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App No : 18/07842/FUL App Type: Full Application

Application for : Change of use of existing equine centre (Class D2) to a school (Class D1) including demolition of existing offices and stables and construction of secondary school building with attached glazed link to converted buildings to form a primary school/admin building and assembly/gymnasium, construction of outdoor astroturf sports pitch, alterations to existing access to provide access to the school and adjacent paddock and associated parking, landscaping, lighting and fencing

At Chequers End Equestrian Centre, Chequers Lane, Cadmore End, Buckinghamshire, HP14 3PQ

Date Received : 14/11/18 Applicant : Mr David Parsons

Target date for Decision 13/02/19

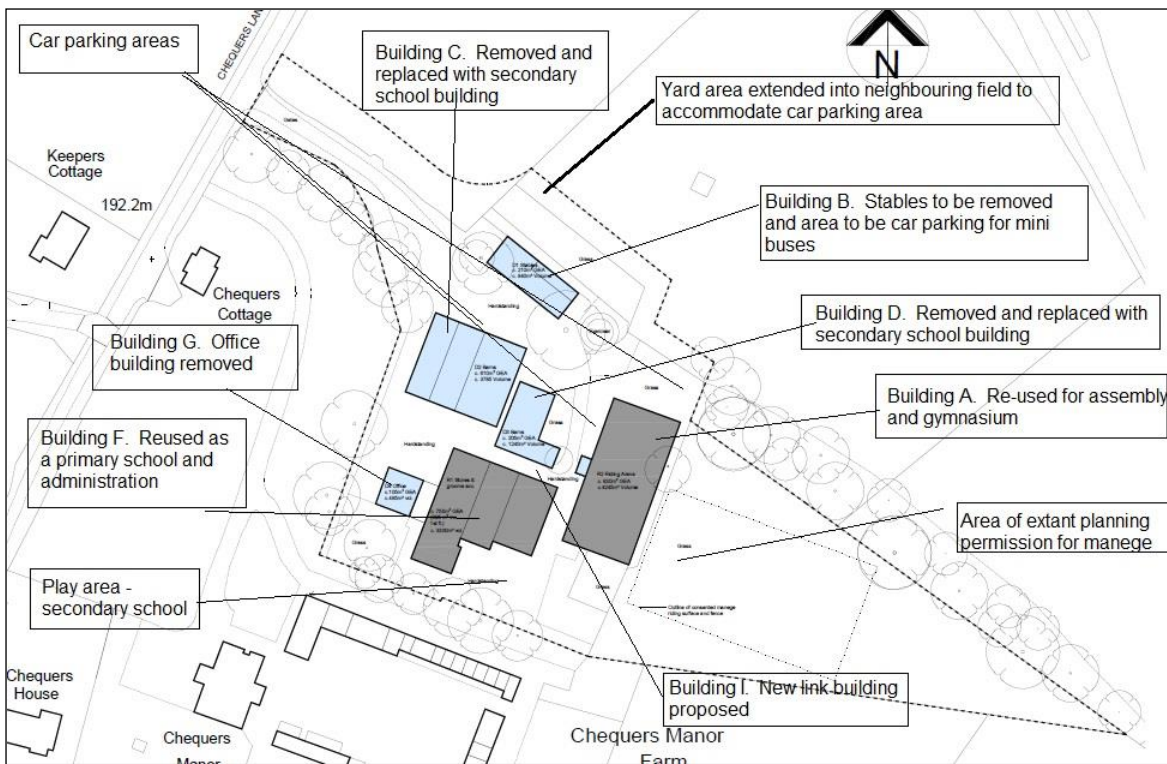
1. **Summary**

- 1.1. This is a site in the countryside beyond the Green Belt which currently contains an equestrian yard and school. It is also located within the Chilterns Area of Outstanding Natural Beauty.
- 1.2. The site has been sold to the applicant, Ealing Educational Resources Trust, who are seeking planning permission for the change of use of the site to a private primary and secondary school. The intention is to relocate existing schools at this site.
- 1.3. The development involves the re-use of the some of the existing farm buildings but also the demolition of other buildings and then the subsequent redevelopment of new buildings.
- 1.4. The site is in a countryside location outside of the Green Belt where development is generally not sustainable however some new development can contribute positively to the vitality and sustainability of rural communities. The change of use and redevelopment of this site does not meet the criteria to be considered appropriate for this location. It is contrary to both existing and emerging policies.
- 1.5. The redevelopment of the site would have an adverse impact on the landscape character which would neither conserve nor enhance the AONB landscape.
- 1.6. The evidence submitted has failed to adequately demonstrate that the site would not have an adverse impact upon protected species.
- 1.7. The information that has been submitted by the applicant is insufficient to determine the impact caused by the change of use and creation of a number of noise sources (playgrounds and sports pitch). A scheme is required that demonstrates that the use would not adversely affect the amenity of nearby noise sensitive areas.

- 1.8. The Highway Authority has also recommended a reason for refusal based on the remote location and the lack of sustainable transport choices.
- 1.9. The application is recommended for refusal.

