



West Buckinghamshire Area Planning Committee agenda

Date: Tuesday 12 October 2021

Time: 6.30 pm

Venue: High Wycombe Council Chamber, Queen Victoria Road, High Wycombe, HP11 1BB

Membership:

A Alam, M Ayub, A Baughan, I Hussain, D Johncock, N Marshall (Chairman), C Oliver, S Raja, M Turner, P Turner (Vice-Chairman), S Wilson and K Wood

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Agenda Item **Page No**

1 Apologies for Absence

2 Declarations of Interest

To receive any disclosure of disclosable pecuniary interests by Members relating to items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the Monitoring Officer prior to the meeting.

Members are reminded that if they are declaring an interest they should state the nature of that interest whether or not they are required to withdraw from the meeting.

3 Minutes of the Last Meeting

To note the minutes of the meeting held on 14 September 2021.

3 - 6

Planning Applications

4 21/05368/OUT - Land off Horns Lane, High Wycombe, Buckinghamshire

7 - 38

5 21/06533/FUL - The Spinney, Upper Icknield Way, Whiteleaf, Buckinghamshire, HP27 0LY

39 - 50

6 21/06577/FUL - Silver Birches, Hawks Hill, Bourne End, Buckinghamshire, SL8 5JQ

51 - 62

7 CM/0009/21 - Wycombe Recycling Ltd, Unit 53, Binders Industrial Estate, Cryers Hill Road, Cryers Hill, Buckinghamshire, HP15 6LJ

63 - 92

8 Availability of members attending site visits (if required)

To confirm members' availability to undertake site visits on Monday 8 November 2021 if required.

9 Date and Time of Next Meeting

Tuesday 9 November 2021 at 6.30pm.

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Liz Hornby on 01494 421261, email democracy@buckinghamshire.gov.uk.



West Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the West Buckinghamshire Area Planning Committee held on Tuesday 14 September 2021 in High Wycombe Council Chamber, Queen Victoria Road, High Wycombe, HP11 1BB, commencing at 6.30 pm and concluding at 9.13 pm.

Members present

A Alam, M Ayub, I Hussain, C Oliver, S Raja, M Turner, P Turner, S Wilson and K Wood

Others in attendance

Apologies

A Baughan, D Johncock and N Marshall

Agenda Item

1 Declarations of Interest

Councillor M Turner declared an interest in items 5 and 6 as a Member of the SW Chiltern Community Board and as ward member for Chiltern Villages. Councillor M Turner declared he would keep an open mind, would listen to the debate and make a decision once the debate was over.

2 Minutes of the Last Meeting

The Minutes of the meeting held on 17 August 2021 were agreed as an accurate record subject to removing Mr P Turner as ward member for item 4. A Member referred to Application 20/05742/FUL – 17-19 Frogmoor, High Wycombe, Buckinghamshire HP13 5DQ and expressed concern in relation to the lifts. In response it was noted that if there had been any issue with the build not including lifts then this could be addressed by Building Control/Planning Enforcement and it was important for the public to report any issues where development did not comply with planning permission.

3 20/07950/FUL - Tifnams, Owlswick Lane, Owlswick, Buckinghamshire, HP27 9RJ

Alteration and subdivision of the existing dwelling to form two dwellings with parking and amenity space.

Members voted in favour of the motion to refuse the application on the grounds that in the opinion of the Local Planning Authority the application site was situated in an unsustainable location within the open countryside, outside of the defined settlement of Longwick and Princes Risborough. The development by virtue of its location, which has no safe and convenient access to services by non-car modes of travel, would fail to maximise sustainable transport options. The absence of adequate infrastructure and the sites remoteness from major built up areas is such that residents of the proposed development would be likely to be highly reliant on the use of the private car, contrary to the principles of sustainable development which promote a reduction in travel by the car and giving people a real choice about how they travel. The development would be contrary to the advice contained in the National Planning Policy Framework and Policies CP3 (Settlement Strategy), DM21 (The Location of New Housing) and DM33 (Managing Carbon Emissions: Transport and Energy Generation) of the adopted Wycombe District Local Plan (August 2019).

It was proposed by Councillor K Wood and seconded by Councillor C Oliver

Resolved: 'minded to refuse permission' for the application.

4 20/08321/FUL - Land Between Landfill Site, Coldmoorholme Lane, Bourne End, Buckinghamshire

Temporary planning permission (25 years) to undertake the development works required for the construction and operation of a battery energy storage facility, associated infrastructure and landscaping.

