Class B8 employment use.
  - 40% of bed spaces as affordable housing.
  - Retention and enhancement of the Ride - 17ha of public open space.
  - Play space (5 LAPs, 2 x LEAPs and 1 x MUGA).
  - Community Pick and Grow facility.
  - Allotments.
  - Vehicular access from Abbey Barn Lane and the former RAF Daws Hill site.
  - Pedestrian/cycle links.
  - Potential to provide a community building.
- 2.14. Phase 1 of the development will deliver 129 homes. The exact number of new homes, mix of homes and tenure for later phases will be determined through the Reserved Matters application(s) but will be between 520 and 550 dwellings.
- 2.15. Phase 1 comprises:
  - a) 6 x 1 bed apartments.

- b) 26 x 2 bed apartments.
  - c) 10 x 2 bed houses.
  - d) 52 x 3 bed houses.
  - e) 33 x 4 bed houses.
  - f) 2 x 5 bed houses.
- 2.16. One footpath (HWU/59/1) will be diverted and will be made the subject of a separate application for a Diversion Order, which has been submitted and is being considered simultaneously with the current application.
- 2.17. Alongside the planning application an agreement under S106 of the Town and Country Planning Act is being negotiated.
- 2.18. The application is accompanied by:
- a) Design and Access Statement – (amended during consideration of application)
  - b) Landscape and Visual Impact Assessment - (amended during consideration of application)
  - c) Tree Survey
  - d) Arboricultural Impact Assessment - (amended during consideration of application)
  - e) Ecological Assessment - (amended during consideration of application)
  - f) Heritage Assessment - (amended during consideration of application)
  - g) Site Investigation Report
  - h) Air Quality Assessment - (amended during consideration of application)
  - i) Noise Impact Assessment - (amended during consideration of application)
  - j) Utilities Report - (amended during consideration of application)
  - k) Agricultural Land Assessment
  - l) Transport Assessment - (amended during consideration of application)
  - m) Travel Plan
  - n) Flood Risk Assessment - (amended during consideration of application)
  - o) Archaeology Assessment
  - p) Planning Statement - (amended during consideration of application)
  - q) Statement of Community Involvement – (amended during consideration of application)
- 2.19. The following additional documents were submitted during the course of determination:
- a) Affordable housing statement
  - b) Open Space and Play Strategy
  - c) Preliminary Study of footway/cycleway between Abbey Barn South and Flackwell Heath.
- 2.20. The application was amended during the course of its determination in the following ways:
- a) Change of description to exclude extra care and in its place include an employment use.
  - b) Change from Extra Care and medical facility to provision of up to 1.6ha of employment use (Class B1c and/or Class B8).
  - c) Potential to provide land for community building such as Chiltern Rangers.
  - d) Reduction in the number of homes within phase 1 (reduction from 131 to 129).
  - e) Provision of 1 x NEAP, 1 x LEAP, 3 x LAPs and 1 x MUGA
  - f) Change in access from Abbey Barn Lane from a priority right turn lane.
  - g) Affordable housing provision of 40% general needs housing across the site.
  - h) Alternation to design, form and position of buildings.

- i) Updates to relevant reports to reflect changes to the design and additional information being sought.

#### Statement of Community Involvement

- 2.21. The applicant has carried out a community consultation exercise. This included engagement with the development brief and liaison group process, meetings with residents groups and three public exhibitions, all of which have influenced the submitted proposal. 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.

#### Environmental Impact Assessment

- 2.22. An EIA screening request was submitted on 23 May 2017. With an agreed extension of time the response was issued on 19 July 2017. The development was considered to fall within the description of development at paragraph 10b of Schedule 2 of the 2011 EIA Regulations. Having regard to the likely mitigation the proposal was not considered to comprise EIA development. Whilst not expressly requested the development was also not considered to represent EIA development within the meaning of the 2017 Regulations.

### **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:
  - Entering into a Planning Performance Agreement to work on a Development Brief and offer pre-application advice.
  - As appropriate updating the applicant/agent of any issues that arose in the processing of the application and where possible suggesting solutions.
  - Adhering to the requirements of the Planning & Sustainability Customer Charter.
- 3.2. Following amendments to the application, two rounds of public consultation, consideration by Planning Committee and finalisation of a legal agreement the application is due to be determined without delay.

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

- 4.1. The site has no planning history of relevance to the current proposal. The majority of the Ride has not been in use and is reverting to a wild state. The land to the north of the Ride is in use for arable crop production. The north-western end of the ride was in use as a baseball pitch. At the landowners discretion the active use of the baseball pitch has ended.
- 4.2. 18/08277/FUL – full planning permission was sought for a temporary building to house a marketing suite at the south eastern end of the site. At the time of writing the application is out to consultation and therefore under consideration.
- 4.3. 18/05588/FUL – full planning permission sought for a new access to a pumping station on the Wycombe Summit site to serve the proposed development – the application is currently under consideration.

## 5. Issues and Policy considerations

### Planning policy framework

- 5.1. In considering the application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.2. In addition, section 70(2) of the Town and Country Planning Act 1990 (as amended by S.143 of the Localism Act) states that in dealing with planning applications, the authority shall have regard to:
  - a. the provisions of the development plan insofar as they are material,
  - b. any local finance considerations, so far as they are material to the application; and,
  - c. any other material consideration.
- 5.3. The relevant financial considerations in this instance will be CIL, New Homes Bonus and grant funding for highway works (i.e. HIF funding for improvements to Abbey Barn Lane).
- 5.4. For the purposes of considering this application the relevant parts of the Development Plan are the Wycombe Development Framework Core Strategy (July 2008), the Wycombe District Local Plan (January 2004) and the Delivery and Site Allocations Plan (July 2013).
- 5.5. The New Wycombe District Local Plan, whilst not currently part of the Development Plan, has been submitted for examination in public. The examination took place in July and September in 2018. The Inspectors report is due in March 2019. Therefore this plan, taken as a whole, can currently only be afforded modest weight. Individual policies, depending on the level of objection, may be afforded more or less weight.
- 5.6. Other material considerations which need to be taken into account include the National Planning Policy Framework (NPPF 2), the National Planning Practice Guidance (NPPG), the CIL Regulations and relevant Supplementary Planning Guidance, in particular the Abbey Barn South Development Brief.

### Principle

Adopted Local Plan (ALP): H2 (Housing Allocations), H4 (Phasing of New Housing Development), C9 (Settlements beyond the Green Belt)

CSDPD: CS1 (Overarching principles - sustainable development), CS2 (Main principles for location of development), CS8 (Reserve Locations for Future Development), CS12 (Housing provision)

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

Abbey Barn South Development Brief

Reserve Sites Infrastructure Plan

Emerging New Local Plan: CP1 (Sustainable Development), CP2 (Spatial Strategy), CP3 (Settlement Hierarchy), CP4 (Delivering Homes) and HW6 (Gomm Valley and Ashwells)

- 5.7. The site has been identified in successive Local Plans as a potential area for future development. Most recently in the adopted Core Strategy (policy CS8) the site was identified as comprising part of the Abbey Barn South Reserve Site for future development. Wycombe District Council Cabinet resolved to release the site for development on 20 October 2014. In July 2017 a Development Brief for the site was formally adopted by Cabinet.

5.8. The proposed development, with:

- a) Employment and community uses in the south western corner;
- b) Open green space in the location of the Ride; and,
- c) Residential development to the north of the Ride,

is considered to conform to the general arrangement of land uses set out in the Development Brief and therefore is considered to be acceptable in principle.

5.9. An extra-care facility was originally proposed as part of the application, but subsequently removed. The extra care facility is therefore no longer a matter for consideration before Planning Committee.

### **Housing Supply**

5.10. Following the publication of NPPF 2 and accompanying changes to the Planning Practice Guidance the formula for calculating the five year housing land supply has changed. Principally the household projection rates have fallen. As a consequence of this change the Council is currently able to demonstrate an 8.5 year housing land supply<sup>1</sup>.

5.11. However, it is also acknowledged that should the current draft changes (currently out to consultation) to the NPPG come into effect then then the Council's Housing land supply projection is likely to fall. Based on the current draft changes officers have recently estimated that this would leave the Council with housing land supply of 4.92 years<sup>2</sup>. It is likely that the changes to the PPG will have come into effect before the S106 is finalised and the Decision Notice can be issued. An update to this report may need to be issued in respect of this matter.

5.12. It should also be noted that delivery of housing at Abbey Barn South forms a significant part of the Council's five year housing land projection. Therefore if planning permission were refused Abbey Barn Souths contribution to the five year housing land supply would be delayed.

5.13. Irrespective of the 5 year housing land supply position it is acknowledged that the delivery of much needed homes (including affordable housing) is a significant planning benefit.

### **Flooding and Drainage**

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

DSA: DM17 (Planning for Flood Risk Management)

Emerging New Local Plan: DM39 (Managing Flood Risk and Sustainable Drainage Systems)  
Abbey Barn South Development Brief

5.14. Core Strategy policy CS18 requires that development avoid increasing (and where possible reduce) risks of or from any form of flooding.

#### **Flood Risk**

5.15. The applicant submitted a Flood Risk Assessment dated February 2018 and an Addendum dated August 2018. The Environment Agency Flood Maps show the site to be at very low risk of both fluvial and surface water flooding. In addition, ground water at

---

<sup>1</sup> The figure was calculated at the Glory Park Public Inquiry that took place in Nov/Dec 2018 – At time of writing Inspectors decision pending.

<sup>2</sup> See footnote 1 above.

circa 80m below ground level, will also be very low risk. The Lead Local Flood Authority (LLFA) were consulted. The LLFA accept the applicant's position that the site is not at risk of flooding from any source. Therefore, in flood risk terms the proposal is considered to be acceptable.

### Sustainable Urban Drainage

- 5.16. The LLFA initially raised questions and concerns in respect of the drainage strategy for the site. The questions and concerns were addressed by the second stage submission in August, which included a revised drainage layout, suds details, flow path and infiltration testing. On the basis of this information the LLFA are now satisfied that the SUDs strategy for the site is acceptable subject to conditions securing the details of the proposed scheme and the submission of a verification report to demonstrate that the scheme has been implemented in accordance with the agreed detail.
- 5.17. Notwithstanding the above, there is some concern that the filter drain and dry swale currently cuts through the east/west landscape area and the swale comes into conflict with the root protection area of a number of trees that have been identified for retention and an area identified for the establishment of a planting belt. It is considered that this matter could be overcome by marginally rerouting the drain and associated swale and/or producing an arboricultural mitigation strategy. It is considered that this matter is capable of being addressed via condition.
- 5.18. In view of the above, no objection is raised in respect of flood risk or the proposed sustainable urban drainage strategy.

### Affordable Housing and Housing Mix

ALP: H9 (Creating balanced communities)

CSDPD: CS13 (Affordable Housing and Housing Mix), CS21 (Contribution of Development to Community Infrastructure)

Planning Obligations Supplementary Planning Document (POSPD)

Wycombe District Council Advice Note – Affordable Housing.

Draft New Local Plan: DM22 (Housing Mix), DM24 (Affordable Housing), DM41 (Optional Technical Standards for Building Regulations Approval)

#### Affordable housing

- 5.19. Policy CS13 of the Core Strategy requires new housing developments to provide for a mix of dwelling sizes, types and tenure that meets the identified housing needs of the community. For the application site (green field) the Council would seek to ensure that at least 40% of the bed spaces within the development are within affordable dwellings. The applicant has offered to provide 40% of bed spaces within affordable dwelling. Therefore, the application is considered to be acceptable in this regard.

