

18/07975/OUT

Consultations and Notification Responses

Ward Councillor Preliminary Comments

Councillor Clive Harriss – If officers are minded to approve, please bring to committee as I have been contacted by various neighbours who have a number of concerns regarding the proposal.

Parish/Town Council Comments/Internal and External Consultees

Gt & Little Kimble Cum Marsh P Council

Comments: This is a well presented application however the Parish Council object to this based on pre-maturity of the application given the current status of the emerging WDC local plan and neighbourhood plan.

Further comments: The Parish Council has noted the issues raised by a number of parishioners in objections to the application and shares many of the concerns, in particular the safety of pedestrian and cycle users of Marsh Road in the village of Clanking (which is separated from the remainder of Great Kimble). We have also noted the holding objection and comments made by Bucks CC and Thames Water in relation to the sewage and surface water flooding problems experienced by residences in the area close to the site.

The Council accordingly makes a holding objection and requests and recommends that the application is not granted until the reports requested by Bucks CC and Thames Water have been provided and all infrastructure and other improvements necessary or appropriate to eliminate the sewage and surface water back-up and related issues have been completed.

As far as road safety, the Council notes that the recent confirmation that the plans for and related to HS2 will involve the closure of the railway crossing that provides access from the north of Marsh to Stoke Mandeville and the A4010. This will result in a material increase in the use of Marsh Road for tractor, lorry, caravan and car access, via the railway bridge, to the A413 and A41 and thereby the M1, M25 and M40. The council accordingly requests and recommends that the application is not granted until the plans for the upgrade of the B4009 and A4010 within Great Kimble have been implemented and if and to the extent the plans do not permit safe and easy access for non-vehicular traffic from Clanking to the other side of the railway bridge and from there to the local bus stops and the railway station this oversight has been remedied.

Furthermore the section of Marsh Road within Clanking is, in places, in particular where accessed by dwellings neighbouring the site to the north, too narrow for a car and a lorry, tractor or caravan to pass without material reduction in speed (if not one vehicle being stationary). The road is also too narrow at this section for the sidewalk proposed in the application to be extended along Marsh Road from the proposed entrance to the site to the far side of the entrance to Thrift Cottage and we accordingly request and recommend that the application is not granted until a new path for foot and cycle has been made available permitting non-vehicular travel by an alternative route around this section of Marsh Road.

We have also noted the concern that that size, style and quality of the new housing units proposed in the application exceeds that of the existing housing stock such that the rural character of Clanking will be damaged. While we consider any new development that increases the quality of local housing should be welcomed we note that five of the new units are to qualify as affordable housing and are concerned that the running costs of the housing units shown in the application may well be too high for residents whose financial circumstances qualify for the affordable housing scheme. We accordingly request and recommend that any grant of planning permission follows WDC being satisfied that this will not be the case for the five units to be allocated to the scheme and contains any conditions necessary and appropriate to achieve this.

Cadent Gas Ltd Plant Protection Department

Comments: None received

Town Planning Team Network Rail

Comments: Network Rail has the following comments:

- 1) A road leads to and from Marsh Lane (B4009) under the railway bridge – this is a low bridge (12' – 9") and Network Rail would be concerned by the applicant bringing materials to site including HGVs, high sided vehicles and housing frames.

The applicant is to submit the attached form to AssetProtectionLWsouth@networkrail.co.uk and provide details of mitigation measures to protect the bridge during works on site from bridge strikes.

- 2) Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

To note are:

- The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running, heavy freight trains, trains run at weekends /bank holidays.
 - Maintenance works to trains could be undertaken at night and may mean leaving the trains' motors running which can lead to increased levels of noise and vibration.
 - Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration.
 - Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature, and may occur at any time of the day or night, during bank holidays and at weekends.
 - Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works.
- 3) If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail for agreement.
 - All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.
 - The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

Thames Water

Comments:

Waste comments: With regard to surface water drainage Thames Water advise that if the developer follows the sequential approach with regard to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer prior approval from Thames

Water will be required. The development is within 15m of a strategic sewer. Request a condition is added to any planning permission that no piling shall take place until a piling method statement has been submitted to and approved in writing by the LPA in consultation with TW.

Recommend petrol / oil interceptors be fitted in all car parking / washing / repair facilities. The developer should demonstrate what measures he will undertake to minimise groundwater discharges to the public sewer. An informative should be added to any permission that any discharge into the public sewer would require a permit from TW.

TW would advise that with regard to waste water network and waste water process infrastructure capacity we do not have any objection to the planning application, based on the information provided.

Water comments: There are water mains crossing or close to the development. TW do not permit building over or construction within 3m of water mains. If significant works are planned within 3m of our mains we will need to check that it doesn't reduce capacity, limit repair or maintenance activities during and after construction or inhibit the services we provide in any other way. The applicant is advised to read our guide about working near or diverting our pipes.

On the basis of the information provided, Thames Water advises that with regard to water network and water treatment infrastructure capacity we would not have any objection to the above planning application. Suggest an informative regarding water pressure.