Members voted unanimously in favour of the motion to refuse the application on the grounds that the site was located within the Green Belt, where there is a presumption against inappropriate development. The use will result in additional built development taking place that has an impact on the openness of the Green Belt. The use and associated operational development do not fall within the exceptions of development and are therefore regarded as inappropriate.

Very special circumstances have not been adequately demonstrated. Accordingly, the harm, by reason of inappropriateness and any other harm, in this case: a reduction in openness; impact on the Little Marlow Lakes Country Park and failure to contribute to its continued development cannot be clearly outweighed by other considerations.

As such this development is contrary to policies CP8 (Protecting the Green Belt) and DM42 (Managing Development in the Green Belt) of the Wycombe District Local Plan, adopted August 2019.

The site was located within the Little Marlow Lakes Country Park. The proposal fails to provide for environmental benefits thus failing to contribute to the continued development and long term management of the Country Park. As such this development is contrary to policies RUR4 (Little Marlow Lakes Country Park) of the Wycombe District Local Plan, adopted August 2019.

Speaking as Ward Member: Councillor David Watson also speaking on behalf of Councillor David Johncock

Speaking in objection: Mr Sam Kershaw

Speaking as the Parish Council: Parish Councillor Kathryn Acres

Speaking as the agent: Mr Lee Searles

It was proposed by Councillor C Oliver and seconded by Councillor S Wilson

Resolved: that the application be refused.

- 5 21/06407/FUL - Litmore Shaw, Grays Lane, Ibstone, Buckinghamshire, HP14 3XX**
Retention of an underground store, hardstanding and open fronted animal shelter (retrospective).

A Motion was put forward by Councillor M Turner, seconded by Councillor S Wilson, to refuse the application due to the landscape character and the sense of place within the Area of Outstanding Natural Beauty, which was lost. Members then voted in favour of the motion to approve the application. Both motions were tied whereupon the Chairman used his casting vote in favour of the motion below.

Speaking as Ward Member: Councillor Dominic Barnes also speaking on behalf of Councillor Zahir Mohammed

Speaking in objection: Turville Parish Councillor Alice Nuggens

Speaking as the Parish Council: Ibstone Parish Councillor Richard Scott

Speaking as the agent: Mr David Driver

It was proposed by Councillor S Raja and seconded by Councillor K Wood

Resolved: that the application be approved.

- 6 Availability of members attending site visits (if required)**
RESOLVED: That in the event that it was necessary to arrange site visits on Monday 11 October 2021 in respect of the agenda for the meeting on Tuesday 12 October 2021, the following Members be invited to attend.
Councillors:

C Oliver

M Turner

P Turner

S Wilson

K Wood

- 7 Date and Time of Next Meeting**
Tuesday 12 October 2021 at 6.30pm



Report to West Area Planning Committee

Application Number:	21/05368/OUT
Proposal:	Outline for up to 50 dwellings including details of the junction with Horns Lane (not internal roads) and associated highway works, with all matters (relating to appearance, landscaping, scale layout and access) reserved.
Site Location:	Land Off Horns Lane High Wycombe Buckinghamshire
Applicant:	Mrs Jo West - Strategic Asset Manager
Case Officer:	Emma Crotty
Ward(s) affected:	Booker, Cressex & Castlefield
Parish-Town Council:	High Wycombe Town Unparished
Date valid application received:	5th February 2021
Statutory determination date:	7th May 2021
Recommendation:	Permission with Planning Obligation

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Outline planning permission is sought for up to 50 residential units, on an allocated site on the outskirts of High Wycombe.
- 1.2 Outline consent is sought only, with all other matters 'reserved', to be dealt with at a later stage through a formal Reserved Matters planning application. Details of the access to the site, from Horns Lane, have however been provided. The Reserved Matters are appearance, landscaping, scale, layout and access. Therefore this application only serves to determine whether the principle of the proposed development and access point with Horns Lane, are acceptable.
- 1.3 The application is considered to comply with the requirements of its site allocation policy - HW10. The development would be required to incorporate upgrades to the vehicular and pedestrian accesses to the land and junction with Cressex Road. The scheme would include a new play park and local open space.
- 1.4 It is considered the resultant development would be able to meet tree coverage requirements, parking requirements, drainage requirements and could be designed to ensure an acceptable impact on the residential amenities of both existing neighbours

and future residents. A 'Memorandum of Understanding' (legal agreement) can be used to ensure, amongst other matters, that offsite works take place as well as provision of on-site affordable housing. It should be noted that the Council cannot enter into a s106 agreement with itself (hence the need for the 'Memorandum of Understanding').