#### Mix

- 5.20. The Council's adopted Planning Obligations SPD requires an affordable housing mix of 66% for rent and 34% for shared ownership. The applicant has proposed an indicative affordable housing mix in Appendix 1 of the Affordable Housing Statement. The indicative mix in terms of dwellings sizes is considered to be acceptable. However, the tenure split at 50% for rent and 50% for shared ownership is not considered accord with the Council's adopted SPD or fully address the Council's core area of need, which is for affordable rental accommodation (falls 16% short). The applicant's failure to offer a more appropriate mix is a negative aspect of the proposal. However, given that it is a relatively



small shortfall it is given limited weight. It is also recognised that the affordable housing need is current and therefore bringing forward affordable housing sooner, rather than later, is also a benefit.

- 5.21. 28 dwellings are proposed as affordable housing in phase 1 (22% of units in phase 1). 54% for rent and 46% shared ownership. This falls below the 40% of bed spaces sought over the development as a whole. However, given that it is the first phase, and the later phases will be capable of making up the shortfall, no objection is raised in this regard.
- 5.22. The proposed affordable housing offer (40% of bedspaces as affordable housing and a tenure split of 50% for rent and 50% for shared ownership) is capable of being secured via legal agreement.
- 5.23. It is acknowledged that the Council's most recent Housing and Economic Development Needs Assessment (HEDNA) has identified a much greater need for affordable housing for rent (circa 80% of bedspaces), but this revised mix has yet to be adopted into policy or an updated SPD and therefore can only be afforded limited weight at this time.

### Public Open Space

ALP: RT3 (Playing Pitch Provision)  
 CSDPD: CS17 (Environmental Assets), CS19 (Raising the Quality of Place Shaping and Design), CS21 (Contribution of Development to Community Infrastructure)  
 DSA: DM16 (Open Space in New Development)  
 Emerging New Local Plan: CP7 (Delivering the Infrastructure to Support Growth)  
 Abbey Barn South Development Brief  
 Reserve Sites Infrastructure Delivery Package  
 Planning obligations SPD

- 5.24. Policy RT3 of the adopted Local Plan seeks to protect existing formal sports pitches where they make a valuable contribution towards the formal sports pitch provision in the District. The NPPF takes a similar evidence led approach.
- 5.25. Policy DM16 requires strategic sites (i.e. Abbey Barn South) to meet all local and strategic open space needs (Officer Note: open space relates to more than just sport pitches). The starting point is that all open space needs are met on-site. However, it is acknowledged that off-site provision may be preferable in certain circumstances (i.e. due to site specific constraints).
- 5.26. When the Development Brief was prepared it was envisaged that the Ride would be preserved and enhanced primarily for its amenity and aesthetic/historic value. It was the intention of the Development Brief that the strategic sports pitch provision would be provided off-site. A number of locations were considered, but none are currently capable of being delivered.
- 5.27. Based on the proposed housing number and mix the site is estimated to generate approximately 1320 future residents. The table below sets out: 1) the open space standard; 2) the requirement for a population of 1320 people; and, 3) what is proposed. It also includes gains and loss in respect of existing provision.

Open space typology	OS standard as per policy (DM16) Ha / 1000 population	1320 person	Proposed
Strategic	3.3	4.35ha	15.81 ha
Public outdoor	1.2	1.58ha	1.04ha

sport			Plus loss of 1.6ha of baseball pitch.  Plus gain of formal football pitch (0.78 ha <sup>3</sup> ) on school site.
Park + Semi-natural space	1.67	2.20ha	8.96 + 5.00 ha  Plus loss of informal kick-about area on the Daws Hill site (0.78ha).
Allotments	0.23	0.31ha	0.63 ha
Play: NEAP and/or MUGA	0.2	0.26ha	0.18 ha
<b>Local *</b>	<b>1.15</b>	<b>1.52</b>	<b>1.28 ha</b>
Informal amenity space	0.55	0.73	1.13 ha
Local play: LEAPs and LAPs.	0.6	0.79	0.15 ha
<b>Total</b>	<b>4.45</b>	<b>5.87</b>	<b>17.09ha (deduct loss of 1.6ha for baseball pitch)</b>

5.28. The proposal is to provide:

- a) 1 x Multi-Use Games Area (MUGA)\* – Unlit
- b) 1 x Neighbourhood Equipped Area of Play (NEAP)\*
- c) 1 x Local Equipped Area of Play (LEAP)\*
- d) 3 x LAPs (Local Areas Play)\*
- e) 2 x playable landscape trails
- f) 8 x playable landscape areas.
- g) Circular Walk.
- h) Retention of 1 x junior baseball pitch
- i) Ride Park of circa 13ha.
- j) Provision of land for use by a community facility (possibly Chiltern Rangers)
- k) A contribution of £130,000 towards youth football, cricket or rugby within Wycombe District.
- l) Allotments – serviced with water

\* *The play spaces would be provided to Field Houses Bench Mark Standards.*

5.29. In view of the table above Abbey Barn South should provide 4.35ha of Strategic Open Space and 1.52ha of Local Open Space. This amounts to 6.12ha of open space in total. 17.09ha of open space is proposed (15.81 ha of strategic space and 1.28ha of local space), mostly in the form of a park and semi-natural green space. In quantitative terms, when assessed against the baseline figure, this represents a significant over provision. However, in qualitative terms, there is a significant under provision of formal sports pitches, in particular adult and junior football pitches, which are in greatest demand. The under provision of formal sports pitches, both in terms of the loss of existing pitches and

<sup>3</sup> 108m x 73m

under provision against additional demand created, is a negative aspect of the proposal, which must be weighed in the balance.

- 5.30. The loss of the existing public open space, specifically the baseball pitch and informal kick about area on the Daws Hill Site, will be considered in more detail below.

Kick about area on Daws Hill Site.

- 5.31. The current kick about area on the Daws Hill site, whilst capable of being used for informal sports, is not marked out as a formal pitch and has not been prepared to the relevant technical specification (i.e. levelling and drainage). As part of the lands conversion to a school playing pitch it would need to be upgraded. This would be funded by Abbey Barn South as part of their education contribution. The loss of the public kick-about area is considered to have been compensated for by the creation of informal amenity grassland areas within the Ride. The creation of a formal playing pitch on the Daws Hill Site, in connection with the school, is considered to represent the net gain of a 'formal' sports pitch. However, it is acknowledged that the pitch would be controlled by the school and therefore public access would be at the discretion of the school, which limits the weight that can be attributed to its creation. It should be noted that the land owner at Daws Hill and the Council are currently in the process of transferring the land at Daws Hill to the education authority for the creation of the new school and playing pitch. As part of this process the Council is seeking to secure public access to the playing pitch, but at the time of writing the legal agreement has not been sealed and therefore this cannot be guaranteed.
- 5.32. The south-western corner of the site currently plays host three baseball diamonds (2 x adult baseball diamonds and 1 x junior diamond), which were originally created in connection with the American Air Base at RAF Daws Hill, but remained open for some years after the base closed. The clubs use of the baseball diamonds was terminated by the landowner some 3-4 years ago and officers have been advised that the landowner has no ongoing intention to reopen the site for further use by the baseball club. It is understood that the club has relocated to Farnham Royal; albeit would be happy to return to High Wycombe should this facility or an alternative facility be made available. The failure of the development to re-provide the baseball diamonds is a negative aspect of the proposal. A commuted sum of £130,000 is being offered towards the improvement of existing facilities in the District. This would go some way to off-setting the harm.
- 5.33. Sport England has been consulted on the open space strategy. They initially raised a holding objection based on the loss of the existing sports pitches. In response to Sport England's objection the applicant revised their open space strategy. Sport England were re-consulted and expressed the view that in light of the revised open space strategy, which in their view was likely to result in increased opportunities for sport participation, that they would be likely to remove their current objection, subject to the imposition of appropriate conditions/S106 obligations. However, before doing so they have requested sight of the heads of terms for the legal agreement. The legal agreement is currently in the process of being drafted. Dialogue will be ongoing with Sports England with a view to reaching agreement on the proposed sports related heads of terms in the legal agreement. In the event the Local Planning Authority wished to grant consent against the wishes of Sport England the application would need to be referred to the Secretary of State via the National Planning Casework Unit<sup>4</sup>.

---

<sup>4</sup> In accordance with the Town and Country Planning (Consultation) (England) Direction 2009.

5.34. In view of the above, and subject to appropriate conditions and S106 provisions securing the proposed open space strategy (in particular the provision of the Ride), the open space provision is, on balance, considered to be acceptable.

### Green Infrastructure and Ecology

CSDPD: CS17 (Environmental assets)

DSA: DM11 (Green networks and infrastructure), DM13 (Conservation and enhancements of sites, habitats and species of biodiversity and geo-diversity importance) and DM14 (Biodiversity in Development).

Emerging New Local Plan: DM34 (Delivering Green Infrastructure and Biodiversity in Development), HW5 (Abbey Barn South and Wycombe Summit)

Abbey Barn South Development Brief

Reserve Sites Infrastructure Plan

#### Green Infrastructure

5.35. The entire Abbey Barn South Site is allocated as a Green Infrastructure Area. Policy DM11 requires the green infrastructure network to be conserved and enhanced, paying special attention to connectivity to the existing green infrastructure network, biodiversity, recreation and non-motorised access.

5.36. The Development Brief required the Abbey Barn South site to be designed with strong links between the Ride, Daws Hill Site, Deangarden Wood, Keep Hill Wood and Abbey Barn Lane. The illustrative masterplan is inserted below:



5.37. Phase 1 of the proposal and the outline master plan broadly follow the Development Brief guide.

5.38. The key green infrastructure assets on the site are:

- The Ride, which will be retained and maintained as a tree lined avenue with opportunities for Local Play between the substantial roundels. The Ride comprises the main east/west green infrastructure link within the site. Public access will be encouraged with a limited network of made and mown paths set within a predominantly ecologically driven management regime.
- Deangarden wood ancient woodland will be retained in its entirety with enhanced public access by walk and cycle. A 15m buffer to the ancient woodland will be observed to ensure the woodlands long term protection.

- A number of pockets of trees within the site will be retained and key north/south green links between the Ride and Deangarden Wood will be retained. The most significant link is the Dell, which will also act as a focus for the Sustainable Urban Drainage corridor, which should further enhance its ecological value.
- Strong structural street tree planting permeates the site providing additional ecological opportunities and links.
- The Ride will also serve to retain the link to the existing green infrastructure area at Daws Hill.

In view of the above, the current proposal is considered to accord with Development Plan policy and the Development Brief.

- 5.39. To ensure that the vision for the green infrastructure area is a success in the long term it will be necessary to ensure that a long term maintenance and financial strategy is in place. This is capable of being secured via legal agreement.
- 5.40. Subject to conditions and a legal agreement securing the green infrastructure strategy for the site, the proposal is considered to be acceptable in this regard.
- 5.41. An addition to the green infrastructure links indicated in the Development Brief a further link was added within phase 1 linking Deangarden Wood to the Ride. This link is partially severed from the Ride by a Home Zone. This is regrettable as it may impact the movements of some species. However, given that this was in addition to the green links required by the Development Brief, it is not considered that planning permission could be reasonably withheld on this basis. Taken in the round the site is considered to be well integrated with the surrounding green infrastructure and take the opportunities available for linking ecological assets.

## Ecology

- 5.42. Policy CS17 of the adopted Core Strategy states:

“The Council will conserve and improve the environmental assets of the District by requiring: the implementation of the objectives of national and local biodiversity action plans through measures including conserving and enhancing biodiversity in terms of species and habitat, protecting international, national and locally designated sites of importance for biodiversity, and creating opportunities to link wildlife habitats”.