2. The Application

- 2.1. The application site is a long standing equestrian site. According to information supplied for application 11/07173/FUL the site is used for the training and schooling of horses and their riders. The Design and Access statement refers to dressage being the principal equestrian use.
- 2.2. The owners of the site have retired and sold the land and buildings to the current applicant. The applicant, Ealing Educational Resources Trust, seeks a change of use of the site to establish a primary and secondary school.
- 2.3. The site is an existing equestrian school which contains a number of buildings used in connection with that use. The yard contains:
 - a) large indoor sand school,
 - b) stables,
 - c) a series of linked barns constructed in corrugated metal, two of which are open fronted and contain a small portacabin; the use of these barns appears to be storage in connection with the equestrian use. They are to be removed and replaced by a new secondary school building which also will incorporate some of the land housing d) below
 - d) "L" shaped corrugated metal barn, part of which is open fronted and the rear part is used as stables. To be removed and replaced with the secondary school building.
 - e) a horse walker. To be removed.
 - f) 3 linked brick constructed buildings of varying heights. To be re-used for the primary school and administration.
 - g) Single storey brick building with an adjacent open front and rear covered area adjacent to the three brick buildings. This was used as an office (Subject to prior notification application to allow change of use to residential). This is in a dilapidated state with vegetation growing through the roof and does not appear to have been converted to residential use.
 - h) Planning permission exists for a manège measuring 60m by 33m – not implemented.



The proposal is for a change of use from an equestrian centre to a private school (Brethren Christian School). This will be both a primary and secondary school for 275 pupils initially reducing to 250 in due course.

2.4. The table below identifies the existing buildings and structures and then indicates the intention for those buildings in the proposed development. The proposal seeks to re-use two buildings, one new secondary school building, four buildings will be demolished and the hard standing areas will accommodate parking and two play areas. As Astroturf will be sited in the location of the proposed manège.

	Existing	GEA m ²	Proposed	GEA m ²
A	Sand school building measuring 41.5m by 20m	830	Re-used for assembly/gymnasium. The building to be reclad and roofed and the area inside subdivided to provide flexible internal space. Creation of store room and plant room at first floor.	830
B	Stables	201	Removed and area to be used for car parking for mini buses. Area extended into adjoining field to accommodate parking area of 16m by 37m.	592
C	Linked barns 26.5m by 23m	610	Removed. Replaced with new development to provide secondary school building (39m by 22m).	858
D	"L" shaped barn 19m by 10m and 6m by 6m	226	Removed. As above.	
E	Horse walker		Removed. Replaced by a parking area	
F	3 link brick buildings includes first floor space	775	Reused as primary school and administration.	775
G	Single storey office building	105	Removed. Replaced by secondary play area	
H	Area proposed for manège 60m by 33m not implemented	198	Secondary all weather Astroturf pitch with 3m mesh fencing, 35m by 49m	172
I			New glazed two storey link between assembly building, secondary school and primary school	94
J	Hard standing areas		To be used for play areas and car parking.	

GEA – Gross External Area

2.5. The plan below shows the layout of the proposed school.



2.6. The application is accompanied by:

- a) Planning Statement
- b) Design and Access Statement
- c) Transport Statement and Travel Plan
- d) Building Condition Report
- e) Landscape and Visual Impact Assessment Report
- f) Arboricultural Report and Survey
- g) Economic Benefits Report
- h) Oise Impact Assessment
- i) Statement of Community Involvement
- j) Flood Risk Assessment
- k) Preliminary Ecological Appraisal
- l) Sustainable Drainage Strategy

2.7. Statement of Community Involvement. The applicant has carried out a community consultation exercise which has included issuing a brochure and holding two consultation events during October 2018. The Council has also widely consulted on the planning application and the responses are summarised in Appendix A of this report and are available in full on our web site.

3. Working with the applicant/agent

3.1. In accordance with paragraph 38 of the NPPF2 Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

3.2. In this instance

- A large volume of objections have been received and also third party evidence submitted. The applicant has been given the opportunity to respond to all the additional information submitted and to provide rebuttal evidence throughout the planning application process.
- The application was considered by the Planning Committee. The applicant was advised that if it was to be recommended for refusal there would be no opportunity to speak directly to the committee members. They, therefore, contacted members directly with supporting information.

4. **Relevant Planning History**

4.1. Planning history

Reference	Description	
WR/207/63	Erection of steel framed covered yard for use as indoor riding school.	11.03.1963
91/05132/FUL	Change of use of set aside land to golf course and erection of associated buildings and car parking	Refused 17.04.1991
91/05429/FUL	Change of use of set aside land to golf course and erection of associated buildings and car parking	Refused 16.10.1991 Appeal dismissed
16/07750/PNP30	<p>Prior notification application (Part 3, Class O) for change of use of existing building falling within Class B1(a) (offices) to Class C3 (dwellinghouses) to create 1 x 1 bed residential unit.</p> <p>Used as an estate office since 1992. In use in 2011 in association with the equestrian business and other business interests of the owners. In 2011 the Prior Notification report states that the level of activity on the site is no greater than many agricultural undertakings and unlikely to give rise to undue disturbance either day or night.</p> <p>(Development must be completed within three years of prior notification). The conversion of office to residential has not occurred.</p>	<p>Details not required to be submitted 06.12.2016</p>
17/06357/FUL	<p>Erection of first floor extension to existing dwelling and erection of attached garage, increase in residential amenity area following demolition of adjacent barn in B8 use.</p> <p>This allowed for the office conversion to</p>	11.08.2017