- 1.5 The land is currently owned by Buckinghamshire Council (the applicants) with an external planning consultancy acting as planning agent. As the applicant is the Council, as per the Constitution, the determination of the planning application must be made at Planning Committee.
- 1.6 In this instance, subject to an acceptable 'Memorandum of Understanding' and conditions, the development is recommended for approval given that the proposal would conform to Development Plan policy, which is consistent with the National Planning Policy Framework.

2.0 Description of Proposed Development

- 2.1 This outline planning application is for up to 50 dwellings and includes details of the junction with Horns Lane (not internal roads) and associated highway works. All other matters are reserved (to be dealt with at a later stage through a reserved matters formal planning application).



Figure 1. Site location

Indicative plans demonstrate a potential layout of the scheme, based on an indicative accommodation schedule of 3 x 1 bed, 3 x 2 bed, 33 x 3 bed, 6 x 4 bed and 5 x 5 bed units. These could be delivered as a mixed of houses and flats ranging from 2 storey to 3 storey in height.

2.2 Plans also provide details on the access to the site. The existing access to the site from Horns Lane would be upgraded and utilised as the only vehicular access point to the development. In addition, improvements are proposed at the junction of Horns Lane with Cressex Road including the provision of a flared exit from Horns Lane onto Cressex Road and the widening of Cressex Road to provide a right turn ghost filter lane (for vehicle waiting to turn right into Horns Lane). A footpath alongside the highway is also proposed to connect the development with Cressex Road.

2.3 The application also provides details on:

- how open space standards would be met,
- how SuDS would be incorporated into the scheme,
- canopy cover requirement achieved, and
- noise from the M40/ air park mitigated.

To this end, the indicative plans show a LEAP (local equipped area of play) as well as a green space incorporating a drainage basin.

2.4 The 1.8ha triangular site is located on the urban fridge of High Wycombe in Booker. It is bound by Horns Lane to the south west (with M40 motorway beyond). Houses are located to the east and south, with mainly allotments located to the north. The site is relatively flat and currently used for horse grazing. A public right of way goes through the site.

2.5 The site is NOT in the green belt nor AONB. It does benefit from an allocated site policy, HW10 in the Adopted Local Plan.

2.6 The application is accompanied by:

- a) Air Quality Assessment
- b) Design and Access Statement
- c) Arboricultural Impact Assessment
- d) Biodiversity Net Gain Assessment
- e) Ecology and Tree Checklist
- f) Flood Risk Assessment & Intact Dry Density Testing
- g) Noise Assessment
- h) Landscape and Visual Impact Assessment
- i) Preliminary Ecological Appraisal
- j) Reptile & Badger Survey
- k) Statement of Community Involvement
- l) Sustainability Statement
- m) Tree Canopy Calculator
- n) Transport Statement
- o) Utilities Assessment
- p) Preliminary Green Infrastructure Report

2.7 Amended information was received during the course of the application which included:

- Amended Bio-Diversity Net Gain Assessment
- Amended Infiltration testing
- Amended summary of saturation moisture content
- Amended transport note

- Amended bio-diversity metric
- Amended Flood Risk Assessment & SuDS

3.0 Relevant Planning History

3.1 The only applications for this site have been for field shelters/ stables.

4.0 Policy Consideration and Evaluation

4.1 In considering the application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

4.2 In this case the site is allocated for development by Policy HW10 of the adopted Local Plan. There are other development plan policies that are also relevant. The policy framework will be set out below.

Principle and Location of Development

Wycombe District Local Plan (August 2019):

CP1 (Sustainable Development),

CP2 (Overall Spatial Strategy)

CP3 (Settlement Hierarchy),

CP4 (Delivering Homes),

HW10 (Horns Lane, Booker, High Wycombe)

DM21 (The Location of New Housing)

4.3 The application site is subject to Local Plan policy HW10. This Policy (and Plan) were adopted in August 2019, following two major rounds of public consultation in 2016 and 2017; the Plan was subsequently reviewed through Public Examination by an independent planning inspector in 2018. A further stage of consultation occurred in 2019 after the inspector issued her report in 2019, before Wycombe District Council adopted the plan in August 2019.