- 5.43. Policy DM14 requires all development proposals to maximise opportunities for biodiversity by conserving, enhancing or extending existing opportunities.
- 5.44. The applicant has submitted an ecological assessment (dated Feb 2018) and addendum (dated Sept 2018) in support of the application. The assessment considers the impact of the development on Bats, Dormice, Badgers, Birds, Reptiles and Invertebrates. The report concludes that the site is dominated by habitats of mostly local importance and the limited loss of vegetation and habitats is not considered to be significant in the local context and there are opportunities within the site for habitat creation, enhancement and management to maintain opportunities for wildlife. The applicant has proposed the imposition of conditions to mitigate any potential impact and secure improvements.
- 5.45. The Council's ecologist has been consulted. There is broad agreement with the applicant's ecological assessment and mitigation strategy. However, an objection has been raised in respect of the loss of tree group 11, which is of ecological interest and a number of matters concerning the detail of the mitigation strategy. The detailed matters

are capable of being addressed via condition. The issue regarding the loss of tree group 11 will be set out below.

- 5.46. The Council's ecologist has raised particular concern with the loss of a small group of trees in the western part of the site (Group 11 in the arboricultural report), which serves as a habitat for bats, badgers, reptiles and a barn owl. The loss of this habitat is considered to give rise to a significant ecological harm and its loss represents a failure to take an opportunity to preserve and enhance the ecological value of the site. However, given that layout is a Reserved Matter in this part of the site, it is considered that a condition can be imposed on any planning permission granted requiring the retention of tree group 11, which would overcome the harm.

#### Protected and Notable Species

- 5.47. Protected and notable species are known to be active on the site. In particular on the Ride. Protected and notable species are less common in the arable farmed areas. While the identified ecology is relatively common and wide spread in the local area some of the species are legally protected and therefore an application would need to be made to Natural England for a full European Protected Species (EPS) licence before development work can be undertaken.
- 5.48. In considering the current proposal the Local Planning Authority must have regard to Regulation 9 (5) of the Conservation of Habitats Regulations 2010 and the impact the grant of planning permission may have on any protected species. There are three tests (known as the Derogation Test) that the Local Planning Authority must consider in taking a view as to where planning permission should be granted<sup>5</sup>.
- 5.49. In this instance the majority of the areas of ecological interest will not be developed and there is potential to enhance the long terms protection of existing ecological assets. The harm to the habitat of legally protected species is considered to be relatively small. The economic and social benefits of delivering circa 550 new dwellings on site reserved for development is considered to out-weight the ecological harm resulting from the loss of a number of small pockets of ecological habitat. Therefore, there is considered to be an overriding public interest to relocating the bats, reptiles and other species that come into conflict with the development and an ecological objection is considered to be disproportionate. Given the scarcity of housing land in the district and the site's long term reservation for development and its location adjacent to a built-up urban area, it is not considered that there is a reasonable and proportionate alternative to the current site. The legally protected species on the site are proposed to be removed and taken off site; they are not proposed to be killed or destroyed. Therefore, there should be no impact on numbers and/or the range of these relatively common species and as such the population should be maintained. The licencing regime and conditions are capable of securing details of capture and release. It is not considered to be necessary to determine these matters at the application stage because solutions will be readily available and within the applicant's control (i.e. release in a publically accessible woodland and/or the Ride). On this basis it is considered to be likely that Natural England will grant a licence and therefore planning permission should not be withheld on ecological grounds. The Council's ecologist has raised no in principle objection.
- 5.50. A general wildlife informative should be applied to ensure nesting birds are not disturbed.
- 5.51. In view of the above, the proposed development is considered to be acceptable on

---

<sup>5</sup> R (Simon Woolley) v Cheshire East Borough Council and Millennium Estates Limited<sup>1</sup>, a High Court case, and more recently still the Supreme Court decision in R (Vivienne Morge) v Hampshire County Council (the Morge case)

ecological grounds subject to a condition securing the retention of tree group 11 and a detailed ecological mitigation strategy for each phase of development and its ongoing management.

### Site Accessibility

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)

Emerging New Local Plan: DM33 (Managing Carbon Emissions: Transport and Energy Generation)

Abbey Barn South Development Brief

Abbey Barn Lane Position Statement adopted May 2018

Interim Guidance on the Application of Parking Standards

Buckinghamshire Countywide Parking Guidance

5.52. The applicant has submitted a Transport Statement prepared by Glanville in support of the application, which sets out the applicant's position with regard to highway capacity, vehicle movements, accessibility, junction design, car/cycle parking and on/off site highway improvements.

### Network Capacity

5.53. The NPPF states that:

“improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.” (Emphasis added)

5.54. The proposed application has been subject to transport modelling with baseline flows having been extracted from the Wycombe Strategic Traffic Model. This model includes growth factors, committed development flows and base data. The site has been tested at 550 dwellings, plus 1.6ha of employment use. Junctions in close proximity to the site have been tested. At the request of the County Highway Authority additional testing was undertaken of the Marlow Hill junctions. The modelling data has revealed issues in respect of the following junctions, which would be materially exacerbated by the current proposal:

- a) Abbey Barn Lane/Heath End Road junction.
- b) Abbey Barn Lane/Abbey Barn Road/Kingsmead Road junction.
- c) Marlow Hill Junction.
- d) General capacity issues on the London Road.

5.55. The application has proposed that:

- a) the capacity issues at the Abbey Barn Lane/Heath End Road junction are capable of being overcome by the creation of a three arm roundabout, which can be secured via condition under a S.278 agreement.
- b) the capacity issues at the Abbey Barn Lane/Abbey Barn Road/Kingsmead Road junctions could be addressed by making a commensurate contribution, along with Abbey Barn North and existing Housing Infrastructure Funding (HIF), to the realignment of Abbey Barn Lane and improvement of the junction with Kingsmead Road. The scheme would be bought forward in-line with the adopted Abbey Barn Lane Position Statement. Securing funding towards this

infrastructure improvement in a timely manner is critical given the time sensitive nature of HIF funding, which could be lost if match funding cannot be secured and development value released. Therefore, the financial contribution towards this scheme is given great weight.

- c) The capacity issues on London Road could be addressed by making a commensurate contribution toward the London Road improvement works alongside the other Reserve Sites and National Productivity Investment Fund (NPIF) to amend the existing highway, incorporate new features and improve the environment for pedestrians and cyclists.
- d) The capacity issues on the Marlow Hill/Daws Hill Lane junction and gyratory could be addressed by making a commensurate contribution towards a package of measures to improve the efficiency of the road network in the area of Marlow Hill.

5.56. The offsite highways schemes set out above are considered to be necessary to make the development acceptable, directly related to the development and reasonable in scale and kind. Subject to appropriate conditions/S106 securing these works the proposed development is not considered to have a severe and therefore unacceptable impact on highway capacity.

#### Access

5.57. The proposal has been amended during the course of determination to show a simple 'T' junction with ghost lane accessing Abbey Barn Lane in the east (290362-SK116 I6, dated 29 June 2018) and a connection to the Daws Hill development in the west effectively completing the Daws Hill/Abbey Barn spine road. The visibility splays onto Abbey Barn Lane accord with 85%ile speeds of circa 40-41mph. Tracking diagrams indicate that the access is capable of accommodating refuse vehicles and a twin axle bus. The County Highway Authority advise that the proposed access arrangements are considered to be acceptable in highway safety/convenience terms. Therefore, no objection is raised in terms of the access arrangements. A condition will be required to ensure delivery of the proposed access arrangements.

5.58. In terms of the internal estate road arrangement the main spine road through the site is 6.5 metres wide and flanked by a shared footpath/cycleway measuring 3m on the southern side and 2m on the northern side. A network of roads varying in width from 5.5m to 4.1 metres are then set out in perimeter blocks accessed off the main spine road. This arrangement is considered to be efficient allowing route choice and avoids the need for large turning heads to facilitate rubbish collection and deliveries. There are a few instances in the illustrative master plan, in the area beyond phase 1, where cul-de-sacs have been unnecessarily created and opportunities for the creation of linked roads have not been taken. However, it is considered that this can be addressed at the Reserved Matters stage and therefore it is not considered that an objection should be raised at this time on this basis. However, for the sake of clarity it is considered to be expedient to impose an informative on any planning permission granted highlighting the issue to ensure that it is addressed in future reserve matters applications.

#### Car and Cycle Parking Provision

5.59. The Council's approach to residential parking is set out in Buckinghamshire Countywide Parking Guidance. Phase 1, which has been submitted in detail, proposes 269 allocated parking spaces and 47 visitor spaces (Total: 316). Additional parking is also available on-street. This represents provision of circa 2.5 spaces per dwelling. This level of provision where assessed in terms of habitable rooms represents an over provision



above the County standards. Given the sites location within the urban hierarchy, and the anticipated levels of car ownership, no objection is raised to the over provision of parking.

5.60. The parking space and garage sizes accord with the County Parking Guidance.

5.61. Communal cycle storage is proposed for the flats and individually for the houses. The cycle storage for the flats is capable of being secured by condition. For houses it is considered that there is adequate capacity for cycle storage within garages and/or sheds that can be erected at the discretion of future owners.

#### Pedestrian and Cycle Provision

5.62. National guidance within Manual for Streets advocates that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance, but emphasises that the propensity to walk is also influenced by the quality of the walking experience. Whilst the document “Guidelines for Providing for Journeys on Foot” (IHT 2000) contains guidance on acceptable walking distances:-

	Town centres (m)	Commuting/school/sightseeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

Source: CIHT Providing for Journeys on Foot

5.63. The site, being an urban extension into an otherwise rural area, has limited access to any existing walk/cycle routes other than through the Daws Hill development, which is still under construction. However, there are a number of facilities within the area such as the sports centre, High Wycombe town centre and local schools/colleges in High Wycombe and Flackwell Heath, which are capable of being accessed in a reasonable way by walk/cycle subject to appropriate on-site and off-site infrastructure improvements.

5.64. The site, due to the provision of:

- a) a spine road with parallel walk/cycle provision;
- b) a number of cross cutting footpaths; and,
- c) a permeable layout,

is considered to be accessible in all directions. Access to the South is limited as a consequence of the motorway forming a physical barrier, but remains accessible from Abbey Barn Lane and/or the Daws Hill Development. The key issue is the quality of foot/cycle provision, which is currently very rural in character with unmade rural paths and limited provision for legal cycle use. As a consequence, without intervention the site does not currently promote walking and cycling as the travel mode of choice as it links poorly and/or fails to take the opportunities available for linking to a number of key destinations such as Rye Park, Town Centre, train station and Flackwell Heath. However, it is considered that the following off-site improvements would serve to take the reasonable opportunities available for connecting the site to its surroundings by providing a good quality walk/cycle experience:

- a) Contribution of £21,000 towards an upgrade of HWU/64/1 through Keephill Wood to the walk/cycle route between High Wycombe and Rye Park, which then provides onward connection to the town centre, train station and a number of amenities.
  - b) Contribution of £28,000 towards an upgrade of Bridleway HWU/156/1 between Keephill Wood and Daws Hill access Road providing a good quality and convenient access to Daws Hill Lane and facilities such as Waitrose, cinema and sports centre beyond.
  - c) Contribution of £475,000 towards the provision of a walk/cycle route to Flackwell Heath providing access to shops, schools, a higher education college on a route with limited topographical challenges compared with travelling north or south.
- 5.65. The wider benefits that would be delivered by these walk/cycle infrastructure improvements to the wider community, represent planning benefits weighing in favour of the development. These benefits taken together with the benefits already secured through the Daws Hill development such as the Daws Lea Link (currently progressing as a walk/cycle corridor) will serve to make the Abbey Barn area a more sustainable location. It is also acknowledged that the Abbey Barn South development will benefit from the infrastructure already installed and/or planned to be installed in connection with the Daws Hill development.
- 5.66. The off-site works are considered to be necessary to make the development acceptable, directly related to the development and reasonable in scale and kind.