	<p>residential to be extended with a first floor. This was facilitated by the loss of the adjacent two storey building in storage use. The existing floorplan submitted with the application would indicate that the residential use had not commenced.</p> <p>The description of development proposed by the applicant is not accurate. The dwelling was not existing and the adjacent barn was used for storage as part of the equestrian use of the site. It would not have been considered to be a B8 use.</p> <p>Conversion of the office to residential has not occurred consequently the extension has not been implemented.</p>	
17/07529/FUL	<p>Formation and construction of manege.</p> <p>Increase in width over the previous applications. Case officer report notes that the manege is considered to be a normal countryside form of development where horses are kept for riding/eventing at an equestrian business. The manege would not be introducing a new countryside pursuit for this rural location.</p>	20.11.2017

5. Issues and Policy considerations

Principle and Location of Development

ALP: C7 and C8 (Re-use and Adaptation of Buildings in the Countryside), C10 (Development in the Countryside Beyond the Green Belt)

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

DSA: DM1 (Presumption in favour of sustainable development)

New Local Plan (Publication Version): CP1 (Sustainable Development), CP3 (Settlement Strategy), DM33 (Managing Carbon Emissions, Transport and Energy Generation) DM44 – Development in the Countryside outside of the Green Belt, DM45 – Conversion of Existing Buildings in the Green Belt and other Rural Areas.

Development Plan Framework

- 5.1. 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).
- 5.2. The New Local Plan Submission Version – March 2018. The emerging policies of the New Local Plan should be given some weight in any planning decisions as a material consideration.

- 5.3. On 13th February 2019 the public consultation on the Proposed Main Modifications to the Wycombe District Local Plan as part of the local plan examination commenced. The Proposed Main Modifications are changes to the Plan that the Inspector considers may be necessary to make the plan sound. The consultation period has now closed. The Council is currently awaiting the Inspector's Report.
- 5.4. The Proposed Modifications do not alter the content of this planning application report but reference has been made to some of the policies in the relevant section within the report.

Principle of Development

- 5.5. The site is within the countryside beyond the Green Belt and is also within the Chilterns Area of Outstanding Natural Beauty.
- 5.6. The site is in equestrian use; the agricultural use has ceased. The yard area contains a number of buildings either in equestrian use or an associated use i.e. office. The planning history has established that prior approval is not required for the office building to change to residential use. Also there is an extant planning permission for a first floor extension to the office building for residential purposes. There is also extant permission for an outdoor manège.
- 5.7. The yard area is previously developed land and would be considered a brownfield site.
- 5.8. The Adopted Plan policies C7 and C8 provide the framework for consideration of this proposal. It is possible to re-use and adapt buildings within the countryside subject to detailed criteria. However Policy C8 is clear that additional buildings to facilitate the re-use of rural buildings will not be permitted.
- 5.9. Policy C10 is a general policy for development in this part of the countryside. The policy is one of restraint. It seeks to ensure that only uses appropriate to a rural area will be acceptable and other development resisted.
- 5.10. These policies are more restrictive than the planning policies in the NPPF 2019 that support a prosperous rural economy. This means that the weight to be given to these policies has to be limited.
- 5.11. In the emerging Local Plan policy DM44 – development in the countryside outside of the Green Belt and DM45 – Conversion of Existing Buildings in the Green Belt and other Rural Areas are relevant.
- 5.12. Both these policies have been the subject of minor modifications and consultation. The changes proposed relate to matters of clarification and do not go to the heart of the policies. It is for the decision maker to determine the weight to be given to emerging policies in light of objections received and the stage in the process that the policies have reached. On this basis it is considered that both policies can be given moderate weight.
- 5.13. Policy DM44 allows for the re-development of previously developed land, provided this respects the rural character of the surroundings.
- 5.14. Policy DM45 allows for the re-use of rural buildings as long as they are sound and permanent construction and suitable for the proposed use, they have not been erected in the preceding 10 years and the use will support the vitality and sustainability of the local rural community.

Development in the Countryside

Acceptable development in the Countryside beyond the Green Belt

- 5.15. The adopted policy framework (Policy C10) seeks to restrict development other than rural uses which need to be within the countryside. The policy establishes criteria in which planning permission would be considered acceptable. While the applicant considers that the school should be treated as a local community facility which cannot be located elsewhere this view is not shared by officers for the following reason.
- 5.16. At Appendix A of the planning statement there is a schedule of alternative sites that have been considered by the applicant. The conclusion of the report is that there are no reasonably available alternative sites. The suitability of Cadmore End is based on its central location to the widely dispersed communities served by the new school. The communities include Brackley, Wallingford, Dunstable, Hemel Hempstead, Stoke Poges and Reading.
- 5.17. The school is intended to be an independent faith school. In the view of the education authority the new school would not impact upon local schools because many children may already be educated outside the mainstream system (the expectation is that the schools community will come from outside the area). On this evidence the new proposal cannot be considered to be a local community facility as it will not serve the local community.
- 5.18. The applicant has also submitted evidence to justify school being located in the countryside. The intention is to demonstrate that the school is a form of development that would be appropriate to a rural area and therefore consistent with policy C10. The main arguments in favour of an independent school development being in the countryside are:
- Competition for land with other land uses being higher priority e.g. housing, employment land
 - New housing development land allocated for local authority schools but not independent schools
 - Cost of land too high
 - Close to nature providing a healthy environment
- 5.19. The reasons identified amount to economic reasons and do not justify why an independent school needs to be located within a countryside location.
- 5.20. The proposal is not considered consistent with policy C10 of the adopted plan.