4.4 HW10 solely relates to this piece of land and a smaller rectangular section, alongside the site, to the north. HW10 allocates the site for residential uses and Green Space. The policy states that development is required to:

- 1) Provide a noise assessment and mitigation measures to address the issue of the nearby M40 motorway noise;
- 2) Provide access off Horns Lane;
- 3) Provide a suitable footway between the site and Cressex Road
- 4) Protect perimeter vegetation, including the hedgerows between the site and the adjacent allotments, which respects the existing footpath crossing through the centre of the site.

4.5 The policy is accompanied by an illustrative layout and supporting text. This text gives an indicative figure of 64 homes across the entire site (subject to outcome and impact of noise assessment). The supportive text suggests the whole site is developed comprehensively.

4.6 This application is for residential use and green space and therefore complies with the overall requirements of the policy. Turning to density, the overall site allocation area is 2.05 ha. The application site does not comprise the entire site allocation area. Instead it comprises 1.8ha of land which equates to 88% of the total size of the site allocation.

Assuming constraints/ requirements are equal across the two areas, it is reasonable to consider that the development site could indicatively contain around 56 dwellings (which is just short of the 64 units suggested in the Local Plan). This small shortfall does not raise any planning issues. The proposed development is for up to 50 units and therefore would appear to result in an appropriate density of the site (around 28 dwellings per hectare).

- 4.7 Turning to the consideration of Green Space, 0.49 ha of green infrastructure is shown in the indicative plans which includes a significant area also utilised as a drainage basin and a separate play area. As per DSA policy DM16 (Open Space in New Development), strategic open space should be provided off site and funded through CIL. Local open space should be provided on site at a standard of 1.15ha per 1000 population. Assuming 64 dwellings across the entire site allocation and an assumed average household size of 2.4 people per unit, the site should deliver at least 924 sqm of local areas of play and 847 sqm of informal amenity space (i.e. nearly 0.2 ha in total). In this case, the indicative scheme is considered to meet the open space standards expected of the entire site allocation providing around 0.49 ha compared with 0.2 ha required.
- 4.8 In terms of M40 motorway noise, an assessment has been conducted and mitigation measures recommended, which have been incorporated into the indicative plans.
- 4.9 Considering the requirement of access off Horns Lane, this is shown, as well as a footway between the site and Cressex Road.
- 4.10. The policy requires perimeter vegetation to be protected. Indicative details and submissions demonstrate that a scheme of up to 50 dwellings could retain the majority of perimeter vegetation (which would likely require enhancement in any case to meet the requirement for 25% tree canopy cover). There may be some loss of perimeter hedging to the front of the site however (adjacent Horns Lane) to ensure appropriate visibility splays can be provided.
- 4.11 On this basis, it is considered that that this scheme of up to 50 dwellings could fulfil the policy requirements of HW10. Whilst it is noted that the whole site allocation is not coming forward together, the two parcels of land are clearly separate (with hedgerow between) and within separate ownership. Furthermore this section of land coming forward first is not considered to jeopardise the overall delivery of the site. This scheme also demonstrates that open space requirements for the entire site allocation can be provided through this proposed scheme.

Affordable Housing and Housing Mix

Wycombe District Local Plan (August 2019):

DM22 (Housing Mix),

DM24 (Affordable Housing),

DM41 (Optional Technical Standards for Building Regulation Approval)

Planning Obligations Supplementary Planning Document (POSPD)

- 4.12 This site would be required to provide 48% of the total number of units on site as affordable housing. The mix and tenure of houses should be provided in accordance with the current evidence at the time (currently a split of 80% affordable rented with up to 20% as intermediate products).
- 4.13 Given this is an Outline application, the type and location of affordable and private housing and the housing mix would be considered at the subsequent Reserved Matters

application stage. However, the indicative plans indicate an appropriate mix of property types and sizes.

- 4.14 The applicant has stated they are prepared to provide a policy compliant level of affordable housing, which can be secured at this stage through a 'Memorandum of Understanding'.

Transport matters and parking

Wycombe District Local Plan (August 2019):

CP7 (Delivering the Infrastructure to Support Growth)

CP12 (Climate change)

DM33 (Managing Carbon Emissions: Transport and Energy Generation)

DM35 (Placemaking and Design Quality)

DSA:

DM2 (Transport requirements of development sites)