Ecological Officer

Comments: A Preliminary Ecological Appraisal has been carried out which sets out several recommendations. As ponds were identified close to the site, surveying for Great Crested Newts (GCN) was required: This further surveying has been undertaken and no GCN were found. Mitigation and enhancement measures have been recommended. These recommendations need to be designed into the proposals in a specific manor. This can be done via condition: No development shall take place until an ecological mitigation strategy has been submitted to and approved in writing by the LPA. This must subsequently be complied with. Reason: To ensure protected species are not harmed as a result of the proposals. No development shall take place until details (including plans and specifications) of ecological enhancement have been submitted to and approved by the LPA. Enhancements may include bat and bird boxes incorporated in to buildings, inclusion of plant species and features in the landscaping of the site which are of benefit to wildlife. Reason: to ensure that the development achieves a net gain in biodiversity. All external lighting must be designed in consultation with an ecologist to ensure that bats and other wildlife are not adversely impacted upon by lighting. Details and plans showing how this will be achieved must be submitted to and approved in writing by the LPA prior to occupation. Reason: to ensure that wildlife are not adversely impacted by lighting and to ensure proposals are in line with paragraph 180 of the National Planning Policy Framework.

Control Of Pollution Environmental Health

Comments: **Identified Environmental Services issues relevant to Planning:**

Air Quality from additional vehicle movements effecting the health of local residents in Air Quality Management Area within and without Wycombe District.

2. Conclusion

With regards to air quality Wycombe District Council declared new Air Quality Management Areas on 22.12.17 that covers the main arterial roads into High Wycombe town centre, Marlow and the M40. It is likely that a large proportion of vehicle movements from the development are likely to pass through the either the Marlow, High Wycombe, M40 or the three Aylesbury Vale Air Quality Management Areas as those provide links to the majority of employment, retail, leisure and educational facilities to the development. It has been identified that the proposed development intends to introduce an additional 32 parking spaces, which also appear to be specifically allocated to the new properties. As such the potential introduction of additional vehicles into the AQMA will negatively impact local air quality and its harmful health impacts upon local residents. Wycombe

District Council has a duty to ensure that nitrogen dioxide levels from road traffic within the AQMA are reduced to safer levels in line with the national air quality objectives. It is currently estimated that 144 excess deaths each year within Wycombe District area are caused by poor air quality, with the expectation that the majority of those deaths will be caused along the main arterial roads into High Wycombe and Marlow town centres. With this in mind Wycombe District Council now applies the following principle to all residential developments that are within the AQMA or that the majority of vehicle movements from the development will be by road through the AQMA- the active provision of 1 electric vehicle charging unit for each dedicated parking space and at least 1 charging point per 10 unallocated spaces. All other spaces should have appropriate cable provision to prepare for increased demand in future years. Due to the spaces appearing to be specifically allocated to the new properties, 32 parking spaces should be provided with an electric vehicle charging point.

3. Recommendation (with conditions if appropriate):

Objection, unless following conditions imposed;

Condition - Electric Vehicle Charging Points

Prior to the occupation of the development hereby permitted, 32 electric vehicle charging point must be installed. Thereafter the electric vehicle charging points must be maintained in full working order and, as such, a long-term management and maintenance plan shall be submitted in writing and approved by the Local Planning Authority.

Reason – to reduce the negative impact on the health of residents living within the Air Quality Management Area.

Construction/Demolition Noise

INFORMATIVE

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.

Buckinghamshire County Council (Major SuDS)

Comments:

Buckinghamshire County Council as Lead Local Flood Authority has reviewed the information provided in the Flood Risk Assessment and Drainage Strategy (w10550-181030-FRA&Drainage Strategy, October 2018, Waterco Consultants). The LLFA **has a holding objection** to the proposed development **due to insufficient supporting evidence of the proposed surface water drainage scheme and concerns of surface water flood risk.**

Surface Water Drainage

The applicant is proposing to utilise permeable paving on site to attenuate surface water before controlled discharge to the ordinary watercourse 20m north of the development site boundary. Connection to the ordinary watercourse will be provided by a surface water pipe network before a controlled discharge of 1.1l/s for all events. Permeable paving is strongly encouraged by the LLFA as it provides benefits of both water quality and quantity management, permeable paving has been proposed for all private driveways and the areas of the private access roads.

The LLFA request further evidence of the ordinary watercourse is provided at this stage. A survey from the point of proposed connection through to outfall should be provided and evidence submitted to the LLFA. A condition and capacity assessment of the watercourse must be completed to ensure the ordinary watercourse can sufficiently convey the surface water generated as a result of development. It is understood from the masterplan (drawing number: Shi-29955-pa-001-g, October 2018, Rickett Architects) that while there is an ordinary watercourse circa 20m to the north of the site; this borders the wider site boundary and therefore the applicant is deemed a riparian owner and would be able to discharge into this feature. We would like to further remind the applicant of their

riparian ownership responsibilities, in particular that they are responsible for ensuring the natural flow of water ensuring any blockages are removed. We would encourage them to refer to the Environment Agency Guidance on Riparian Responsibilities.