Reuse and Adaptation of Existing Buildings

- 5.21. While the proposal does include some re-use of existing buildings, it also requires replacement buildings which is not compatible with the relevant development policies. Furthermore the policy for re-use requires that the nature and scale of the new activity would not detract from the rural amenities of the area and would be compatible with surrounding uses having regard to any designated areas (e.g AONB). The impact upon the AONB will be considered in more detail later in the report: there are some significant concerns regarding the impact upon the AONB.
- 5.22. The proposal is not consistent with policies C7 and C8 of the adopted plan.

Development in the Countryside outside of the Green Belt – emerging policy

- 5.23. In terms of the emerging policies DM44 allows for the redevelopment of previously developed land, provided this respects the rural character of the surroundings. The principle of development may be acceptable. The impact of the proposal will be considered in terms of the impact upon the rural and landscape character. An important aspect is whether the new development is located where it is capable of contributing to sustainable development.
- 5.24. DM45 considers the conversion of existing buildings. Evidence has been presented to demonstrate that the buildings to be retained are capable of conversion. The buildings have been existence for more than 10 years. However the proposed use is required to support the vitality of the local rural community, the rural economy or local services.
- 5.25. It has already been established that the school will not provide a local facility given the nature and geographical spread of the pupils who will attend the school. There is little evidence that it will have any relationship with the local community. While it will have an impact on the local economy this is limited because the schools are already established elsewhere, it is unlikely in the short to medium term, that it will provide significant employment opportunities for teachers and support staff. The rural economic argument for the development is not compelling.
- 5.26. The proposal is considered to fail to comply with DM45. As previously developed land an opportunity exists for redevelopment of the site (Policy DM44) as long as it is compatible with the rural character of its surrounding. The current proposal is not considered compatible.

Employment issues

CSDPD: CS11 (Land for business)

DSA: DM5 (Scattered business sites)

New Local Plan (Publication Version): CP5 (Delivering Land for Business), DM28 (Employment Areas)

- 5.27. The applicant suggests that the site constitutes a scattered business site because it is a full equestrian centre and there are buildings within the site which they categorise as independent business uses.
- 5.28. While the site contains a building used as an office and a building for storage these were used ancillary to the main equestrian use. There has been no evidence presented either currently or with previous applications that the business uses are not ancillary.
- 5.29. The applicant, in presenting this argument, has put significant weight on the prior notification application which determined that details were not required to be submitted for a change of use of an existing building used as an office to residential. However, the officer report noted that the office use was in association with the equestrian business and other business interests of the owners. This evidence suggests that the office is, in fact, an ancillary use rather than a separate office use.
- 5.30. In terms of the storage use (B8) the applicant is seeking to rely on the planning permission 17/06357/FUL. The description of development was “Erection of first floor extension to existing dwelling and erection of attached garage, increase in residential amenity area following demolition of adjacent barn in B8 use.” This description is not accurate because the change of use from office to residential had not occurred and

therefore there was no existing dwelling. Also there was no evidence presented with the application to indicate that the storage use was not ancillary to the equestrian use.

- 5.31. The current view of officer's, notwithstanding the planning history, is that the primary use of the site is equestrian and the site would be considered as a D2 use. The use class is defined as Assembly and Leisure and its main purpose is not employment. The site is not a scattered business site and DM5 is not relevant to this assessment.

Transport matters and parking

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

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

DSA: DM2 (Transport requirements of development sites)

New Local Plan (Publication Version): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 5.32. The Highway Authority have considered all the information that has been presented both in favour of the development and also evidence prepared by interested parties objecting to the proposal.
- 5.33. The Highway Authority has considered the school's likely impact upon highway safety and convenience of use.
- 5.34. The school accesses onto a rural single track road and the highway authority has considered the comparative vehicles trip generation in some detail. Evidence has been produced by the applicant and objectors have commissioned a transport consultant to report on highways issues.
- 5.35. The Highway Authority has, however, conducted their own assessment based on TRICS (Trip Rate Information Computer System) database. The highways consultation response is produced in full in the Appendix.
- 5.36. In terms of site visibility at the site access, the Highway Authority believes that the minimum splays can be achieved.

Sustainable Location

- 5.37. The site is not considered to be in a sustainable location and does not allow sustainable transport choices. The nearest bus service does not offer frequent or reliable services that would provide practical choices. Also there are no footways to connect the site to these bus stops.
- 5.38. The applicant, however, proposes a transport model which relies on pupils being brought to the site by minibus. While this is recognised as a way of addressing the sustainability issue, it does not include teachers and other support staff. There will have to be independent journeys to school. There will also be times when pupils will be brought to the school separately i.e. when pupils have doctor/dentist appointments.
- 5.39. Furthermore most schools hold events within their school premises such as meetings, parent's evenings, sports days which necessitate additional journeys. While the applicant states in additional evidence that will not be the case, evidence has been provided by an objector to demonstrate the alternative. At another site (within the same group of schools) pupils were encouraged to arrive early to school to participate in

support sessions for exam revision. It is therefore probable that events could take place at times which would require independent travel to school.