Interim Guidance on the Application of Parking Standards

Buckinghamshire Countywide Parking Guidance

- 4.15 Whilst 'access' is a reserved matter, details have been provided on the access point at Horns Lane, as well as off-site highway works, including those at the junction of Horns Lane with Cressex Road.
- 4.16 A PICADY assessment was carried out on 18th June 2019 (i.e. pre-Lockdown) and figures have been 'growth-ed up' to those which would have been expected during a 'normal' 2021. These results show that irrespective of the development, the junction would be operating above capacity, with the development exacerbating the problem. As a result, the development proposes to provide some junction improvements. This includes the provision of a flared exit from Horns Lane onto Cressex Road and the widening of Cressex Road to allow a right turn ghost filter lane (for vehicles wanting to turn into Horns Lane). This would increase the capacity of the junction. The Highways Officer is content that this would sufficiently mitigate the impacts of the scheme.
- 4.17 In addition, as a result of the speed survey, a visibility splay to the right on exit of the site is required of 2.4m x 125m. The authority's Highways Officer also advises that the 30 mph speed limit is extended to the site entrance (from Cressex Road), which can be achieved through the provision of additional lighting columns. Furthermore, a footway is proposed alongside Horns Lane connecting the development with Cressex Road; this would meet the requirements of HW10. These off-site works can be secured by Grampian condition on any planning application.
- 4.18 The internal road layout would be dealt with at reserved matters stage.
- 4.19 In terms of parking, this would also be dealt with at reserved matters stage, but the indicative plans do currently demonstrate that sufficient parking could be provided to meet our current parking standards, for the 50 units indicated (106 parking spaces are currently shown which is policy compliant based on the housing mix demonstrated).
- 4.20 With regards to the existing public right of way crossing the site, Local Plan policy expects that development proposals ensure that the convenient use and enjoyment of existing public rights of way are not affected by development. The indicative site layout demonstrates a marginal diversion to the route. If this was to occur, a legal diversion process under s.257 TCPA 1990 would need to be carried out. This would be preferable though to the footpath passing through parking spaces, which would be less attractive and not follow 'safe by design' principles. It is recommended that the surface of

the public right of way is upgraded to footway standard, off site from the application boundary to the existing Limmer Lane footway. In addition, it is accepted that the existing kissing gates can be removed to provide push chair, mobility scooter and wheelchair access along this footpath. It is also noted that additional footpaths are shown on the indicative plans throughout the site, including to provide a pedestrian route through to 'The Paddocks'.

Raising the quality of place making and design

Wycombe District Local Plan (August 2019):

CP7 (Delivering the Infrastructure to Support Growth),

CP9 (Sense of place),

HW10 (Horns Lane)

DM32 (Landscape character and Settlement Patterns),

DM34 (Delivering Green Infrastructure and Biodiversity in Development),

DM35 (Placemaking and Design Quality)

DM40 (Internal space standards)

DSA:

DM11 (Green networks and infrastructure),

DM16 (Open space in new development)

Residential Design Guide

- 4.21 Appearance, landscaping, scale, layout and access are all reserved matters and therefore whilst an indicative plan have been provided, full details would be required and secured at the next stage. It is expected that the scheme would follow the guidance set out in the Residential Design Guidance SPD to ensure the development reflects good design including protecting the amenities of neighbours. For the avoidance of doubt, the site plan currently submitted should not be the final layout of the scheme.
- 4.22 It has been suggested to the agent that should outline permission be forthcoming, further discussions take place with the Council's urban design specialists and planners, to ensure a scheme is presented in future applications which is policy compliant and can be fully supported by officers.

Environmental issues

Wycombe District Local Plan (August 2019):

CP7 (Delivering the infrastructure to support growth),

DM20 (Matters to be determined in accordance with the NPPF)

DM35 (Placemaking and Design Quality)

HW10 (Horns Lane)

- 4.23 The site is within close proximity of the M40 motorway and therefore the allocated site policy requires a noise assessment to be provided and mitigation measures to be secured to address the issue of the nearby M40 motorway noise. The Noise Assessment submitted demonstrates that through layout and design the development can be sufficiently protected from noise from the M40 and, to a reasonable standard, noise from aircraft using Booker airfield. Though the final layout of the development is yet to be finalised, the suggested mitigation within the report should guide that final layout and the standard of glazing and acoustically treated ventilation to be installed. The Assessment refers to the modelling including noise barriers alongside the M40.

The assessment stated that these made little difference (due to the motorway already being set down from the site).

- 4.24 It should be noted that the noise assessment took place in November 2019 (i.e. pre-Covid).