The discharge rate of 1.1 l/s is equivalent to the existing Qbar Greenfield rate of runoff; calculation detail has been provided in support of this. As the discharge will be limited to 1.1 l/s for all storm events this is betterment to the existing regime. Calculations have also been provided to demonstrate that the 1 in 100 year +40% climate change event can be contained within the proposed surface water drainage system. The system is in compliance with the non-statutory technical standards for sustainable drainage systems. Calculations must be provided to model a submerged outfall scenario associated with the proposed discharge to the ordinary watercourse. Submerged outfalls can occur when the water level of the watercourse exceeds the invert level of the outfall point; measures may need to be taken for such an event such as provision of additional storage and a non-return valve.

In accordance with paragraph 165 of the NPPF 2018 part d, the LLFA would encourage the consideration of above-ground SuDS features that provide multifunctional benefits. Features such as ponds or roadside swales could be incorporated providing benefits of water quality, quantity, biodiversity and amenity.

It is noted that there is a discrepancy between the proposed masterplan (drawing number: Shi-29955-pa-001-g, October 2018, Rickett Architects) and the surface water drainage layout (drawing number: w10550-180124-DRAINAGE P00, 26th January 2018, Waterco Consultants) regarding the parking provisions for plots 13 and 14. As the parking provision is imperative to the surface water drainage scheme due to the proposed use of permeable paving, the LLFA request that any changes to the parking provision is reflected within the proposed surface water drainage layout; the existing discrepancy should be amended alongside any further changes.

Surface water flood risk

Plots 2, 3 and 4 are anticipated to be at low risk of surface water flooding, as according to the updated Flood Map for Surface Water as provided by the Environment Agency. Depths of between 0.15-0.3m are expected for events between a 1% to 0.1% Annual Exceedance Probability (AEP) (this means there is between a 1 to 0.1% chance of the event occurring within any given year). The applicant should demonstrate a sequential approach to locating dwellings ensuring that dwellings are located out of areas at existing risk of surface water flooding. Where a sequential approach is unable to be undertaken the applicant must give reasonable justification and provide a detailed portfolio of the flood resistance and resilience measures to be incorporated. We would suggest the applicant consults the communities and local government guidance on improving the flood performance of new buildings when developing a portfolio of resistance and resilience measures.

The applicant should demonstrate that flood risk elsewhere will not be increased as a result of any mitigation works associated with the proposed dwellings. This is in compliance with paragraph 163 of the National Planning Policy Framework.

Overcoming our objection

We still require the following from the applicant:

- Demonstration of a sequential approach to locating dwellings, where a sequential approach cannot be demonstrated details of flood resistance and resilience measures must be provided.
- Survey of the ordinary watercourse from the point of proposed connection through to outfall, a condition and capacity assessment of the watercourse should be completed to ensure surface water flows can be sufficiently conveyed.
- Calculations for a modelled submerged outfall scenario
- Revision of the discrepancy regarding parking provision for all plots, this should be reflected in the surface water drainage layout.

Additional information Further comments: Buckinghamshire County Council as Lead Local Flood Authority (LLFA) has reviewed the information provided in the following documents:

- Flood Risk Assessment and Drainage Strategy (w10550-181030-FRA&Drainage Strategy, October 2018, Waterco Consultants).
- Response to Buckinghamshire County Council Lead Local Flood Authority (W10550-190404-LLFA Letter, April 2019, Waterco Consultants)

The LLFA withdraws our objection to the proposed development subject to the following conditions listed below.

It is proposed to utilise permeable paving on site to attenuate surface water before controlled discharge to the ordinary watercourse 20m north of the development site boundary. Connection to the ordinary watercourse will be provided by a surface water pipe network before a controlled discharge of 1.1l/s for all events.

Existing surface water flood risk

Plots 2, 3 and 4 are anticipated to be at low risk of surface water flooding, as according to the updated Flood Map for Surface Water (uFMfSW) as provided by the Environment Agency. Depths of between 0.15-0.3m are expected for events between a 1% to 0.1% Annual Exceedance Probability (AEP) (this means there is between a 1 to 0.1% chance of the event occurring within any given year). Within the technical note the applicant has assessed that the risk of surface water flooding as indicated by the uFMfSW to be lower than demonstrated due to the watercourse along the western and northern boundary of the site. The topographical survey notes that any flows would be directed to the north-western corner of the site where they would be intercepted by the ordinary watercourse. An assessment of the capacity of the ordinary watercourse has been provided within the appendices indicating that the culvert of the watercourse has an overall capacity of 320.8l/s compared to the proposed 1.1l/s discharge rate from the site for events up to a 1% AEP.

Based on the above, the LLFA request that the properties (plots 2, 3 and 4 on the masterplan, drawing number: Shi-29955-pa-001-g, October 2018, Rickett) along the northern boundary of the site have a finished floor level of 300mm above surrounding ground levels in order to provide mitigation to any residual surface water flood risk.

Ordinary watercourse connections

The LLFA are aware of the historic flooding associated with the ordinary watercourse, within the local area of the proposed development. However, due to the method of surface water proposed and the restriction of the discharge rate, the regime of surface water drainage is not to be changed as a result of development. Based on the proposed discharge rate of 1.1 l/s for all events, this is betterment to the existing greenfield runoff rates for events between a 3.3% to 1% AEP.