#### Public Rights of Way (PRoW)

- 5.67. Policy CS20 expects that development proposals ensure that the convenient use and enjoyment of existing public rights of way are not affected by development.
- 5.68. Two PRoW (HWU/59/1 and HWU/58/1) currently traverse the site. Footpath HWU/59/1, which sits on the northern boundary of the site was legally diverted under order in November 2016 and is currently being diverted through Deangarden Wood. Footpath HWU/59/1 traverses the site on a northwest/southeast axis linking Deangarden Wood with Abbey Barn Lane. This footpath is proposed to be either formally diverted from its existing alignment or stopped up and informally re-provided within the site. Any alteration to the lawful PRoW would need to be considered separately under S.257 of the Town and Country Planning Act 1990. The proposed route, whether formally adopted as a PRoW or not is considered to be reasonable in terms of its alignment and no objection has been raised from the County PRoW officer. Therefore, there is considered to be a reasonable prospect of the diversion/stopping up order being granted and as such planning permission could not reasonably be withheld on this basis. In the event the diversion order was not granted it would be open for the developer to amend the application or reapply. However, for the sake of clarity it is considered to be desirable to place an informative on any planning permission granted advising any future developer that the PRoW cannot be obstructed unless legally stopped up or diverted.
- 5.69. There is a bridleway (HWU/156/1) to the west of the site, which sits between Abbey Barn South and the Daws Hill Development, which is likely to come under significantly increased use as a consequence of the development. As set out above, a sum is sought to upgrade the Bridleway to reflect its increasingly urban setting and intensity of use. Also, as set out above, a new section of bridleway is proposed to connect the northern corner of the site to Bridleway (HWU/67/1) along the alignment of an existing permissive path and bridleway HWU/64/1. This new section of PRoW is considered to represent an

enhancement to the existing established network and will significantly improve the route to the town centre.

## Public Transport

- 5.70. Currently one bus passes the site (no.36) along Heath End Road; the High Wycombe to Bourne End service [Mon-Fri (6:30 – 23:15)]. There is a reduced service on Saturdays, albeit still with two buses per hour at peak times. There is an hourly service on Sundays. It would be possible for the No.36 to serve the proposed development along with the Daws Hill site. This would have a small impact on journey times, but potentially increase patronage thereby improving the long term viability of the service. As a consequence of the diversion time it would be necessary to pump prime the funding of an additional bus on Sundays and Bank Holidays and provide an additional bus on Saturdays to maintain a 30 minute service. The necessary funding to secure the provision of a bus on the site is considered to be both necessary and reasonable.
- 5.71. In addition to extending the regular No.36 service into the site an on-demand user-led peak passenger shuttle is proposed between the development and High Wycombe town centre/railway station. The service would require the funding of two mini buses that would offer a 20 minute peak time service. The necessary funding to secure the provision of a peak time service on the site is considered to be both necessary and reasonable.
- 5.72. Subject to commensurate funding being secured towards an extension to the regular No.36 bus service and funding of a peak time shuttle the proposal in terms of public transport provision is considered to be acceptable.

## Travel Plan

- 5.73. A Framework Travel Plan has been prepared and submitted with the application. The travel plan seeks to promote the use of sustainable travel modes (walk, cycle, public transport etc.) and minimise single occupancy car journeys. In the event planning permission is granted a detailed plan will be required via condition along with monitoring payments to be secured through a legal agreement. The provision of a Travel Plan and its monitoring is considered to be necessary, reasonable and fairly related in scale and kind to the proposed development.

## Site Accessibility

- 5.74. The proposal, subject to:
- a) network capacity and junction improvements;
  - b) walk and cycle improvements (on and off site);
  - c) financial contributions towards public transport provision; and,
  - d) a travel plan promotion package,
- is considered to be acceptable in accessibility terms and take the opportunities available for promoting travel choice and alternatives to the private car.

## Landscape and Visual Impact

ALP: L1 (The Chilterns Area of Outstanding Natural Beauty).

CSDPD: CS17 (Environmental assets).

Emerging New Local Plan: CP8 (Sense of Place) and DM32 (Landscape Character and Settlement Patterns).

Character Map of England.

Local Landscape Plan for Buckinghamshire.

The Chiltern Conservation Boards Position Statements on: Development Affecting the Setting of the Chilterns AONB.

- 5.75. A Landscape and Visual Impact Assessment (LVIA) (dated Feb 2018) and addendum (dated Sept 2018) was submitted by the applicant in support of the application. These documents assess views of the site from key vantage points both near and far including the Chilterns AONB. The assessment makes the case that the development could be successfully integrated within the existing site and assimilated into the surrounding landscape without causing wide scale change or irreversible adverse effects to the landscape character.
- 5.76. The proposal, in terms of its development envelope broadly conforms to the parameters set out in Development Brief. The Ride is proposed to be retained, which represents a substantial visual landscape buffer. The retention/enhancement of the east/west landscape corridor also serves to screen the hard form of the development from the north. Subject to the ride and east/west landscape buffer being secured via condition and the landscape impact of future phases being tested as part of the reserve matter of scale, the proposals impact on the wider landscape is considered to be acceptable.

### **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: CS17 (Environmental Assets) and CS19 (Raising the quality of place shaping and design)

DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development)  
Housing intensification SPD

Emerging New Local Plan: CP8 (Sense of Place), DM35 (Place-making and Design Quality)  
The Environmental Guidelines for the Management of Highways in the Chilterns

### **Comprehensiveness of Design Approach**

- 5.77. The layout of the site is, in the most part (save for phase 1), reserved for future consideration. However, a master plan and parameter plans have been provided, which indicates that the proposal conforms to the comprehensive layout approach set out in the adopted Development Brief. The illustrative layout makes use of the screening benefits of existing vegetation, preserves the Ride and fits within an overarching movement and green infrastructure strategy that connects to the development at Daws Hill. The block structure breaks down a little in the latter phases of the development in the western part of the site, but this is capable of being addressed at the reserve matters stage.
- 5.78. Wycombe Summit, whilst recently having been acquired by the applicant, does not form part of the current application site. However, it is considered that a complementing layout can be achieved at the reserve matters stage with the requisite walking and cycle connections.
- 5.79. Having regard to the above, the design approach is considered to be comprehensive in nature. The main road and areas of green infrastructure are capable of being secured via condition. Matters of detail are capable of being addressed at the Reserve Matters stage.

Detailed layout (Phase 1)

- 5.80. The detailed layout in phase 1 indicates a main access road with a hierarchy of secondary streets set out in a robust perimeter block layout. With the exception of apartments, parking is predominantly shown at the fronts and sides of dwellings. Apartments make use of rear parking courts in order to avoid parking dominated frontages. Parking is in relatively close proximity to the dwellings that it serves and benefits from natural surveillance. This approach broadly accords with the Council's Residential Design Guide, which advocates a hierarchal approach to parking provision. The streets, due to their width, are in the most part parkable, which should ensure a flexible supply of visitor parking in close proximity to the dwellings being visited.
- 5.81. It is considered that there is, in the most part, a clear distinction between public/private space functions, which should serve to minimise the risk/fear of crime and noise/disturbance in private areas. Rear parking courts punctuate this envelope in certain locations, however the incidences are minimal, and occur as a consequence of other design constraints. Therefore, it is not considered that planning permission could reasonably be withheld on this basis. In the case of the apartments, it is considered to be reasonable and practical to gate the parking courts, which would mitigate against any potential crime threat.
- 5.82. Within phase 1 there is variation in plot sizes and dwelling typologies. This will serve to bring interest and legibility to the site that is capable of being carried through to the latter phases.
- 5.83. Taken in the round, the layout of phase 1 is considered to have been appropriately balanced against the constraints of the site, and is considered to be acceptable.

#### Scale and External Appearance

##### Outline

- 5.84. The proposed parameter plan indicates that development on site will range in height from two to four storeys. This complies with the Development Brief and is supported by the findings of the LVIA. Subject to a condition securing the limitations of the parameter plan, the proposed outline scale of development is considered to be acceptable.
- 5.85. The Design and Access Statement indicates that the external appearance of dwellings will be based on a relatively traditional form and pallet of materials (i.e. dominated by red brick and tile). The Design and Access Statement is considered to indicate an acceptable response to the site, which is capable of being addressed in detail at the Reserve Matters stage.

##### Phase 1

- 5.86. Phase 1 of the application site is straddled by a number of different character areas. These are set out below:
- a) The village green;
  - b) The village street area;
  - c) Village yard area;
  - d) Woodland and greenways area; and
  - e) Formal parkland edge.
- 5.87. These character areas are proposed to repeat throughout the site. Therefore, the design of dwellings in phase 1 gives an indication of what can be expected over the remainder of the site.

- 5.88. The development within phase one ranges in height from two to four storeys. The four storey element is located in close proximity to the Ride where vegetation of scale already exists to screen and off-set the scale of the development. The two storey development is located in the northern part of the site, which is more sensitive in landscape terms. The remainder of phase one is characterised by a mixture of two and three storey development in the form of detached, semi-detached and terraced development, set out in an informal and staggered arrangement. For three and four storey buildings the top floor is generally contained within the roof void. The overall effect results in a slightly looser knit form of development than might be expected in the site as a whole, which is befitting its location on the urban periphery. The core materials palette comprises red brick and tile. This core palette will be interspersed with feature materials such as slate roof tiles, hanging tile, black boarding and grey brick. The overall effect is considered to give the site a good quality and cohesive character.
- 5.89. Taken in the round, the scale and external appearance of the development in phase 1 is considered to be acceptable.

### Landscaping

- 5.90. In support of the application the applicant submitted an 'Arboricultural Impact Assessment and Tree Condition Survey'. The report identifies that the area to the north of the Ride has been farmed for many years and therefore contains very few trees and the proposed development will significantly increase the number of trees growing within the site. The report concludes that the trees to be removed to allow the proposed development to proceed and will not represent a significant loss to public amenity.
- 5.91. The Council's arboricultural officer has assessed the reports and whilst he concurs with the majority of the findings, he has raised the following concerns:
- a) The proposed SUDs features and footpath will introduce a conflict with the trees on the woodland edge and the east/west screening corridor.
  - b) The loss of tree group 11 is undesirable as it includes trees of category A grade quality.
  - c) The loss of tree T9 is undesirable.
  - d) There is insufficient tree coverage within the developed part of the site.
- 5.92. It is considered that any potential conflict between the SUDs features and footpaths are capable of being resolved via condition. The SUDs strategy has some flexibility to alter its design to mitigate the impact on the trees.
- 5.93. The loss of tree group 11 and T9 is considered to be capable of being overcome through the use of conditions requiring the trees to be retained. It should also be noted that tree group 11 and T9, in addition to being considered to be of arboricultural value, are also recognised as being of ecological value. Given the limited number of mature trees within the developable part of the site, it is not considered to be unreasonable for these to be retained and the development designed around them. The detailed design implications can be addressed at the Reserve Matters stage.
- 5.94. In terms of the proposed landscaping, a broad strategy has been set out, which includes the retention and enhancement of tree planting within the Ride, East/west and North/South green infrastructure belts, a tree lined main street and street tree planting within the public realm (and publically visible private realm) throughout the development. It is the applicant's policy to allow future occupiers to plant their own gardens. Taken in the round the proposal is considered to have provided opportunities for an acceptable level of soft landscaping, the detail of which is capable of being secured via condition.

- 5.95. During determination of the application it was noted that there was inadequate street tree planting in front of plots 111 -114. It has been agreed with applicant that this matter would be resolved prior to any planning permission being granted. This matter is capable of being addressed as part of a future update or via delegation.
- 5.96. With regard to the Council's emerging 25% tree coverage policy, it should be noted that this is not yet adopted and with a significant level of objection against it can only be afforded limited weight at this time.

### **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

Emerging New Local Plan: DM40 (Internal Space Standards), DM41 (Optional Technical Standards for Building Regulation Approval)

Residential Design Guide SPD

Future occupiers of the development.