Flooding and Drainage

Wycombe District Local Plan (August 2019): CP7 (Delivering the Infrastructure to Support Growth),
CP12 (Climate Change),
DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 4.25 Whilst there is some reference in representations about the field getting boggy, data held by relevant agencies does not show that the site is at risk of flooding (fluvial, groundwater or surface water).
- 4.26 Notwithstanding this, and in order to meet planning policy requirements with regards to run-off rates, details have been provided on an indicative drainage system which could be incorporated into the scheme. This includes the use of soakaways, permeable paving and an infiltration basin. The Council's drainage officers do not object, subject to further information being provided at Reserved Matters stage to appropriately refine the drainage system. It may be the case that the infiltration basin needs to be brought further within the site and may require further space around it (depending of the geology below); but this would be determined at the later stage.

Landscape Issues

Wycombe District Local Plan (August 2019):
CP10 (Green infrastructure and the Natural Environment)
DM32 (Landscape character and Settlement Patterns)
DM34 (Delivering Green Infrastructure and Biodiversity in Development)
DM35 (Placemaking and Design Quality)
DSA:
DM11 (Green networks and infrastructure)

- 4.27 A Landscape and Visual Assessment has been submitted to assess the important landscape features of the site and proposes landscape mitigation and enhancement measures. It is proposed that the scheme would include a landscape strategy to ensure an appropriate setting is created, assimilate built elements into the landscape, minimise adverse effects on visual amenity and enhance and reinforce the existing landscape framework. The site is not within the AONB; it is located between existing housing, the M40 motorway and allotments. It does benefit from strong perimeter vegetation which should be retained, as per the requirements of HW10. Indicative plans demonstrate that a scheme is possible which would have an acceptable landscape impact.

Green networks, Infrastructure & Ecology

Wycombe District Local Plan (August 2019):
CP7 (Delivering the Infrastructure to Support Growth)
CP9 (Sense of Place)
CP10 (Green infrastructure and the Natural Environment),
DM34 (Delivering Green Infrastructure and Biodiversity in Development),
DSA: DM11 (Green networks and infrastructure)

DM13 (Conservation and enhancements of sites, habitats and species of biodiversity and geodiversity importance)

DM14 (Biodiversity in Development)

Green Infrastructure

4.28 Green infrastructure is defined as a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. A preliminary green infrastructure report has been issued which demonstrates that over a quarter of the site would be green infrastructure. This would include a play park, green space including the attenuation basin and green paths/links surrounding the estate.

Biodiversity

4.29 Biodiversity refers to the diversity of species and habitats in the environment and biodiversity assets are those parts of the environment that contribute to biodiversity. Planning policy requires all developments to protect and enhance biodiversity. Biodiversity assessments have been submitted. The latest documents show the net loss of biodiversity units as -3.44 units (-62.63%) for habitats but a +19.16% gain for hedgerows. This proposal therefore needs to fund the creation of an additional 3.78 habitat biodiversity units off site (to provide a 10% enhancement). This could be secured through the 'Memorandum of Understanding' Agreement, which could ensure that these biodiversity units are provided either via the identification of a suitable Biodiversity Offsetting Scheme or via payment to the Local Planning Authority to source the compensation on the behalf of the applicant.

Trees

4.30 As part of the Local Plan requirement, development of the site is required to protect perimeter vegetation, including the hedgerows between the site and the adjacent allotments, which respects the existing footpath crossing through the centre of the site. The Arboricultural Impact Assessment indicates that this is achievable, subject to final layout being agreed and the submission of more detailed assessments conditioned.

4.31 Given its size, the development must satisfy the 25% canopy cover requirement as per Local Plan policy. The canopy cover calculator submitted shows that only 6% of the site is currently canopy cover. Given the extent of green infrastructure areas throughout the site and the potential for tree planting within the to be proposed built up residential parts of the site, it is considered that a tree canopy coverage of 25% should be possible and therefore to deal with this by condition is considered reasonable.

Ecology

4.32 A preliminary ecological appraisal has been completed along with a reptile and badger survey, which are considered appropriate. The Ecology Officer has confirmed that surveys have shown that there are unlikely to be impacts upon notable or protected species which cannot be mitigated/compensated for through conditions (this includes bats).

Building sustainability and climate change

Wycombe District Local Plan (August 2019):

DM33 (Managing Carbon Emissions: Transport and Energy Generation),

Air Quality SPD

- 4.33 A Sustainability Statement accompanies the application which establishes the principles that would be followed, or given further consideration, to enable the development to meet sustainability principles and policy requirements.
- 4.34 The applicant has set out that the development will meet the relevant water efficiency requirements set out in policy. Furthermore, planning policy requires the integration of renewable technologies to manage carbon emissions; the Statement recommends air source heat pumps are considered for all dwellings as well as photo-voltaic solar panels. Alternatively ground source heat pumps could be considered. It is suggested that around an 18% reduction in carbon emissions over the standard rate could be achieved. It should be noted that planning policy does not set out a target for the level to be achieved by such a scheme.
- 4.35 Furthermore, electric vehicle charging points should be provided as per the Air Quality Supplementary Planning Document. The requirement is typically one per dwelling (less where there is unallocated parking). These electric vehicle charging points should have a minimum rating of 32 amp.