- 5.40. Even if the applicant were able to demonstrate that they could manage to control most journeys to the school this could not be controlled by personal condition, as suggested by the applicant. Government advice is that planning permission runs with the land and it is seldom desirable to provide otherwise. In exceptional circumstances a personal permission can be considered however a permission personal to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.
- 5.41. On this basis the Highways Authority originally recommended two reasons for refusal. The inadequacy of Chequers Lane to deal with the vehicular intensification of the site and the secondly the remoteness of the site.
- 5.42. The applicant submitted a detailed response called the Transportation Rebuttal Statement to support their application following receipt of the Highways comments. The Highway Authority had provided a further very detailed response addressing the matters raised. This is produced in full in the Appendix.
- 5.43. In conclusion, the Highway Authority maintain the objections and recommended reason for refusal.
- 5.44. In response to these continuing highways objections the applicant submitted plans to demonstrate that Chequers Lane could accommodate the expected vehicular intensification with two passing places. While further information would be required to address this issue the Highway Authority are satisfied that this reason for refusal can be addressed. They maintain, however, a reason for refusal based on the remote location of the site.

Raising the quality of place making and design

ALP: G3 (General design policy), G7 (Development in relation to topography), G8 (Detailed Design Guidance and Local Amenity), G10 (Landscaping), G11 (Trees), G26 (Designing for safer communities), Appendix 1

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

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

New Local Plan (Publication Version): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

Layout and Built Character

- 5.45. The buildings are contained within the farmyard. These consist of re-use of two existing buildings and the demolition of other buildings and the replacement with a secondary school building and a link building.
- 5.46. The Primary School will occupy the existing retained brick buildings which currently form stores and grooms accommodation. These will be refurbished including larch cladding, new roofing and new windows. The changes to the building are considered acceptable.
- 5.47. A new two storey link connects the different buildings together. This has been designed as a glazed link. While this is not agricultural in appearance it is contained within the site and unlikely to be visible from outside of the site.

- 5.48. The Secondary School building replaces existing barns. The building occupies a similar footprint but with a more compact design. See design below.

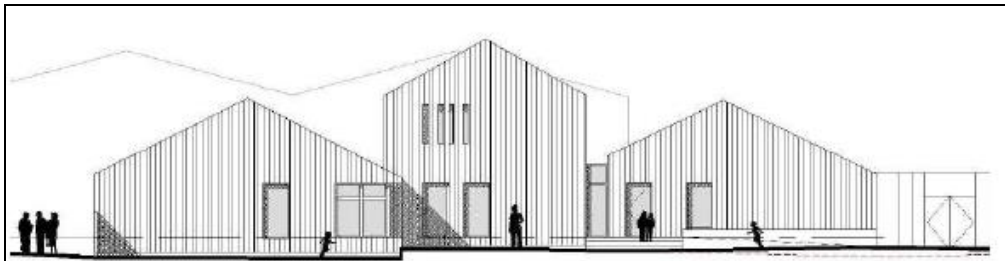


Figure 16: Primary School Elevation - retained and refurbished buildings



Figure 17: Secondary School Elevation - replacing existing black barns

- 5.49. The building is a similar height to the existing building and similar overall volume. The building is a simple rectangular building and been designed to have a rural appearance. The building will be clad in larch which will be similar to the Primary School. The design is considered acceptable.
- 5.50. The existing indoor riding school will be reclad and roofed to form the Assembly Building. It will be used for school activities such as school assemblies, dining, drama and indoor sports. The internal space will be broken up to facilitate these uses. Again the design of the building retains a rural character and is considered acceptable.
- 5.51. The external areas - the car parking is situated around the access to the site. It is made up of mini bus parking (26 spaces) car parking spaces (24) for staff with some disabled parking. The yard area has been extended into the adjacent field to accommodate the mini bus parking. New planting is proposed around the new boundary line to try and minimise the visual impact because the site is quite visible from Marlow Road. The site is likely to be more visible with the removal of the existing stable block which will open up views into the site. However given the design it is likely that the built form will appear as rural buildings from a distance.
- 5.52. The areas that are designated as primary play area and secondary play area are unfortunately located close to the nearest residential properties. This is likely to lead to noise and activity close to these more sensitive boundaries.
- 5.53. The astroturf pitch is located adjacent to the existing indoor riding school. It should be noted that an outdoor manège has planning permission (unimplemented) in a similar location but extending into the open part of the site. The sport pitch being located closer to the built form is likely to have less of an impact on the character of the area than the approved manège.