A survey of the existing ordinary watercourse has been conducted to demonstrate the viability of the feature to convey surface water generated by the site. The survey indicates that the watercourse is in need of maintenance works to ensure clear flow; we would like to further remind the applicant of their riparian ownership responsibilities, in particular that they are responsible for ensuring the natural flow of water ensuring any blockages are removed. We would encourage them to refer to the Environment Agency Guidance on Riparian Responsibilities.

As the site is discharging directly to a watercourse there may be occasions when the water level submerges the outfall from the site and the applicant must appropriately account for this. It is confirmed within the technical response that a non-return valve will be used on the outfall but the LLFA also request calculations of a submerged outfall and provision of additional storage where required.

Surface Water Drainage Scheme

In accordance with paragraph 165 of the NPPF 2018 part d, the LLFA would encourage the consideration of above-ground SuDS features that provide multifunctional benefits. Features such as ponds or roadside swales could be incorporated providing benefits of water quality, quantity, biodiversity and amenity.

The applicant is required to demonstrate compliance with the drainage hierarchy. To comply with paragraph 080 of the Planning Practice Guidance (PPG) 'the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.'

Therefore, the applicant is required to conduct ground investigations in order to understand the viability of an infiltration based scheme at this site. The applicant should also be made aware that the LLFA consider rainwater re-use to sit at the top of the hierarchy and would therefore request consideration of active rainwater harvesting which can provide benefits of stormwater management and climate change resilience by reducing potable water demand.

The LLFA request details of a whole-life maintenance scheme to ensure functionality of the proposed surface water drainage scheme for the lifetime of the development. The maintenance scheme is of particular importance given the small orifice associated with the proposed discharge rate as this may experience issues of blockages.

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

Condition 1

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary demonstrating that water quality, ecological and amenity benefits have been considered
- Ground investigations including:
- Infiltration in accordance with BRE365
- Groundwater level monitoring over the winter period
- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the hierarchy listed in the informative below and discharge to be limited to 1.1 l/s for all events.
- The Finished Floor Levels of the properties along the northern border of the site to be set at least 300mm above surrounding ground levels (plots 2, 3 and 4 on the masterplan, drawing number: Shi-29955-pa-001-g, October 2018, Rickett).
- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Calculations of a submerged outfall and any necessary mitigation measures
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction.

Reason

The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

Informative

To comply with paragraph 080 of the Planning Practice Guidance (PPG) ‘the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.’

Condition 2

Development shall not begin until a “whole-life” maintenance plan for the site has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) **during and following construction**, with details of who is to be responsible for carrying out the maintenance. The plan shall subsequently be implemented in accordance with the approved details.

Reason

The reason for this being a pre-start condition is to ensure that maintenance arrangements have been arranged and agreed before any works commence on site that might otherwise be left unaccounted for.

NB: We would recommend that the “whole-life” maintenance and management plan for the surface water drainage system is secured by a Section 106 Planning Agreement. The use of a planning obligation (as opposed to a planning condition) would help to safeguard the maintenance and management of these features over the lifetime of the development. The BCC Strategic Flood Management team are of the opinion that this is a reasonable approach due to the residual risk of surface water flooding to the site should the systems not be adequately maintained.

Condition 3

Prior to the first occupation of the development, a demonstration (such as as-built drawings and/or photographic evidence) of the as-built surface water drainage scheme carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.

Reason: The reason for this pre-occupation condition is to ensure the Sustainable Drainage System has been constructed as per the approved is designed to the technical standards

Informative

Under the terms of the Land Drainage Act 1991 and the Floods and Water Management Act 2010, the prior consent of the Lead Local Flood Authority is required for any proposed works or structures in the watercourse. After planning permission has been granted by the LPA, the applicant must apply for Land Drainage Consent from the LLFA, information and the application form can be found on our website. Please be aware that this process can take up to two months.

Arboriculture Spatial Planning

Comments: Some loss of trees and hedges however in amenity terms this is unlikely to be of any significance. Tree Protection Plan shows some incursion into the RPA of retained trees. It is recommended that an AMS covering the implementation of tree protection, pre-commencement meetings and on-going site supervision be sought by condition. There looks to be scope for additional planting to the south of the site and along the boundary with Marsh Road.

Planning Policy

Comments: Weight to attach to Neighbourhood Plans

For all Plans the **National Planning Policy Framework** says:

From the day of publication, decision-takers may also give weight (unless other material considerations indicate otherwise) to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). (NPPF Annex 1 - para 216)

National Planning Policy Guidance (NPPG) says:

‘An emerging neighbourhood plan may be a material consideration.Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies....Decision makers should respect evidence of local support prior to referendum when seeking to apply weight to an emerging neighbourhood plan.It is for the decision maker in each case to determine what a material consideration is and what weight to give it.’ (NPPG Neighbourhood Planning para 07)

As a guidance we would advise the following:

	Designated Forum and Area	Draft Plan (regulation 14)	Submitted Plan (regulation 16)	Post Examination with decision to proceed to Referendum	Passes referendum	Adopted by Council
Plan	No Weight	Very limited weight	Limited weight	Moderate weight	Considerable weight	Full weight
Great and Little Kimble-cum-Marsh		✓				

Use of Neighbourhood Plans in decision making

Once a plan successfully passes referendum it has Considerable weight.
 Once a plan is “made” (i.e. adopted by the Council) it becomes part of the development plan and has Full weight.
 At both of these stages policies contained within Neighbourhood Plans can be used to refuse applications.
 At all stages leading up to the referendum, policies in plans cannot be used to refuse applications BUT can be used in a positive way to approve applications.