- 5.97. With the exception of phase 1 the application is in outline form. The parameter plans, which are capable of being secured via condition, show an arrangement of land uses that is compatible with creating a good quality living environment for future residents. Therefore, with the exception of phase 1, the amenities of future residents are capable of being addressed at the reserved matters stage.
- 5.98. The phase 1 plans shows a form of development that is set out in a perimeter block layout with clearly defined public/private space functions, which appropriately balances with need for natural surveillance with the need for privacy. The size of accommodation provided, size and nature of amenity space provision and distances between habitable room windows in residential units, is also considered to be acceptable.
- 5.99. During determination of the application it was noted that a number of the apartments did not have access to balconies. It has been agreed with applicant that this matter would be resolved prior to any planning permission being granted. This matter is capable of being addressed as part of a future update or via delegation.
- 5.100. The site is in relatively close proximity to the M40 motorway, which is a significant generator of noise. The applicant has submitted a Noise Impact Assessment (Sept 2018) setting out how the noise impact will be minimised and mitigated. The noise impact has been minimised by grouping the most sensitive land use (residential) in the northern part of the site and less sensitive commercial and community uses in the southern part of the site. External noise is proposed to be minimised by creating a 2m earth bund with 1 metre high solid barrier on top along the southern boundary of the site where it runs contiguous with the motorway. Internal noise is proposed to be mitigated using acoustic glazing and trickle ventilation and impermeable barriers in the most sensitive parts of the site. The Council's Environmental Health Officer (EHO) has been consulted and is content with the recommendations contained in the Noise Impact Assessment. Therefore, subject to the imposition of an appropriate condition securing the proposed mitigation in the Noise Impact Assessment the noise impact on future residents is considered to be acceptable.

Occupiers of neighbouring dwellings/buildings

5.101. The Wycombe summit site, whilst permitted, has not been built out and current advice is that it will not be constructed in its permitted form. The details of the parcel of land adjacent to the Wycombe Summit site is reserved for future consideration. However, it is envisaged that it would be capable of achieving an acceptable relationship between the two sites. The illustrative material indicates one arrangement in which this may be possible.

5.102. The Daws Hill site is currently at an advanced stage of construction. The eastern most part of the Daws Hill site, which will adjoin the application site, is one of the final phases that will be constructed. The precise details of the relationship can be addressed at the Reserve Matters stage.

### **Environmental issues**

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

CSDPD: CS18 (Waste, natural resources and pollution)

#### Land Contamination

5.103. The application was accompanied by a desk top Base-Line Ground Appraisal Report. The Environment Agency and Council's Environmental Services were consulted. Neither party raised any concerns in respect of contamination or requested that any conditions be imposed. Therefore, in respect of potential land contamination the proposal is considered to be acceptable.

5.104. In respect of the area of the site proposed for use as allotments the applicant has submitted a desk-top environmental report. The report identified a low risk of pollutants, but further on site soil surveys are required. Given the findings of the desk top report and the potential for mitigation should any contamination be identified, it is considered to be necessary and reasonable for a condition to be imposed addressing this matter.

5.105. As a consequence of the current proposal there is a plan to expand the planned single form entry school at the Daws Hill site to a two form entry school. As part of that expansion the adjacent informal recreational space will be incorporated into the school to provide a school playing field. The informal recreational space has been identified as containing some traces of contamination. This will need to be decontaminated as part of the preparation of the site for use as a formal school playing field. As the formalisation of this play space is directly connected to the need of the Abbey Barn South site it considered to be reasonable and necessary to secure a commuted sum, via S106, to address this matter.

#### Lighting

5.106. The site currently has an intrinsically dark rural character. However, once developed it will become an extension of High Wycombe alongside the Daws Hill site, which is currently under construction. High Wycombe is currently a street lit town and the application would form a logical extension to the town. Therefore, it is considered to be appropriate that it should benefit from street lighting. However, given its peripheral location, landscape sensitivity and a number of ecologically sensitive areas on the site any lighting should be minimal and carefully targeted. Conditions can be imposed in respect of phase 1, and future phases, to ensure that appropriate lighting is delivered.

#### Bins

5.107. In respect of phase 1 a refuse collection strategy has been submitted (ref: 00918\_MP-12 P3, dated 25.09.18). This strategy shows that the majority of dwellings will have their



bins collected on curtilage. Terraced properties will have designated collection points. Flatted developments will have bin stores. The County Highway Authority have been consulted and it is accepted that all properties are capable of being serviced. Therefore, the waste strategy for the site is considered to be acceptable.

5.108. The waste management strategy for the remainder of the site is capable of being secured at the Reserve Matters stage as part of the layout considerations.

#### Utilities

5.109. A Utilities Statement was submitted with the application addressing the sites impact in terms of existing infrastructure and future demand on water, gas, electric and telecoms supply. An update addendum was submitted when the extra-care facility was removed and replaced with employment floor space. The statement indicates a need for diversionary works for water and telecommunications infrastructure. There is also a need for increased capacity in respect of water (supply and waste) and electric supply. Thames Water initially raised a number of concerns in respect of the potential for sewer flooding as a consequence of surface water entering the sewage system. These objections were overcome following the submission of a revised sustainable urban drainage strategy. Subject to a condition securing the revised strategy and consultation with Thames Water on the detail of the strategy this initial objection was later removed. There are existing powers in place to ensure the increased water and electric capacity is delivered and therefore no conditions are considered to be necessary in this regard.

#### **Historic environment – Impact on the Setting of the Listed Buildings at Abbey Barn Farm House**

ALP: HE3 (Development affecting the setting of a listed building),

CSDPD: CS17 (Environmental assets)

Draft New Local Plan: CP8 (Sense of place), DM20 (Matters to be determined in accordance with the NPPF), DM31 (Development Affecting the Historic Environment)

NPPF

Adopted Abbey Barn South Development Brief.

5.110. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision makers to give weight to the harm development would do to the setting of a heritage asset. In addition, Paragraph 193 of the National Planning Policy Framework (the Framework) requires local planning authorities to give great weight to a heritage asset's conservation.

5.111. The main heritage assets under consideration are:

- 1) The four grade II listed buildings that comprise the Abbey Barn Business Centre, which are located to the southeast of Abbey Barn Lane, opposite the north-eastern corner of the application site.
- 2) The Ride, a non-designated heritage asset.
- 3) Wycombe Abbey Registered Park and Garden and Wycombe Abbey Conservation Area.

5.112. The applicant has submitted a Heritage Statement (September 2018), which considers the impact of the development on these heritage assets. It broadly concludes that the proposal accords with the Development Brief and would not have a detrimental impact on nearby heritage assets. The retention of the Ride will only serve to enhance the historic interest of the site and inform and understanding of its setting.

- 5.113. The Council's heritage officer has been consulted. She has concluded that the Heritage Statement is a well-considered report which provides a good basis to understand and assess the impact of the development on the surrounding heritage assets. Concerns were raised that the Abbey Barn Lane verge was not as wide as originally envisaged and that the new junction and associated signage may impact on the setting of the farmstead. It was advised that landscaping be secured along the Abbey Barn Lane Road frontage to soften the development and that a sensitive materials sample, similar to that requested at the Wycombe Summit site, be secured via condition.
- 5.114. The Council's Conservation Officer recognises the heritage value of the Ride as a non-designated heritage asset. She also advises that new uses and features are sensitively accommodated to reinforce the existing natural character. In particular she advises against the accommodation of formal pitches with associated levels changes, removal of vegetation, lighting and marking out etc.
- 5.115. Having regard to the policy requirements and heritage officer's comments, the proposal, subject to appropriate conditions in respect of materials and landscaping along Abbey Barn Lane, is not considered to have an unacceptable impact on any heritage assets or their setting. Indeed the rejuvenation of the Ride, public access to it and the renewed purpose this development will give the Ride, is considered to represent a significant public benefit, to which weight is attributed.
- 5.116. The Conservation Officers comments in respect of formal sports provision within the Ride have been noted. Whilst some formal sports and formal play is proposed to be accommodated within the Ride, it has been limited to the rooms between the Roundels, where the physical, functional and aesthetic impact will be limited and no vegetation will be lost. The introduction of some formal sports and functional activity within the Ride is considered to appropriately balance need to maintain the ride for its historic importance with the need to give it modern purpose and facilitate the day to day needs of the future occupiers of the development.

## **Archaeology**

ALP: HE19 (Archaeology – Unscheduled Sites and Monuments)

CSDPD: CS17 (Environmental Assets)

Emerging New Local Plan: DM31 (Development Affecting the Historic Environment)

- 5.117. Local Plan policy HE19 states that planning permission will not be granted for any proposed development that would harm unscheduled archaeological remains or their setting which are considered to be of county, regional or national importance and worthy of preservation.
- 5.118. An archaeological desk based assessment was submitted with the application. The survey identified some potential for archaeological remains. This potential would need to be '*ground truthed*' through further on-site investigation. This is capable of being secured via condition. The County Archaeological Officer has been consulted and accepts the findings of the archaeological report. Therefore, subject to a condition securing appropriate investigation, recording, publication and archiving of the results, no objection is raised on archaeological grounds.

## **Agricultural Land**

NPPF 2

5.119. Para 170 of NPPF 2 requires decision makers to ‘recognise the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land’. Agricultural land is graded from 1 to 5. Grade 1 is excellent. Grade 5 is very poor quality. Best and most versatile agricultural land is identified as that falling within grades 1, 2 and 3a of the Agricultural Land Classification (i.e. the better half). The NPPF advises that ‘where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality’.

5.120. The applicant has submitted an Agricultural Land Classification in support of their application. This report identifies that the following agricultural land classifications<sup>6</sup>:

Grade	Description	Area (ha)	% Agri. Land
Grade 2	Very good quality	6.7	22%
Subgrade 3a	Good quality	4.9	16%
Subgrade 3b	Moderate Quality	18.9	62%
	Total Agricultural	30.4	100
	Non-agricultural	1.6	-

5.121. The largest part of the site (62%) falls within category 3b (moderate quality). 22% of the site is classified as being very good quality. 38% of the site is classified as being grade 3a and above (i.e. best and most versatile agricultural land). The loss of the best and most versatile agricultural land is considered to represent a negative aspect of the proposal. Given the relatively poor quality of the soil on the site and the limited ecological value of the arable farming being undertaken, only limited/moderate weight is attributed to the loss of this agricultural land. This will need to be weighed in the balance.

### **Building Sustainability**

CSDPD: CS18 (Waste, natural resources and pollution)

DSA: DM18 (Carbon reduction and water efficiency)

Draft New Local Plan: DM41 (Optional technical standards for Building Regulation approval)

5.122. Policy CS18 requires development to minimise waste, encourage recycling, conserve natural resources and contribute towards the goal of reaching zero-carbon developments as soon as possible, by incorporating appropriate on-site renewable energy features and minimising energy consumption.

5.123. Policy DM18 requires that development will deliver a minimum of 15% reduction in carbon emissions on site through the use of decentralised and renewable or low carbon sources and achieve a water efficiency standard equivalent to level 3 and 4 of the Code for Sustainable Homes. Emerging policy requires new buildings to achieve higher water efficiency standard in Part G of the building regulations and integrate renewable technologies into developments. The issue of water and energy efficiency is, in the most part, being addressed by the Building Regulations. However, it is still necessary to trigger the application of Part G of the building regulations via condition. As such it is

<sup>6</sup> It should be noted that the land includes the Ride.

considered to be necessary and reasonable to impose conditions securing water efficiency and micro renewables.

5.124. The applicant has submitted a report entitled 'Air Quality Assessment' (Feb 2018; addendum Aug 2018), which concludes that the site will have a negligible impact on air pollution. Notwithstanding this report the Council's Environmental Health officer has raised a concern in respect of the contribution that the site would make to poor air quality, by increasing the number of petrol and diesel vehicles on the road. In particular on the main arterial routes (Marlow Hill and London Road). The NPPF 2 requires applications for development to be designed to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations<sup>7</sup>. Emerging policy DM33 requires development to make provision for alternative vehicle types and fuels. In view of the EHO comments, emerging policy and the guidance in NPPF2, it is considered to be reasonable to impose a condition securing electric charging points on all allocated spaces. Given the cost and ongoing management issues associated with delivering charging points for all unallocated spaces (full and/or passive provision), it is considered to be premature to impose a condition requiring this to be provided at this time. As all properties within the development have allocated parking, all owners, occupiers and visitors to properties on the site will have access to electric vehicle charging without the need for blanket provision on all unallocated spaces.