- 5.54. Although the design of the buildings on site are rural in character, the introduction of column lighting around the boundary of the site will have a negative impact upon the rural character. This boundary that extends into the adjacent field will be visible from Marlow Road because the boundary along this road is relatively porous. While it is acknowledged that there is already lighting on the site, it is attached to existing buildings which are not comparable in height to the proposed columns.
- 5.55. The applicant has sought to mitigate this change in character by proposing the new planting of hedging and trees. This will take time to establish and it is likely that columns will still be visible because of their height.
- 5.56. The other significant change to the rural character will be the introduction of a new field access gate. This will create an opening of over 18 metres in width at the site entrance onto the lane. This will fundamentally affect the rural character of this lane and is unacceptable.
- 5.57. The new field access which allows access to the adjacent field, is 9 metres in width. This is unnecessary for a simple field access but it may enable vehicular access into the field. It is possible that the adjacent field could be used intermittently as over spill parking. This would be permissible because the General Permitted Development Order allows for temporary use of land for up to 28 days in a calendar year. This would be an unfortunate consequence of a planning permission but could be prevented by condition because the field is identified as within the applicant's control.
- 5.58. Information has been provided regarding the arboricultural implications however this information only provides a Tree Constraint Plan but no Tree Protection Plan. Additional information would be required. An Arboricultural method statement is required to demonstrate the feasibility of the proposal. The areas of concern are service runs for lighting, route of the acoustic fencing and site demolition including hard standing to be removed. These could be required by condition.

Amenity of existing and future residents

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

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

Housing intensification SPD

New Local Plan (Publication Version): DM35 (Placemaking and Design Quality), DM40 (Internal space standards)

- 5.59. Given the rural location there are no close relationships with neighbouring residential properties that would lead to loss of outlook or overlooking.
- 5.60. The location of the play areas close to the nearby residential properties is likely to lead to increases in noise and disturbance but this will be considered more fully in the next section.

Environmental issues

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

CSDPD: CS18 (Waste, natural resources and pollution)

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

- 5.61. Concerns have been raised by the Control of Pollution team about contaminated land, environmental noise impacts from major roads, noise impact from the proposed

development, odour and noise from extraction equipment and air quality from additional vehicles movements affecting residents in the nearby Air Quality Management Area.

- 5.62. The issues regarding contaminated land could be dealt with by a pre-start condition requiring investigation work to be undertaken.
- 5.63. The noise impacts from major roads could be addressed by a noise mitigation scheme which would seek to ensure indoor noise levels met the minimum standards for the acoustics of school buildings (Building Bulletin 93).
- 5.64. An objection has been raised regarding the impact of noise from the outdoor school play areas on neighbouring properties. The information that has been submitted by the applicant is insufficient to adequately determine the impact caused by the change of use and inclusion of multiple noise sources from the 2 play grounds and the sports pitch. Additional information is required that demonstrates that the noise impact from the use of these two areas is fully detailed and that should be supported with a scheme that demonstrates that the use would not adversely affect the amenity of nearby noise sensitive areas.
- 5.65. This is particularly relevant because the noise from the secondary playground area would be reflected from the adjacent school buildings which border the play area and this would need to be fully considered when devising a scheme of works to control noise from this source.
- 5.66. A condition is required to submit details of air conditioning and associated air handling plant and extraction plant. A condition to restrict hours of deliveries in the interests of residential amenity has also been recommended.
- 5.67. The applicant has indicated that they are prepared to install some electric vehicle charging points which helps to address the concerns regarding air pollution.

Flooding and drainage

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

DSA: DM17 (Planning for flood risk management)

New Local Plan (Publication Version): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 5.68. The site is within Flood Zone 1. Given the size of the application site (1.2Ha) a Flood Risk Assessment has been submitted to support the application. The nature of the proposed use is "More Vulnerable" however given that:
 - a) the built footprint of the development will be reduced,
 - b) all built structures are in flood zone 1,
 - c) the site is at very low risk of surface water flooding, and
 - d) all mitigation measures for surface-water runoff and drainage are applied as proposed

the form of development is acceptable assuming appropriate mitigation can be maintained for the life of the development.

- 5.69. The Environment Agency has advised that the environmental risks relate to foul drainage/waste water.

- 5.70. A Drainage Strategy Document which describes the existing site and associated drainage infrastructure and seeks to identify a solution for the proposed surface and foul water drainage has been submitted with the application. This was subsequently updated following initial comments from the Lead Local Flood Authority. (LLFA)
- 5.71. The Strategy identifies:
- a) That there is not an increased risk of surface water flooding either on-site or off-site.
 - b) There is no increase in the impermeable area of the site.
 - c) The principal method of surface water discharge will be via infiltration to the ground – soakaway testing has been undertaken.
 - d) Rainwater harvesting will be provided to reduce runoff with permeable paving utilised within car parking areas.
 - e) Foul drainage will be infiltrated to the ground following treatment
- 5.72. The Lead Local Flood Authority have raised no objection to the Strategy subject to conditions.