County Highway Authority

Comments:
 The application seeks outline approval with only access considered at this stage. Having assessed the location of the site, I am concerned by the lack of sustainability of the site created by the dangerous situation that will result for residents should they wish to access sustainable modes of travel. Currently access to the bus routes on the A4010 and to the Little Kimble railway station would be gained by way of the railway bridge on Grove Lane (B4009) which does not benefit from pedestrian footways. I therefore consider the site to be unsustainable due to the lack of a safe access to sustainable modes of transport.

The Local Plan progressed by Wycombe District Council proposes a relief road for Princes Risborough, with a route that will likely require the upgrading of the above referenced railway bridge on Grove Lane. Should a safe pedestrian link be created to link the site to the A4010, I would consider this site to be sustainable, however at the present time the site is not safe and sustainable. I would therefore consider this application premature.

A recent decision notice was issued by the Planning Inspectorate for a site within Little Kimble (land to the rear of Briarcroft on Marsh Road in Little Kimble) regarding an appeal against the refusal of a planning permission (17/06745/FUL). The application sought to demolish four existing buildings and erect one single-storey detached 3-bed dwelling (PINS reference APP/K0425/W/18/3195989). One of the main issues discussed within the Inspector's decision notice related to the location of the development (paragraphs 4 to 16, specifically paragraphs 7 and 8).

The Inspector concluded that the site was isolated and access to any local goods and services would be via fast and unlit road country roads. As a result, the development would be reliant upon the use of the private car and consequently not adhere to the guidance contained within paragraph 103 of the National Planning Policy Framework insomuch as it would not actively manage patterns of growth to support the use of public transport, walking and cycling.

I would consider the current site comparable to the appeal site with regards to dangerous and unsuitable access along the highway network due to the danger posed by the lack of a pedestrian footway beneath the railway bridge over Grove Lane, and the lack of other suitable routes to the A4010 or Little Kimble railway station. As a result, the proposed development will be reliant upon the use of the private car and consequently would also not adhere to the guidance contained within paragraph 103 of the National Planning Policy Framework.

Due to the reliance of this site upon the creation of a pedestrian route along Grove Lane under the railway bridge, I would theoretically consider it appropriate for the site to contribute to the creation of a pedestrian route by way of a Section 106 contribution once proposals for the upgrading of the railway bridge and junction have been advanced. However at this stage I believe that this would also be premature.

Mindful of the above, I object to the proposed application. However, I include below further comments upon the application proposals mindful of the potential for the objection to be overcome in future.

It appears that the proposed pedestrian footway across the site frontage would connect to the existing pedestrian footway along Grove Lane, however an annotation states that the footway would run to the edge of the application site. I would require clarification that the proposed footway connects to the point at which the existing footway terminates in order to provide an adequate pedestrian link.

I further note that the demonstrated footways only measure 1.8 metres in width. This is inadequate to serve the site, and I note that widths of 1.8 metres would only be permitted when absolutely necessary over only short distances. The footway adjacent to Marsh Road would especially raise a concern for highway safety due to the quantum of traffic and recorded vehicular speeds within the vicinity. I would request that widths of 2 metres be provided for footways. Due to the widths of land subject to highway rights across the site frontage, I would request that a proposed footway adjacent to Marsh Road be proposed to be adopted by the Highway Authority should any parts fall within the site rather than the land subject to highway rights.

The Highway Authority would not seek to adopt the internal estate road, especially the areas proposed to be surfaced by permeable surfacing. Should the applicant wish to propose the estate road for adoption this should be stated in the submission of detailed information.

I note that the Floor Risk Assessment and Drainage Strategy includes a map demonstrating a slightly different layout, with one garage gaining access onto the proposed estate road within the vicinity of the junction. I would request that a detailed internal layout not include this arrangement, as I would consider the proximity of this access to the junction with Marsh Road to interfere with movements at

this junction and cause a highway safety concern. The Highway Authority would find the proposed masterplan layout preferential due to it not including this feature and gaining access from the estate road further within the site.

I would also require detailed submissions to demonstrate a swept path analysis for a refuse vehicle providing access along the estate road to each dwelling.

Having assessed the internal estate road dimensions and layout, I note that the current design at the cul-de-sac shared surface serving the plots numbered 7 to 14 is inadequate in terms of width and design. Shared space proposals should not simply comprise an estate road minus the footways. The termination of the footway adjacent to plot 1 would appear to confirm this as the design. The Highway Authority would request that a shared space surface serving this quantum of properties be a minimum of 5.5 metres in width rather than the 4.8 currently proposed. I consider the spur serving plots 4 to 6 adequate in width due to the lower quantum of development served and the shorter length of the spur. I would therefore request amendments to address the above points when designing the site layout for submission.

With regards to the proposed access of the site, I note the submission of an Automated Traffic Count speed survey demonstrating 85%ile vehicular speeds of 33.8mph for two-way speeds. Mindful of this data and the speed restriction currently in place, I consider the proposed visibility splays appropriate for the conditions of the local highway, and would recommend that these visibility splays be secured by way of condition.