Public Open Space

Wycombe District Local Plan (August 2019):

CP7 (Delivering the infrastructure to support growth)

DSA:

DM16 (Open space in new development)

DM19 (Infrastructure and delivery)

- 4.36 DSA policy requires new developments to make provision for public open space. The standards required for this development are 1.15 ha of local open space per 1000 population. It should be noted that this should be in addition to any on-site provision of private or communal open space required as part of providing sustainable, high quality environments. It should also be noted that strategic open space for this development would be provided off-site and funded through CIL, as per policy.
- 4.37 Taking an average household size of 2.4, for this scheme, 1380 sqm of local open space would be expected, or 1766 sqm, if a theoretical development of 64 units over the entire site allocation took place. 4900 sqm of green infrastructure is shown indicatively throughout the development, with two main areas of public open space. One of these areas is identified as a children's play park. A surface water attenuation basin is identified within the open space but such land would not normally be included in the open space calculation (because such features are not particularly usable as open space). It is considered that local space standards can be met within any future reserved matters layout. It is considered reasonable for the provision of the equipped play park (otherwise known as a Local Equipped Area of Play – LEAP) to be included in the Memorandum of Understanding, including provision for its long term management.

Infrastructure and Developer Contributions

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth)

DSA: DM19 (Infrastructure and delivery)

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

- 4.39 Furthermore, it is considered necessary to produce a Memorandum of Understanding to secure the provision of:
- (a) affordable housing (48% of total units on site of appropriate tenure)
 - (b) commuted sum for biodiversity improvements
 - (c) provision and maintenance of public open space/s on site including a children's play park (LEAP)
 - (d) provision and maintenance of SuDS
- 4.40 The applicant has confirmed that they are willing to enter into a Memorandum of Understanding.
- 4.41 In addition to this, it is considered reasonable to condition that the development of the site does not take place until off-site highway works (including the provision of a footpath to Cressex Road, junction improvements with Cressex Road, installation of lighting columns on a section of Horns Lane and public right of way footpath improvements) take place.

Weighing and balancing of issues / Overall Assessment

- 4.42 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.
- 4.43 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 (such as CIL if applicable), and,
 - c. Any other material considerations
- 4.44 As set out above it is considered that the proposed development would accord with development plan policies.
- 4.45 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.

Any Other Matters

- 4.46 For clarification, the site was formerly located in the Green Belt. However, the site was considered in the Green Belt reviews which took place in 2016 and 2017. The purpose of these reviews was to determine if land was still meeting its purposes as defined by national policy and to identify whether exceptional circumstances existed to warrant the removal of land from the Green Belt, to assist meeting housing needs, in the interests of sustainable development. The site was subsequently removed from the Green Belt in 2019 through the adoption of the Local Plan, and allocated for housing.

5 Working with the applicant / agent

- 5.1 In accordance with paragraph 38 of the NPPF (2019) the Council 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.
- 5.2 The Council 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.
- 5.3 In this instance:
- The applicant was provided with pre-application advice.
 - The applicant was provided the opportunity to submit amendments to the scheme/address issues.
 - The case was considered by the planning committee where the applicant had the opportunity to answer representations.

6 Recommendation

6.1 As the applicant is the Council, the application should be determined at Planning Committee. The planning officer's recommendation is:

Minded to grant permission subject to the completion of a Memorandum of Understanding

That the Service Director of Planning and Environment be given delegated authority to grant Conditional Permission provided that a Memorandum of Understanding is made to secure the following matters:

- affordable housing (48% of total units on site of appropriate tenure)
- commuted sum for off-site biodiversity improvements
- provision and maintenance of public open space/s on site including a children's play park (LEAP)
- provision and maintenance of SuDS

or to refuse planning permission if a Memorandum of Understanding cannot be secured.