Landscape and visual Impact

ALP: L1 (Chilterns Area of Outstanding Natural Beauty), L2 (Areas of Attractive Landscape and Local Landscape Areas)

CSDPD: CS17 (Environmental Assets)

New Local Plan (Publication Version):CP9 (Sense of place),DM30 (Chilterns Area of Outstanding Natural Beauty) DM32 (Landscape character and Settlement Patterns)

- 5.73. The site is within the AONB. The emerging policy requires a landscape character based approach to considering proposals. Any development is required to conserve and where possible enhance, the natural beauty of the AONB.
- 5.74. Development proposals which constitute “major development” (a term which is not defined in national or local planning policies) will only be permitted in exceptional circumstances. Consultee and representations received have indicated that, in their opinion, the proposal should be considered major development.
- 5.75. The proposal seeks a mixture of reuse and redevelopment of an existing brownfield site which contains a number of large buildings in non-agricultural use and horse related development. The existing use of the site is an unrestricted equestrian centre which could be used quite intensively. These are relevant factors when considering whether this proposal amounts to major development.
- 5.76. It is the view of officer’s considering the unrestricted nature of the existing use, scale of buildings on site and the location of the proposed development mainly within the existing yard area, this development does not constitute major development.
- 5.77. In the view of the landscape officer, the proposal would have a significant effect on the character of the landscape and on views from the surrounding lanes and footpaths.
- 5.78. The landscape officer considers that the proposal is most likely to affect views from a number of identified viewpoints. These are detailed in the Appendix.
- 5.79. The supporting Landscape and Visual Impact Assessment does not consider the effect of increased lighting, traffic movements or noise levels on the character of the local landscape, or on views from the surrounding landscape. The overall effects of the proposed development are likely to be more significant than the LVIA concludes.

- 5.80. The combination of increased lighting, traffic movements and noise (as detailed in the section on Environmental Issues) would have a significant adverse effect on the character of this relatively isolated, rural landscape.
- 5.81. The creation of the double width access from Chequers Lane, in place of the current single width access, would be a visually intrusive and alien feature on this otherwise narrow, rural lane. The width and formality of the proposed access, to the adjacent field, are beyond what would normally be expected for a simple field access. The width of the access would allow access for vehicles and could potentially allow the field to serve as a temporary overspill car parking area. Although a condition restricting the permitted development rights for this field could control this potential concern.
- 5.82. The proposal is considered to be contrary to both emerging and adopted policies for the Chilterns AONB because it fails to conserve and enhance the AONB.

Ecology

CSDPD: CS17 (Environmental assets)

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

New Local Plan (Publication Version): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

- 5.83. There is an objection on ecology grounds.
- 5.84. Four ecological documents were submitted. The interim bat survey only contains 2 of the 3 emergence/re-entry surveys required to be able to assess the likely presence/absence of bat roosts. It is important that the final surveys are provided given the high level of bat activity recorded in the area. The findings of the surveys should inform the mitigation report. This information would have to be submitted and assessed before a favourable decision could be reached.
- 5.85. It is understood that the applicant has arranged for this survey work to be undertaken. At the time of completing the report the applicant has just submitted additional information.
- 5.86. However, until the survey work is complete and properly assessed the lack of information about the impact on a bats (a protected species) will amount to a reason for refusal. This matter will be updated at the Planning Committee meeting.
- 5.87. More information is also required on wider ecological mitigation and enhancement but this could be required by condition.
- 5.88. At the current time the application is contrary to the relevant development plan policies.

Community facilities

CSDPD: CS15 (Community facilities and built sports facilities)

BCSNP: Policy 11 (Community Facilities)

Community facilities SPD

New Local Plan (Publication Version): DM29 (Community Facilities)

- 5.89. The provision of a new school would be considered to be a community facility. Sports England support the provision of new facilities but ask that consideration is given to the potential for community use of the sport's facilities.

5.90. This is not proposed as part of the application and would be contrary to the travel plans being proposed by the school to limit vehicular movements. To allow community use of the facilities would encourage additional vehicular movements to the site which is not in a sustainable location.

Building sustainability

CSDPD: CS18 (Waste, natural resources and pollution)

DSA: DM18 (Carbon reduction and water efficiency)

New Local Plan (Submission Version): DM41 (Optional Technical Standards for Building Regulations Approval)

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

5.92. The design and access statement identifies a number of energy efficient features that will be incorporated into the design.

Infrastructure and Developer Contributions

CSDPD: CS21 (Contribution of development to community infrastructure)

DSA: DM19 (Infrastructure and delivery)

BCSNP: Policy 13 (Connecting the Parish)

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

5.93. The development is a type of development where CIL would not be chargeable.

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

Weighing and balancing of issues – overall assessment

5.95. 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.

5.96. 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.

5.97. As set out above it is considered that the proposed development would conflict with a number of development plan policies.