## **Economic and Social Role**

### **NPPF**

5.125. It is acknowledged that there would be economic benefits associated with the development. These would include:

- a) short term job creation and spending on construction;
- b) long term job creation in the employment area on the site;
- c) added spending power in the local area in the future from economically active residents;
- d) transport infrastructure contributions;
- e) CIL; and
- f) New Homes Bonus.

These are considered to represent economic benefits that weigh in favour of the development. Weighing against this is the loss of active agricultural land, which provides both food for sale and jobs in agriculture.

5.126. It is acknowledged that the proposal would contribute to the housing supply for current and future generations and that the future occupiers of the site would have the potential to contribute positively to a strong, vibrant and healthy community. These social benefits attract modest weight in favour of the proposed development.

### **Education**

CSDPD: CS1 (Overarching principles - sustainable development),  
Emerging New Local Plan: CP7 (Delivering the Infrastructure to Support Growth)  
Reserve Site Infrastructure Delivery Plan – June 2016

Education (Primary/Middle)

---

<sup>7</sup> See para. 110 of NPPF 2.

5.127. Buckinghamshire County Council (BCC) is the Local Education Authority (LEA) and has a statutory duty to ensure that there are sufficient school places in its area. Section 14 of the Education Act 1996 describes this responsibility as follows:

“To ensure that schools in its area are sufficient in number, character and equipment to provide education suitable for the different ages, abilities and aptitudes and special educational needs of pupils of school age...”

5.128. The BCC Education team was involved in the preparation of the Reserve Site Infrastructure Delivery Plan (June 2016) and set out the current and future school place needs and possible projects for addressing the needs generated from the reserve sites.

5.129. BCC stated that the increase in housing planned across Buckinghamshire is projected to put increased pressure on school places with projections of a deficiency of places across Wycombe District in primary and secondary schools.

5.130. In June 2010 BCC adopted a policy to ensure a coherent and consistent methodology for assessing the additional education infrastructure requirements generated by new housing developments. This sets out relevant standards including the pupil generation rates per 100 new dwellings and cost per pupil of new provision.

#### Primary

5.131. As part of the Reserve Sites Infrastructure Delivery Plan BCC has carried out an assessment of the impact of the release of the five Reserve sites on primary education provision in the area. This assessment has been updated to reflect the development applied for at Abbey Barn South. In line with the County Council formula a contribution of £700,689 is sought towards the provision of primary school places in the District in respect phase 1 of the development. A formulaic approach to reflect the proposed mix of development in the remaining phases will be sought via a S106. It is envisaged that this money will be spent on the construction of the proposed new school on the Abbey Barn South/Daws Hill border. Depending on the timing of development at Abbey Barn South the money could also be spent on the temporary or permanent expansion of other schools in the High Wycombe/Flackwell Heath area as set out in the Reserve Site Infrastructure Plan. The proposed contribution is considered to be reasonable, necessary, directly related and proportionate and therefore accords with the CIL regulations.

#### Secondary

5.132. Based on projections BCC state there is a requirement for an additional 5 forms of entry of secondary places required by 2020 in High Wycombe (a form of entry is an additional class per year group). Reserve sites will contribute towards this need. To meet increased demand in the short term, works have recently commenced on site, or are planned shortly, to expand the following schools by a form of entry each:

- St Michael's Catholic School, Daws Hill Lane, High Wycombe
- Sir William Ramsay, Rose Avenue, Hazlemere
- Great Marlow, Bobmore Lane, Marlow

5.133. Feasibility studies have also been commissioned to expand the following secondary schools:

- Highcrest School, Hatter's Lane, High Wycombe – 1FE expansion
- Princes Risborough School, Merton Rd, Princes Risborough – 1-2FE expansion

- 5.134. BCC advise that housing growth across the district over the next 15 to 20 years may justify the need for a new secondary school in Wycombe. The need for a new school will be kept under review by Buckinghamshire County Council in line with the possibility of new free schools being brought forward outside the local authority system.
- 5.135. BCC has confirmed it will not seek specific S106 contributions from the reserve sites for secondary school provision. BCC will seek the use of other funding sources such as BCC capital funding, government grants and will also request CIL funding.
- 5.136. Therefore, subject to a S106 contribution for primary school provision and a commensurate CIL contribution, there is no objection in respect of the provision of school places.

### **Health**

CSDPD: CS1 (Overarching principles - sustainable development),  
Emerging New Local Plan: CP7 (Delivering the Infrastructure to Support Growth)  
Reserve Site Infrastructure Delivery Plan – June 2016

- 5.137. As part of the application the NHS Buckinghamshire CCG (Clinical Commissioning Group) were consulted.
- 5.138. The CCG acknowledges that Abbey Barn South, along with the other planned housing in the area, will impact on the delivery of primary care services in the District as a consequence of increased demand on already stretched services. This is a national issue and there are a number of strategies to address the matter.
- 5.139. The CCG has set out its broad strategy for addressing the matter locally, with a focus on modern, larger practices (5+ GPs serving populations of circa 10,000 people). This is proposed to be achieved by consolidating services, promoting primary care (i.e. home care) and hospital services being provided in a community hub-type setting.
- 5.140. At the time of the preparation of the Development Brief, the NHS advised that they would be seeking to expand existing surgeries to meet growing demand which includes demand from the Reserve Sites. Surgeries at Hanover House (Cressex), Lynton House (Branch Surgery), Cherrymead Surgery and Pound House Surgery were cited in particular.
- 5.141. To fund this work the NHS expects to make bids to Wycombe District Council for CIL funding as well as using their own capital funding (i.e. Estates and Technology Transformation Fund). Chiltern Clinical Commissioning Group will continue to review existing GP capacity to review expected growth in demand for services over the short, medium and long term. Critically, for the purposes of the current application no S106 contribution has been requested or is sought to expand an existing surgery or land to build a new surgery.

### **Infrastructure and Developer Contributions**

CSDPD: CS21 (Contribution of development to community infrastructure)  
DSA: DM19 (Infrastructure and delivery)  
Emerging New Local Plan: CP7 (Delivering the Infrastructure to Support Growth)

- 5.142. This is a form of development where CIL would be chargeable. The total CIL receipt is currently unknown because layout is a reserved matter, but it is likely to be significant (in the order of £5m). The CIL receipt is a material consideration weighing in the developments favour.

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

5.144. 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) Contribution towards education.
- (b) Contribution towards improved/extended PROW.
- (c) Affordable housing
- (d) Abbey Barn Lane realignment - £1.5m
- (e) Strategic improvements on London Road and Marlow Hill (£1m)
- (f) Walk/cycle route to FH - £475,000
- (g) Pump priming for 2 x mini-buses to train station - £670,000
- (h) Improvements to No.36 bus - £280,000
- (i) Travel plan (including monitoring fee) - £5000
- (j) Commuted sum of £130,000 towards off-site open space provision.
- (k) Provision of open space (Ride, play and sports provision).
- (l) Provision of land for Chiltern Rangers

5.145. In addition to the S106, the following are required to be provided via S.278:

- (a) Ghost Lane on Abbey Barn Lane
- (b) Speed Reduction on Abbey Barn Lane.
- (c) Abbey Barn Lane/Heath End Road roundabout and associated widening.

5.146. The justification for the S106 requirements is set out throughout the report. The contributions and works sought under the S106 are considered to be necessary to make the development acceptable and directly/reasonably/fairly related in scale and kind to the development.

5.147. The applicant has confirmed that he/she is willing to enter into a legal agreement to secure these.

### **Other matters**

Referral to the Secretary of State

5.148. Sport England has requested sight of the draft conditions and heads of terms for the S106 in advance of finalising their comments. Officers are currently engaging with Sport England in respect of this matter. In the event the Local Planning Authority wished to grant consent against the wishes of Sport England, in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the application would need to be referred to the Secretary of State via the National Planning Casework Unit.

### **Weighing and Balancing**

5.149. 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.

5.150. 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

5.151. As set out in this report it is considered that the proposed development would over provide in respect of some aspects of the development plan (planning benefits) and under provide in respect of others. In terms of benefits the site would:

- a) Make a significant contribution towards the delivery of housing and therefore the Council's five year housing land supply.
- b) Provide some 17ha of public open space in the form of the Ride (a historically significant green infrastructure asset).
- c) Fund/deliver a number of transport improvements, which are not only of benefit to the site, but also the wider area. In particular the improvement to the Abbey Barn Lane/Heath End Road junction and funding towards the Abbey Barn Lane realignment. The funding to the Abbey Barn Lane realignment is considered to be of particular significance due to the time limited nature of the HIF funding.
- d) Off-site sustainable walk/cycle improvements, which are of wider benefit to the community.
- e) Land for a dedicated building for the Chiltern Rangers.
- f) A financial contribution to enable delivery of an additional form of entry to the new Daws Hill school.
- g) A good quality scheme that takes the opportunities available for improving the character and quality of the area in terms of design, green infrastructure provision and sustainability.

5.152. In terms of negatives the site would:

- a) Not provide new land for the delivery of new sports pitches; although this harm would be partially offset by a financial contribution of £130k and over provision of other forms of open space.
- b) An affordable housing tenure mix of 50% rent and 50% shared ownership, rather than the Council's preferred 66% for rent and 34% shared ownership.
- c) The loss of a small area of best and most versatile agricultural land. Although, this is tempered by the fact that the majority of the site is relatively poor in agricultural terms.

5.153. On balance, the positive aspects of the proposal are considered to outweigh the dis-benefits and on this basis planning permission should be granted.

5.154. In considering other material considerations, the proposal has also been assessed against the policies in the NPPF. It is considered that the benefits of granting planning permission outweigh the dis-benefits when assessed against the framework taken as a whole.

**Recommendation: Minded to grant permission subject to completion of Planning Obligation.**

That the Head of Planning and Sustainability be given delegated authority to grant conditional permission subject to:



- 1) Further consultation with Sport England in respect of conditions and S106 Heads of terms. Once Sport England have clarified their position the application either proceed to determination or would need to be referred to the Secretary of State via the National Planning Casework Unit.
- 2) That the Head of Planning and Sustainability be given delegated authority to grant Conditional Permission provided that a Planning Obligation is made to secure:
  - (a) An education Contribution.
  - (b) Financial contributions toward PROW improvements.
  - (c) Affordable housing.
  - (d) Financial contributions towards infrastructure.
  - (e) Delivery of Open Space and Contribution towards off-site sports.
  - (f) Delivery of land for Chiltern Rangers.
  - (g) Limitation on land use.

or to refuse planning permission if an Obligation cannot be secured.

- 3) That officers be given delegated authority to accept amended plans incorporating balconies into flats and provision of additional street trees in phase 1.

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. With the exception of phase 1 of the development, which has been submitted in detail, the residential development of each further phase of the development shall not begin until the reserve matters of appearance, landscaping, layout and scale for that phase of development to be constructed have been approved in writing by the local Planning Authority. No dwelling shall be occupied until the estate roads which provide access to that phase from the existing highway have been laid out and constructed in accordance with the approved details.  
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and ensure a comprehensive form of development.
3. The development hereby permitted shall be implemented and built out in accordance with the submitted phasing plan (ref: 00918 S\_02 P5) dated 13 August 2018, unless otherwise agreed in writing.  
Reason: To ensure that all the components of the overall development are provided and integrated in an appropriate manner.