I note that the parking provision of the site set out in the layout at a detailed design stage should meet the parking standards set out in the Buckinghamshire Countywide Parking Guidance policy document. The site falls within residential Zone C.

Mindful of the above, I object to the proposed outline development for the following reason:

Reason 1: 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 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).*

* The advancing local plan for Wycombe District proposes the upgrading the railway bridge on Grove Lane which provides an opportunity to significantly improve sustainability within the vicinity of the application site, by way of potential provision of a safe pedestrian route to the A4010. I would consider the creation of a pedestrian link to overcome the objection on sustainability, and would consider it theoretically justifiable to consider a Section 106 contribution by the applicant, but I note that such considerations are premature at this time.

Comments on additional information: Thank you for your consultation dated the 9th April 2019, regarding the proposed development at the above location.

I note that in previous comments from the Highway Authority upon this application, and the site assessment for housing allocation in the parish of Great and Little Kimble Cum Marsh, it was previously stated that the proposed application site is restricted in its access to sustainable forms of transport. Pedestrian and cyclist access to bus and train services on the A4010 is significantly hampered because of the railway bridge on Grove Lane (B4009).

An appeal decision at a site within the vicinity, at Land Rear Of Briarcroft, Marsh Lane, Little Kimble reference: 17/06745/OUT, demonstrated the unsustainable nature of the location due to the lack of day to day amenities within the vicinity of the site. Two similar appeal decisions by the Planning

Inspectorate are included in a later section of this response, one within the same parish, and another at Frieth in Wycombe District which further highlights the unsustainable nature of the site.

It is the view of the Highway Authority that due to the unsafe and unsustainable nature of the proposed development, the proposals are contrary to local and national policy without sufficient mitigation for the impacts of the development. It was previously stated that the junction improvement plans which highlighted works to the junction between the B4009 and the A4010, proposed as part of the Princes Risborough expansion area link road project, remain an aspiration and are not sufficiently advanced for the current application to secure detailed mitigation measures for the proposed development at this stage.

As the applicant has chosen to continue to advance the application, The Highway Authority would consider a Section 106 Agreement to be required to overcome the strong objection and ensure sufficient mitigation for the proposed development. This recommendation is subject to a Section 106 Agreement to facilitate BCC to provide highway safety improvements between the site and local sustainable forms of transport taking into account future design changes planned for the highway network.

Having assessed the submitted plans, and discussed the proposals with the Local Planning Authority, I do not consider the application proposals within the site boundary, that are not sought to be determined at this outline stage, to prejudice the proposals for the Princes Risborough link road and alterations to the A4010 and B4009 junction.

Response to Applicant's Correspondence

The additional information provided by the applicant has not demonstrated safe and suitable access between the application site and regular sustainable transport links, such as regular bus services or the Little Kimble train station. Therefore the objection of the Highway Authority has not been overcome. As noted above, the Highway Authority recommends that the objection could be addressed with a suitably worded S106 Agreement. Once the future layout of the highway network has been determined, highway safety improvements could be implemented to mitigate the impact of the development.

A stage one safety audit would be required to demonstrate that the highway carriageway link beneath the railway bridge is safe for use by pedestrians and cyclists. However it is clear that such an audit would simply demonstrate the fact that it is not safe or suitable for pedestrians or cyclists to utilise the current highway link. It is therefore considered that a safety audit would simply be an unnecessary cost.

As has previously been stated the road at the railway bridge is unsuitable for pedestrian and cyclist access. This area of highway suffers from insufficient forward visibility for vehicles, pedestrians and cyclists to avoid collisions, particularly to the western side of the bridge due to the alignment of the carriageway. The lack of a pedestrian facility forces pedestrians to walk upon the highway carriageway in the path of vehicles. There is no safe crossing point of the carriageway, and due to insufficient forward visibility, vehicles will not have time to spot pedestrians and cyclists and stop in time to avoid collisions when crossing the highway.

The applicant has stated that the Highway Authority has accepted the sustainability of the location and has not objected on highway safety grounds. This is disputed, as the lack of sustainability of the location of the site forms part of the objection. The application site is not in a sustainable location because residents, if they wished to access sustainable modes of travel, would have to navigate unsafe and unsuitable routes, this issue was highlighted in the previous comments of the Highway Authority upon the application.

The applicant has stated that "as the County Council accepts, it is a sustainable location in terms of access to public transport (bus and rail facilities), schools and other village facilities." Again, this is disputed. The Highway Authority has previously stated: "Should a safe pedestrian link be created to

link the site to the A4010, I would consider this site to be sustainable, however at the present time the site is not safe and sustainable.”

Within appeal decisions at Briarcroft, Grove Lane (reference 17/06745/FUL), and Clematis Cottage, Lower Icknield Way (reference 17/07500/FUL), the Planning Inspectorate has previously set out the requirement for developments to provide safe and suitable access to sustainable transport due to the lack of sufficient day to day amenities within Great and Little Kimble. Given the reliance of the application site on a route to sustainable forms of transport that would at present be detrimental to highway safety, an appropriate contribution to highway safety works is required to mitigate the impact of the development.