- 5.98. There are a number of material considerations to be considered.
- 5.99. The NPPF paragraph 94 supports a need for schools and requires that LPA's should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications. However, this has to be considered within the context that the site is in a rural location and will not provide local school places.
- 5.100. The Education Authority have confirmed that they would not expect the school to have a significant impact on the intake of existing Buckinghamshire primary and secondary schools as the children are likely to be educated outside of the mainstream system and outside of the area. This limits the weight that can be attributed.
- 5.101. A school is considered to be a community facility and often brings benefits to local community's through shared use of school and sports facilities. However, this benefit is less likely because of the unsustainable location of the school. Journeys to and from the school can only be undertaken by vehicles and would impact upon the sustainability pattern being promoted by the school. The school, however, indicates that they do support local communities through charity events. However, overall this is not considered to weigh significantly in favour of the development.
- 5.102. The applicant has submitted evidence to identify the economic benefits that could arise through the development of the school. The opportunities identified are:
- Employment opportunities – 20 Full time equivalent staff. However these are likely to be limited initially because the proposal represents the relocation of a number of existing schools where the staff may consider commuting to this location. It is suggested that this will change in time with staff moving on or relocating locally. However this is a rural area in which house prices are quite high and housing stock limited.
 - The need for less specialised services such as cleaning, building and landscaping maintenance and purchasing of food and drink and other supplies. However this has to be balanced by the fact that supplies and maintenance will all involve vehicle movements which will impact upon the sustainability travel patterns being promoted by the school.
 - During the construction period the school is likely to contribute to the local economy.
 - Regeneration opportunity. The site has been purchased and the tenants have been given notice. The consequence of not gaining planning permission is that the site will become derelict and an eyesore which will have a negative impact on the locality. However this is a risk that the applicant has chosen to take and cannot be given weight in the decision making.
- 5.103. There will be economic benefits arising from the development of a school however they are not as significant as the applicant would suggest.
- 5.104. The main environmental benefit would be the regeneration of a countryside site which may become derelict without sufficient investment. However this is given limited weight because the applicant took a calculated risk in purchasing the site without the benefit of pre-application advice or subject to planning permission. There is no reason why they might not invest in the site to prevent it becoming derelict.
- 5.105. The materials considerations do not outweigh the harm that arises because of conflict with a number of development plans policies.

Other matters

Equalities Act Duties

5.106. Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

Recommendation: Application Refused

- 1 The site is within the countryside beyond the Green Belt where certain development maybe acceptable in accordance with policy C10 of the adopted Local Plan. The applicant has failed to demonstrate that the proposed school should be considered a local community facility which cannot be provided elsewhere.

While the proposal involves the re-use and adaption of existing buildings in the countryside, it is a mixed development including demolition and new buildings. The proposal fails to comply with the relevant policies 7 and 8 of the adopted Local Plan because additional buildings are specifically excluded by these policies.

The emerging policy for development in the countryside beyond the Green Belt allows for the redevelopment of previously developed land provided that this respects the rural and landscape character. This site is within the Chilterns Area of Outstanding Natural Beauty and the proposal fails to conserve and enhance the natural beauty of this location and therefore is contrary to policy DM44 of the New Local Plan (Publication Version).

Policy DM45 of the New Local Plan (Publication Version) allows for the conversion of existing buildings and while the evidence indicates that they are more than 10 years old and are capable of conversion the evidence fails to adequately demonstrate that they would support the vitality of the local rural community, the rural economy or local services.

As such the proposal fails to comply with policies C7, C8 and C10 of the Wycombe District Local Plan to 2011 (As Saved and Extended (2007) and is also contrary to the emerging policies DM44 (Development in the Countryside outside of the Green Belt) and DM45 (Conversion of Existing Buildings in the Green Belt and other Rural Areas) of the New Local Plan (Publication Version).

- 2 The applicant has failed to provide sufficient evidence to adequately determine the impact caused by the change of use and inclusion of multiple noise sources from the two separate play grounds and the sports pitch. Additional information is required to demonstrate that the noise impact from the use of these two areas is fully detailed and a scheme developed that demonstrates that the use would not adversely affect the amenity of nearby neighbours in noise sensitive areas. Until such information is provided the proposal fails to comply with policy G15 (Noise Pollution) of the Adopted Local Plan, CS18 (Waste/Natural Resources and Pollution) of the Core Strategy 2008 and Policy DM20 (Matters to be Determined in Accordance with the National Planning Policy Framework) of the emerging New Local Plan (Publication Version).
- 3 The site is within the Chilterns Area of Outstanding Natural Beauty and the supporting Landscape and Visual Impact Assessment fails to adequately consider the effect of increased lighting, traffic movements or noise levels on the character of the local landscape, or on views from the surrounding landscape. These factors will have a significant adverse effect on the character of this relatively isolated, rural landscape.

Furthermore the creation of the double width access from Chequers Lane would be visually intrusive and an alien feature on this otherwise narrow, rural lane. The width and formality of the proposed access are not appropriate along this rural lane and would have a negative impact on its rural character.

The proposal fails to comply with L1 (Chilterns Area of Outstanding Natural Beauty) of the Wycombe District Local Plan to 2011, CS17 (Environmental Assets) of the Core Strategy 2008 and emerging policy DM30 (Chilterns Area of Outstanding Natural Beauty) of the New Local Plan (Publication Version).

- 4 The applicant has failed to submit sufficient ecological information to confidently assess the likely presence/absence of bat roosts. Until adequate information is provided it is not possible to assess the impact on bats (a protected species) and to devise suitable mitigation measures. As such the proposal is contrary to policy DM14 (Biodiversity in development) of the Delivery and Site Allocations Plan 2013.
- 5 The location of the site is such that it has only limited access by non-car modes of travel. The absence of adequate infrastructure and the sites remoteness from major built up areas is such that it is likely to be reliant on the use of the private car contrary to local and national transport policy. The development is contrary to the National Planning Policy Framework (February 2019), Policy CS20 (Transport and Infrastructure) of the Wycombe Development Framework Core Strategy (adopted July 2008) and the Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).