### **Limitations**

4. The development hereby permitted shall comprise no more than 550 dwellings and no fewer than 520 dwellings.  
Reason: In order to control the amount of development in the interests of the character and appearance of the area, to limit the development to the quantum that has been assessed within the Environmental Statement and to ensure a density of development that contributes to the provision of housing and the sustainable use of land.
5. Unless otherwise agreed in writing, the development hereby approved shall be limited to accord with the parameters set on the following parameter plans:
  - a. Outline and Phase 1 boundary - ref: 00918\_PP\_05 P4 - dated 13 August 2018

- b. Land Use - 00918\_PP\_02 P3 - dated 13 August 2018
- c. Building Heights - ref: 00918\_PP\_04 P5 - dated 13 August 2018
- d. Landscape and Open Space – ref: 00918\_PP\_03 P5 - dated 13 August 2018
- e. Access and Movement - 00918\_PP\_01 P5 - dated 15 August 2018

Reason: In order to control the amount of development in the interests of the character and appearance of the area, to limit development to the quantum that has been assessed within the Environmental Statement.

6. The development in phase 1 hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and the plan numbers listed in xxxxx, [Officer note: approved plan numbers list to be inserted] 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.
7. Prior to occupation of the 200<sup>th</sup> dwelling on the site the parcel of land identified for up to 1.6ha of land for Class B1c and/or Class B8 employment use, shall have been constructed (shell and core) and made available for use unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure delivery of the employment land on the site.
8. The central amenity green space shall not be any smaller in area than that indicated on ref: 00918\_PP\_03 P5 - dated 13 August 2018. For the sake of clarity the layout and form of the space may be determined by future reserved matters applications.  
Reason: To ensure that the central amenity space is sufficient size to achieve its desired function as an ecological link and not reduced in area by competing development pressures.

### **Design Matters**

9. Notwithstanding any indication of materials which may have been given in the application, no part of the superstructure in phase 1 hereby permitted shall be constructed until a schedule (including colour images) of the materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority. The materials should be in broad conformity with the materials set out in section 9 of the Design and Access Statement. Thereafter, the development shall not be carried out other than in accordance with the approved details.  
For all future phases the reserve matter of appearance shall contain a schedule of materials and finishes.  
Reason: To secure a satisfactory external appearance.
10. No flats/apartments within phase 1 of the development shall be occupied until details of visually permeable electronically operated gates providing access to the rear parking courts of units 62-77 and 79-89 have been submitted to and approved in writing by the Local Planning Authority. Thereafter the flats/apartments shall not be occupied until the approved gates have been erected.  
Reason: To ensure the parking areas for the apartments are secure and minimise the risk/fear of crime.
11. Prior to implementation of Phase 1 an external lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. For each subsequent phase an external lighting plan shall be submitted as part of the Reserved Matter of landscape for that phase. Thereafter, phase 1 shall not be implemented other than in accordance with the approved details. The lighting strategy shall be fully implemented prior to the final occupation of any given phase of development.

The lighting strategy shall include the: location, height, type, direction and intensity of light sources and shall be supported by a light spill diagram.

Reason: In the interests of amenity, safety and to reduce the impact of the development on ecology.

### **Arboricultural Matters**

12. Notwithstanding, any detail provided in the 'Arboricultural Impact Assessment and Tree Condition Survey' tree T9 and tree group G11 shall be retained and incorporated into the future layout of the relevant phase unless otherwise agreed in writing.

Reason: To ensure that good quality structural landscaping is retained for ecological and aesthetic reasons and to ensure a good quality development.

13. No part of the subbase of the development in phase 1 shall be constructed until an arboricultural method statement (AMS) and tree protection plan has been submitted to and approved in writing by the Local Planning Authority. An addendum to the arboricultural method statement shall be submitted for phase 1 and each subsequent phase as part of the details submitted in connection with the reserved matter of layout.

The AMS shall include:

- a) Engineering drawings demonstrating how the impact of development will be mitigated where it encroaches into the root protection area of retained trees (including roads, paths, swales, drains and utilities).
- b) Details of the height, size and nature of protective fencing and measures that will be in place for its temporary removal during the construction process.
- c) Details as to the method, specification and materials to be used for any "no dig" surfacing.
- d) All phases and timing of the project in relation to arboricultural matters.
- e) Details of supervision by a qualified arboriculturalist.

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

A photographic record shall be retained of the works, which will be produced for inspection within 7 days of a request being made by the Local Planning Authority.

Reason: To ensure that the retained trees are not damaged during the construction process, in particular the green link located to the north of Phase 1, the trees along the woodland edge, tree T9 and tree group G11. To ensure the satisfactory protection of retained trees in the interests of visual amenity.

### **Landscaping**

14. Prior to implementation of phase 1 a hard/soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscaping scheme shall be broadly in accordance with the planting scheme illustrated on the proposed Phase 1 Site Plan (ref: 00918\_MP\_05 P4, dated 21 Sept 2018) and the 'Phase 1 – Draft Levels and Enclosures Plan' dated 25 September 2018.

The scheme shall include:

- A planting specification - The type/species, size, number and location of all new planting proposed and all existing planting to be retained;
- Details of all means of enclosure, including details of the means of enclosure on the southern boundary of units 62-77);
- Defensive planting shall be provided where practicable beneath ground floor windows.
- Details of all hard surface treatments;
- Details of the volume and specification of the soil where tree planting is proposed.

- Details of tree pit designs and details of the use of cell systems where trees are proposed in hard surface areas to allow the roots of trees to expand beyond the confines of planting beds and extend beneath the compacted soil of areas of hardstanding. Tree pits in hard surface areas should be designed in accordance with the Council's 'Tree Pit Design in a Hard Surface Environment Guidance Note'.
- The position of underground services - the installation of any such services shall be in accordance with guidelines set out in British Standard B.S. 5837:2012 'Trees in Relation to Demolition, Design and Construction - Recommendations' and the National Joint Utilities Group (Guidelines for the Planning Installation and Maintenance of Utility Apparatus in Proximity to Trees) Volume 4

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.

15. All planting, seeding or turfing comprised in the approved details of landscaping for a phase shall be carried out in the first planting and seeding season following the occupation of the buildings in that phase and/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.

16. No building shall be occupied until a detailed landscape management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved landscape management plan unless otherwise first agreed in writing by the Local Planning Authority.

The landscape management plan shall include:

- Details of the relevant management company and its legal status including details of the Articles of Association;
- Description of the features to be managed;
- Lifespan of the management plan;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (an annual work plan and the means by which the plan will be rolled forward annually);
- Personnel responsible for implementation of the plan.
- Monitoring and remedial measures

Reason: In the interests of amenity, to ensure a satisfactory standard of landscaping and ongoing management.

## **Ecology**

17. No development within phase 1, or any subsequent phase, shall be take place until a detailed ecological mitigation strategy for that phase, which fits within the overarching ecological strategy for the site, has been submitted to and approved in writing by the Local Planning Authority for the site.

For all phases beyond phase 1, the detailed ecological mitigation strategy for that phase shall be submitted to the Local Planning Authority, with the reserved matter of landscaping. Thereafter, all mitigation shall be carried out in accordance with the approved statement.

The detailed ecological mitigation strategy shall include:

- 1) Details of the proposed mitigation for all ecology within that phase, as identified in the Ecological Assessment prepared by Hankinson Duckett Associates (dated Feb 2018).
- 2) Details of any ecological features (bat/bird boxes etc.).
- 3) Ecologically sensitive planting.
- 4) A construction ecological management plan.
- 5) A translocation method statement for any species found within the phase under consideration.

The “Ecological Mitigation Strategy” for each Phase shall ensure that the removal of any trees, hedgerows, shrubs or scrub shall be undertaken outside of bird nesting season, i.e. not between March and August inclusive. In keeping with the Ecological Assessment prepared by Hankinson Duckett Associated (dated Feb 2018), in the event that clearance is required outside of this period, then works will be undertaken under the supervision of a suitably qualified ecologist.

Where the tree felling works have not been carried out within two years of the date of this planning permission the “Ecological Mitigation Strategy” for the phase being applied for must include updates to the protected species surveys.

Reason: To comply with the requirements of the Conservation & Natural Habitats Regulations (as amended) and the Wildlife & Countryside Act 1981 (as amended). Please note that a European Protected Species (EPS) license from Natural England is likely to be required for bats. Such a license application will need to be accompanied by an appropriate mitigation strategy. This condition is required to be a pre-start condition because fauna must be removed before any work commences.

### **Environmental**

18. The recommendations contained within Section 6 ‘Mitigation’ of the Noise Impact Assessment, namely the provision of:
  - a) a sound barrier adjacent to the M40 (section 6.3); and,
  - b) acoustic glazing and trickle ventilation, in the locations of the site indicated in section 6.4.2.

must be implemented before any dwelling hereby approved is occupied, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the occupants of the new development from noise disturbance

### **Archaeology**

19. For each Phase, no development shall take place, unless authorised by the Local Planning Authority, until the applicant, or their agents or successors in title, have undertaken archaeological evaluation in the form of a geophysical survey and trial trenching in accordance with a written scheme(s) of investigation which has been submitted by the applicant and approved by the planning authority. Where significant archaeological remains are confirmed these will be preserved in situ.

For each Phase where significant archaeological remains are confirmed, no development shall take place until the applicant, or their agents or successors in title, have provided an appropriate methodology for their preservation in situ which has been submitted by the applicant and approved by the planning authority.

For each Phase where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording no development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

The archaeological investigation(s) should be undertaken by a professionally qualified archaeologist working to the agreed written scheme(s) of investigation which should be based on our on-line template briefs.

Reason: This is a pre-commencement condition as development cannot be allowed to take place, which in the opinion of the County Archaeological Officer could harm a heritage assets of significance.

### **Open Space**

20. No part of the development hereby permitted shall be occupied until the following documents have been submitted to and approved in writing by the Local Planning Authority (in consultation with Sport England):

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing fields in the Ride which identifies constraints which could adversely affect playing field quality; and
- (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation prior to implementation of Phase 2 of the development hereby permitted. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy.

21. Prior to first occupation in phase 1 an open space strategy for the Ride and public open space to the southwest of the Ride (including allotments) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be undertaken other than in accordance with the approved open space strategy.

The open space strategy shall include:

- i. A hard/soft landscape plan at a scale of 1:500.
- ii. Ecological Mitigation Plan
- iii. A plan showing services at 1:500.
- iv. Plan showing Sustainable urban drainage features.
- v. Sundry hard landscape features such as benches, means of enclosure, bins etc.
- vi. Details of 1 x Multi-Use Games Area (MUGA)\* – Unlit.
- vii. Details of 1 x Neighbourhood Equipped Area of Play (NEAP)\*.
- viii. Details of 1 x LAP (Local Areas Play)\*.
- ix. Details of 2 x playable landscape trails.
- x. Details of 8 x playable landscape areas.
- xi. A circular Walk.
- xii. The retention of 1 x junior baseball pitch.
- xiii. Ecological mitigation strategy for the Ride.
- xiv. Details of allotments (enclosure, management, servicing etc.).
- xv. Details of the mini football pitches (management and maintenance).

\* The play spaces would be provided to Field Houses Bench Mark Standards unless an alternative standard is agreed.

Reason: To ensure the Ride is delivered in accordance with the open space strategy and Development Brief. To ensure there is a sustainable long term sustainable strategy for maintenance which does not put an unfair burden on future occupiers. In the interests of comprehensive development. Provisions in respect of the timing of delivery and limitations on the land are contained within the accompanying legal agreement.

22. Any phase of development submitted in respect of a parcel of land adjacent to the 'central amenity green space' (as indicated on plan ref: 00918 S\_02 P5) shall include an open space and play strategy, which shall be submitted to and approved in writing by the Local Planning Authority as part of the Reserve Matter of Landscape. The strategy shall include the following detail:

- a) Hard soft landscaping scheme and ecological strategy for the 'central amenity green space'.
- b) 1 x LEAP (Local Equipped Area of Play) and 1 x LAP (Local Area of Play).