References to historical applications especially those prior the latest amendments of the National Planning Policy Framework in 2018-2019 and latest works on the Wycombe District Local Plan are considered to carry limited weight.

Regarding the Local and Neighbourhood Plan, when considering the allocation of housing in Great and Little Kimble the Highway Authority raised the issue of the unsafe access through the railway bridge on Grove Lane, and along Bridge Street, contrary to the statement of the applicant that the Highway Authority has raised no concerns. As previously stated, areas of the parish capable of gaining safe and suitable access to the local forms of sustainable transport are considered sustainable locations.

The Local Plan and the Neighbourhood Plan have not yet been adopted as policy, and the junction improvements have not yet reached a detailed design stage or been secured. The applicant therefore cannot rely upon these items to justify the sustainability of the application site at this stage. It would also be premature to approve specific mitigation to address the lack of sustainability in conjunction with the junction upgrades due to the lack of a determined design.

The applicant has directed the Highway Authority to a decision relating to a site in Bradenham, Norfolk. The differences in local highway and railway infrastructure, potential accessibility to sustainable forms of transport, and applicable local policies between the referenced appeal decisions are significant and therefore any benefit of comparison is limited.

The applicant has referenced paragraph 103 of the National Planning Policy Framework which states that the availability of sustainable transport will vary between urban and rural areas. Given the proximity of bus stops on the A4010 and a train station accessed from the A4010, the Highway Authority contends that this paragraph does not apply to the current application site. Despite being in a relatively rural area of Wycombe District, the application site is within the vicinity of sustainable transport links, but is severed from these services, and access to them by pedestrians or cyclists would result in a detrimental impact upon highway safety. As such, measures to mitigate the impact of the proposed development are required.

As previously recommended above, a S106 Agreement providing sufficient scope to provide mitigation measures suitable for the as yet undetermined future layout the highway network could overcome the current objection, and ensure that appropriate mitigation can be delivered.

Local Appeal Decisions

Previous comments from the Highway Authority referenced one appeal decision within the vicinity at Land Rear of Briarcroft, application reference: 17/06745/FUL. Two further appeals, including an appeal within the Parish, at Clematis Cottage, application reference: 17/07500/FUL and an appeal in Frieth within Wycombe District at Middle Way Stables, Innings Road application reference: 17/08111/FUL, have also been made by the Planning Inspectorate, and are considered to be relevant to the current application.

These three appeal decisions, which include two appeals within the Great and Little Kimble Cum Marsh parish, specifically state that the parish settlement's lack of sufficient day to day amenities is

unsustainable. The appeal decision in Frieth demonstrated an objection on the same basis and policy in a settlement of comparable amenity provision. It is therefore established that the settlements within the parish are unsustainable. Sufficient provision of safe and suitable access to sustainable forms of transport is therefore required to ensure sustainable development in line with local and national policy.

The Briarcroft appeal site is applicable to the current application site as both sites lack safe and suitable access to sustainable forms of transport. Paragraph seven sets out the lack of sufficient day to day amenities, and that the absence of a footway or cycle path is a limiting factor. It is also detailed that, despite the proximity of sustainable forms of transport the limited access to the referenced bus stop is insufficient and would result in reliance upon the use of a private car, contrary to policy.

The Clematis Cottage, Great Kimble, appeal decision likewise cannot achieve safe access between the application site and sustainable forms of transport. Paragraph fourteen sets out that the parish settlements do not provide sufficient day to day amenities to be considered sustainable, and that this combined with the limited access to sustainable forms of transport would result in dependence upon private vehicles to travel to facilities and services in other larger settlements. Paragraph 17 sets out that the heavy reliance upon the use of private vehicles is contrary to policy CS20 of the Wycombe Development Framework Core Strategy.

The Frieth appeal decision, for the planning application numbered: 17/08111/FUL, was also considered unable to provide safe and suitable access to amenities, and therefore to constitute a development that is dependent upon the use of personal vehicles. The relevance of this appeal is that the village of Frieth is stated to have similar level of amenities to Great and Little Kimble, in the form of a church, village hall, primary school, and two public houses. Similar to Great and Little Kimble, the amenities were stated to be insufficient to provide for day to day needs in paragraph five of the Inspector's decision.

Paragraph six states that the development of the Frieth appeal site, without good access to services via a range of transport modes required to avoid adverse environmental impacts of traffic and travel, is not suitable. The appeal decision finds the situation contrary to policy CS20 of the Wycombe Development Framework Core Strategy which requires safe access to be provided for all modes of transport.

The applicant has not presented additional information to demonstrate that safe and suitable access to regular forms of sustainable transport, upon the A4010, is possible from the current application site. The specifically referenced restriction, the railway bridge, has not been demonstrated to provide safe and suitable access between the application site and the A4010.

The Highway Authority must take account of the decisions of the Planning Inspectorate to ensure a consistency in decision making. I do not believe that there are sufficient grounds to contradict multiple appeal decisions by the Planning Inspectorate in suggesting that the application site is sustainable without sufficient mitigation.

However the Highway Authority has previously stated that there is potential to overcome the objection raised. Unlike the local appeal sites, the application site has fewer barriers between the site and the sustainable forms of transport available on the A4010, and is of a larger quantum. Therefore a contribution towards highway safety improvement works would be considered sufficient mitigation for the impact of the proposed development.

Recommendation

As noted above, safe and suitable access to sustainable forms of transport has not been demonstrated, and Great and Little Kimble do not benefit from sufficient day to day amenities to be considered sustainable. The application would be detrimental to highway safety, and would result in an unsustainable form of development. The proposed development is therefore contradictory to 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).

It is therefore the position of the Highway Authority that sufficient mitigation measures must be implemented. Currently, detailed proposals to address the impact of the development cannot be secured due to the stage that the Local Plan and A4010 / B4009 junction alteration proposals are at.

The Highway Authority would consider a suitably worded Section 106 Agreement capable of overcoming the objection by ensuring required mitigation can be implemented in a manner that will allow for the highway safety mitigation works to reflect the situation and requirements of the future layout of the local highway network. Funding sought would be comparable to that sought from other projects for highway safety mitigation schemes across Buckinghamshire.

Mindful of the above, the Highway Authority could withdraw the previously raised objection, subject to the following Section 106 Agreement Obligation, conditions, and informative points:

Section 106:

- Contribution towards the provision of highway safety improvements within the vicinity of the site between the site and sustainable forms of transport.

Legislation Compliance Check

Obligation Description	Objective	Provision	Trigger	Policy Support	CIL Compliance
Highway Safety Improvements	Improving public highway safety between the site and sustainable forms of transport.	£50,000	Prior to commencement.	NPPF Section 9 Paras 102-104, 108	<p>Necessary – Required to ensure impacts of development are safely mitigated and to promote sustainable transport</p> <p>Directly related Contributions relate to proposed enhancements of routes between the application site and sustainable forms of transport.</p> <p>Fair and Reasonable – Mitigation measures proportionate response to identified impacts.</p>

Condition 1: The development shall be served by means of estate roads which shall be laid out in accordance with details to be first approved in writing by the Local Planning Authority in consultation with the Highway Authority, and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out in accordance with the details subsequently approved pursuant to condition....

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

Condition 2: No other part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access Within Highway Limits" 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

Condition 3: No other part of the development shall be occupied until the visibility splays shown on the approved masterplan drawing numbered "Shi 2995 pa 001 g" have been provided on both sides of the access and 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 intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

Condition 4: Prior to the commencement of any works on the site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of a banksman, on-site loading/unloading arrangements and parking of site operatives vehicles) shall be submitted 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.

Informative Points:

- The applicant is advised that the access will have to construct 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
6th Floor, County Hall
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
Telephone: 01296 382416
Email: dm@buckscc.gov.uk

- 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.
- 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.

Should the Local Planning Authority be minded not to approve the above, the Highway Authority would recommend refusal for the following reason:

Reason 1: The location of the site is such that it has only limited, unsafe access by non-car modes of travel, the use of which would result in a detrimental impact upon highway safety. 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 Policy CS20 (Transport and Infrastructure) of the Wycombe Development Framework Core

Representations

Bucks Healthcare NHS Trust

- Request funding towards A&E provision through S106 agreement to address a funding gap in the first year of occupation of developments.

16 comments have been received objecting to the proposal:

- Out of keeping with the area
- Urbanisation
- Additional traffic
- Marsh Road unsuitable for additional traffic – not wide enough for two vehicles in places
- Marsh Road is used as a “rat run”
- Concern over highway safety
- Could increase surface water flooding – there are already issues on Marsh Road, and this has caused flooding of Flint Cottage in the past.
- Concern over sewerage capacity
- Hedges need to be protected
- Lack of footway along Marsh Road
- The proposed footway will only benefit the development, not other residents of Marsh Road.
- Parking shown on plans not sufficient
- Impact on residents of Marsh Road (approximately 30 households)
- Timing of traffic survey coincided with a road closure in Bishopstone so traffic numbers would have been reduced
- Does not make any provision for traffic calming – the submitted survey identifies that up to half the cars passing the site are speeding.
- HS2 is likely to increase traffic in the area with the construction of link roads around Aylesbury
- The relieve road to Princes Risborough will increase traffic through Kimble and Marsh Road will no longer be protected from unsuitable traffic once alterations to the railway bridge are carried out.
- Objections to the inclusion of the site were made to the neighbourhood planning group, including the submission of a petition.
- Detrimental to wildlife
- Site should not be considered outside of the neighbourhood planning process.
- Early submission of the application ahead of the completion of the neighbourhood planning process is an attempt to circumvent that process.
- Should not be decided until new road plans completed.
- Different in character to development along Marsh Road
- Lack of small dwelling in the scheme
- Affordable housing should be smaller 1 or 2 bedroom units.
- Need to be clear about responsibility for management and maintenance of the landscaped area
- Hedge on the west boundary has protected status as an ancient hedgerow.
- Site is adjacent to the AONB
- Clanking is a distinct settlement from Little Kimble and is entirely linear. Layout is not in keeping with the immediate area.
- Will encroach on the green area between Clanking and Great Kimble and with other proposed developments will merge the separate settlement and perpetuate ribbon development between Aylesbury and Princes Risborough.
- Site visible from public footpath.
- Too dense and too many houses.