The play spaces would be provided to Field Houses Bench Mark Standards.

Thereafter, the central amenity green space shall not be carried out other than in accordance with the submitted open space and play strategy.

Reason: To ensure that the delivery of the open space and play strategy for the site and the delivery of a comprehensive development solution.

### **Flooding/SUDs/Water**

23. No part of the sub-structure in phase 1 or in any future phase shall be constructed, until such time as a detailed surface water drainage scheme for that phase, based on the principles set out in proposed SW Scheme (ref. 290362-SK139 Rev I6, 290362-SK140 Rev I6, 290362-SK141 Rev I6, 290362-SK166 Rev I2 by Glanville Consultants all dated 31/08/18) and the Flood Risk Assessment Issue 3 (Ref: HH290362/FG/155 by Glanville Consultants dated 31/08/18), has been submitted to and approved in writing by the Local Planning Authority:

- Full BRE365 tests to be carried out in the location and to the depth of the base of all proposed infiltration component. If the test results are worse than the assumed results, the calculations and any relevant drawings must be updated.
- Details of proposed overland flood flow routes (flow depth, volume and direction) in the event of system exceedance for the 1 in 100 year (plus an allowance for climate change), with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- The maintenance schedule (Table 8 in approved Flood Risk Assessment Issue 3 Ref: HH290362/FG/155) must be confirmed as correct following any discussions with Thames Water etc.
- An arboricultural method statement indicating how any unacceptable impact on tree roots (shown to be retained) will be mitigated. In the event the impact on trees cannot be mitigated then a revised swale location/design.

The scheme shall subsequently be implemented in accordance with the approved details. The sustainable urban drainage scheme shall be completed prior to the final occupation of each phase.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to ensure that surface water is managed in a sustainable manner with limited discharge into the Thames Water surface drainage system. Ensure swales do not have a detrimental impact on the root protection area of trees.

24. Prior to the final occupation of each phase of development, a verification report, carried out by a qualified drainage engineer, demonstrating compliance with the submitted sustainable urban drainage strategy, must be submitted to Local Planning Authority.

Reason: The reason for this pre-occupation condition is to ensure the Sustainable Drainage System is designed to the technical standards.

### **Highways/Parking**

25. No part of the substructure in phase 1 shall be constructed until details of the adoptable estate roads and footways, inclusive of disposal of surface water from the roads and footways, have been submitted to and approved in writing by the Local Planning Authority. No dwelling within Phase 1 shall be occupied until the estate roads, which provide access to the dwelling from the existing highway, have been laid out and constructed in accordance with the approved details.  
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
26. No part of Phase 1 of the development hereby permitted shall be occupied until details of the off-site highway works, which include:
- The construction of the Abbey Barn Lane site access (with requisite speed limit changes and footway/cycleway connections to the proposed Heath End Road shared footway/cycleway); and,
  - The roundabout junction to replace the existing Abbey Barn Lane/Heath End Road priority junction (with requisite speed limit changes),
- have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the site access and Abbey Barn Lane/Heath End Road junction works shall only be laid out and constructed in accordance with the approved scheme of works unless otherwise agreed. The site access shall be completed in accordance with the approved plans prior to first occupation of any dwelling at the site. The Abbey Barn Lane/Heath End Road junction works shall be completed prior to the occupation of the 50<sup>th</sup> dwelling at the site.  
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
27. No part of the development hereby permitted shall be occupied until the visibility splays for the site access on Abbey Barn Lane, shown on the approved drawings, have been provided on both sides of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.  
Reason: To provide adequate inter-visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.
28. Prior to the commencement of any works on the site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of a banksman, on-site loading/unloading arrangements and parking of site operatives vehicles) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with such approved management plan.  
Reason: This is a pre-commencement condition as development cannot be allowed to take place, which in the opinion of the Highway Authority, could cause danger, obstruction and inconvenience to users of the highway and of the development.
29. No dwelling hereby permitted shall be occupied until a bus stop location strategy has been submitted to and approved in writing by the Local Planning Authority. Thereafter:
- a. no dwelling shall be occupied within each phase until the bus stops located within that phase have been erected, unless otherwise agreed in writing.
- Reason: To maximise the efficiency of bus travel.



30. The main spine road throughout the development, beyond Phase 1 and ultimately connecting with an adjoining feature within the Pine Trees development, shall be built to an adoptable standard. Details of which shall be submitted as part of the reserve matter of layout in connection with each adjoining phase. Thereafter, the development shall not be constructed other than in accordance with the approved detail.  
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

### **PROW**

31. No part of the sub-structure hereby permitted shall be constructed until an appropriate diversion/stopping up order for the realignment of footpaths HWU/59/1 and HWU/59/2 has been granted.  
Prior to occupation of the 75<sup>th</sup> dwelling the footpath labelled 'proposed PROW' on plan ref: 00918\_PP\_01 P5 (dated 15.08.18) shall be constructed and opened for public use and will be a minimum of 2 metres wide, with a tarmac finish and concrete edged.  
Reason: To ensure the public footpath is provided in a suitable condition to accommodate safe access by new residents to the existing pedestrian network and to comply with guidance in the National Planning Policy Framework and WDC Policy CS20. The timing of delivery is to ensure good non-vehicular connectivity for early occupiers.

### **Energy**

32. Prior to occupation of the first dwelling in phase 1 a strategy for the provision of car charging points shall be submitted to the Local Planning Authority for approval. The development shall thereafter be constructed in accordance with the approved strategy and maintained in full working order for a minimum period of 5 years.  
The strategy should include:
- Direct access to a vehicle changing point for all dwellings where parking is immediately adjacent to the dwelling.
  - Shared provision for flats and dwellings where parking is not immediately adjacent to the dwelling.
- Reason: To reduce the negative impact on the health of residents living within the Air Quality Management Area. Reduce air pollution. Promote more sustainable forms of fuel. Ensure that the site is prepared for the phasing out of petrol and diesel vehicles.
33. The development hereby permitted shall integrate and utilise high-efficiency alternative energy generation systems sufficient to deliver at least 15% of the total Target Fabric Energy Efficiency for the development. The dwellings hereby permitted shall not be occupied until 15% total Target Fabric Energy Efficiency is achieved. The TFEE and the % contribution made by high-efficiency alternative systems shall be calculated in accordance with Building Regulations Approved Documents L (2013, as amended 2016, or any update to this methodology in any future amendment of the Approved Documents) and be made available within 7 days upon request.  
Reason: In the interests of sustainability, carbon reduction and the promotion of renewable technologies pursuant to Policy DM18 of the adopted Delivery and Site Allocations DPD and emerging policy DM33 of the New Local Plan.
34. No dwelling hereby permitted shall be occupied until the higher water efficiency standard set out in the appendix to Building Regulations Approved Document Part G (2015 or any update to this standard in any future amendment of the Approved Document) has been achieved.

Reason: This is an optional standard to be addressed at the Building Regulations stage. In the interests of water efficiency and to conform to policy DM18 of the adopted Delivery and Site Allocations DPD and emerging policy DM39 of the New Local Plan.

### **Contamination**

35. Prior to occupation of the 10<sup>th</sup> dwelling on the site a soil survey and mitigation strategy for the allotment area shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any dwelling within any subsequent phase, any mitigation identified in the strategy shall have been undertaken and the soil made available for safe use.
- Reason: To ensure that the allotments are made available for use and a safe to grow vegetables on.

### **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:
- Entering into a Planning Performance Agreement to work on a Development Brief and offer pre-application advice.
  - As appropriate updating the applicant/agent of any issues that arose in the processing of the application and where possible suggesting solutions.
  - Adhering to the requirements of the Planning & Sustainability Customer Charter.

Following amendments to the application, two rounds of public consultation, consideration by Planning Committee and finalisation of a legal agreement the application was determined without delay.

2. Definitions:
- a. Super-structure – Development above ground level (elevations of buildings, doors, windows, roofs, road finishes etc).
  - b. Sub-structure – development below ground level (i.e. foundations, piling, road foundations, sustainable urban drainage features, services, basements etc.)

### S106

3. The following matters are dealt with by way of the S106:
- Education Contribution.
- a) Financial contributions toward PROW improvements.
  - b) Affordable housing.
  - c) Financial contributions towards infrastructure.
  - d) Delivery of Open Space and Contribution towards off-site sports.
  - e) Delivery of land or Chilterns Rangers.
  - f) Limitations

### Highways

4. The applicant is reminded that the permission hereby granted does not include a diversion of a PROW. In order to implement phase 1 of the development hereby permitted a Stopping Up and/or Diversion Order will be required for footpath HWU/59/1 and HWU/59/2. In the event that a diversion order cannot be secured on the alignment indicated it may be necessary to make a relevant application to amend to layout of the proposal to achieve an acceptable Public Right of Way diversion.

5. This permission shall not be deemed to confer any right to obstruct the public footpath crossing the site which shall be kept open and unobstructed unless legally stopped up or diverted under section 257 of the Town and Country Planning Act 1990, or temporarily closed by Traffic Regulation Order under Section 14 Road Traffic Regulation Act 1984.
6. 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.
7. The applicant is advised that the off-site works will need to be constructed under a section 278 of the Highways Act legal agreement. This agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 8 weeks is required to draw up the agreement following the receipt by the Highway Authority of a completed Section 278 application form. Please contact Development Management at the following address for information:-

Development Management (Works Co-ordination & Inspection)  
Buckinghamshire County Council  
6<sup>th</sup> Floor, County Hall  
Walton Street,  
Aylesbury  
Buckinghamshire  
HP20 1UY

8. 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.
9. The applicant is advised that adequate measures should be in place to ensure water is not carried out onto the highway. If water is carried out onto the highway during icy period, site inspectors will request salt is applied to affected areas.
10. 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.
11. The applicant is advised to contact the Highways Development Management delivery team to determine the extent of pre-condition surveys.

#### Environmental

12. The attention of the applicant is drawn to the requirements of section 60 of the control of pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61 of the Act, for prior consent to the works, can be made to the environmental Services Division of the Council.

#### Water

13. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.

Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

## Ecology

14. The applicants attention is drawn to the fact that a licence to disturb any protected species needs to be obtained from Natural England under the Conservation (Natural Habitats &c) Regulations 2017.
15. The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally:
  - take, damage or destroy the nest of any wild birds while the nest is in use or being built;
  - take kill or injure any wild bird; and,
  - take or destroy the egg of any wild bird.

Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the Act.

The consent given by this notice does not override the protection afforded to these species and their habitat.

16. The applicant is also advised that protected species (including all bats) use trees. The Conservation of Habitats and Species Regulations 2017 provides very strong protection for these species and so you must be certain that they are not present before works begin. If the presence of bats or other protected species is suspected, a licence may be required from Natural England before works can commence. If protected species are found in a tree whilst carrying out work, all work must stop and Natural England must be informed. Trees should be inspected prior to works commencing and if the presence of bats is suspected advice will need to be sought from Natural England via the Bat Line on 0845 1300228. Further advice on bats is available from The Bat Conservation Trust (020 7627 2629).

## Design

17. The Council's crime prevention Design advisor advises access controls for the communal entrance should include the following:
  - Electronic key or fob activation.
  - Remote door release of the primary door set from the individual dwellings.
  - Tradesperson release mechanism will not be present.
  - The system will support both audio and visual communication.
18. The site wide master plan has been submitted for illustrative purposes only. The Council has a number of concerns with the master plan, which should be addressed at the reserved matters stage. These issues include:
  - The retention of a number of cul-de-sacs, which should be turned into linked roads.
  - The relationship with the Daws Hill site.
  - The prevalence of a number of large rear parking courts inadequately relieved by vegetation.
  - The loss of tree group 11.
  - The relationship of some dwellings to the Ride.