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

Recommendation: Permission with Planning Obligation

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: That the application is expressed to be an outline application only.
- 2 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
- 4 The development hereby approved shall comprise no more than 50 dwellings. All dwellings are required to achieve the standards in Building Regulations Approved Document M4(2). 30% of any affordable homes and 20% of any market homes shall meet the standards in Building Regulations Approved Document M4(3).
Reason: In order to control the amount of development in the interests of the character and appearance of the area, to limit the development to the quantum that has been proposed and to comply with the requirements of policy DM41.
- 6 No development to take place until details of the Horns Lane vehicular access have been submitted and approved in writing by the Local Planning Authority. The access shall be designed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway". No other development shall take place until the access has been provided in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
Reason: This is a pre-start condition in order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
- 7 The details to be submitted for the approval of the Planning Authority within a Reserved Matters application seeking to determine matters of Layout shall demonstrate the development being served by means of adoptable estate roads which shall be laid out in accordance with the approved details.
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
- 8 The details to be submitted for the approval of the Planning Authority within a Reserved Matters application seeking to determine matters of Layout shall include a scheme for parking and manoeuvring in accordance with Buckinghamshire Council's Countywide Parking Guidance policy document 2015. The approved scheme shall be implemented and made available for use before the specific dwelling(s) the parking serves are occupied. The car parking spaces shall only be used for the parking of vehicles and shall not be used for any other purpose.
Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.
- 9 Prior to the commencement of any works on the site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of a banksman, on-site loading/unloading arrangements and parking of site operatives vehicles) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with such approved management plan.
Reason: This is a pre-commencement condition as development cannot be allowed to take place, which in the opinion of the Highway Authority, could cause danger, obstruction and inconvenience to users of the highway and of the development.

10 The reserved matters details of Access shall include detailed designs of the following off-site highway works:

- Pedestrian footway improvements on Horns Lane
- The Horns Lane/Cressex Road junction improvement mitigation scheme (the details to include a Stage 1 Road Safety Audit of the scheme)
- Provision of an appropriate street lighting scheme on Horns Lane

No dwellings shall be not occupied until the off—site highway works have been fully implemented.

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

11 Details to be submitted at reserved matters stage for Layout and Access shall include cycling and walking connectivity through the site and out to Limmer Lane, Horns Lane (2 access points) and The Paddocks. The scheme shall be implemented as approved, before 75% of the dwellings hearby approved are occupied.

Reason: To ensure the site is sustainable and is well linked to its surroundings by foot and cycle.

12 The following details shall be submitted with the reserved matters detail of Layout

- a) Existing ground levels on site (spot heights) including a datum point that is located off site. Levels should be Above Ordnance Datum (AOD).
- b) The level of the road outside the site. (AOD).
- c) The proposed levels on site following completion of the development (for each existing height a proposed height should be identified).
- d) The location and type of any retaining structures needed to support ground level changes.
- e) The Finished Floor Level for every building that is proposed.
- f) Cross sections within the site taken up to the site boundaries. The information supplied should clearly identify if land levels are being raised or lowered.
- g) In the case of residential development, sections showing the level of the proposed garden(s) and retaining structures (if relevant).

The development shall only be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposal is constructed at an acceptable level with regards to the surrounding area.

13 Details of 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, shall be submitted to and approved in writing by the local planning authority.

The scheme shall be submitted to the Local planning Authority with the reserved matters details of Layout.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include the following:

- Geotechnical ground investigations to assess the risk of solutions features to the site carried out by a suitability qualified geotechnical engineer

- The buffer distance around the infiltration basin to be fully within the red line boundary of the site
- Infiltration in accordance with BRE365 in the location of the proposed pond and to the proposed depth of the component
- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- Demonstrate that water quality, ecological and amenity benefits have been considered
- 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.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
 - Flow depth
 - Flow volume
 - Flow 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 167 and 169 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation. With the exception of any pruning, tree surgery or felling specifically shown in an approved tree report or landscaping scheme, no tree, shrub or hedge shall be pruned, felled or removed without the prior approval of the Local Planning Authority. If during construction of the development, or within a period of three years of its completion, any such tree, shrub, hedge dies or becomes damaged, destroyed, diseased or dangerous, it shall be replaced during the following planting season by another healthy, tree, shrub or hedge as the case may be of a similar size and species, unless otherwise approved in writing by the Local Planning Authority. Thereafter any such replacement planting shall be maintained or further replaced as necessary for three years after replacement.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping and to ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity.

- 15 The reserved matter detail of Layout shall include a report to demonstrate that 25% canopy cover can be achieved as part of this layout at the site. The reserved matters details of Landscaping shall provide the details of the species, sizes and densities of the proposed trees required to achieve the 25% canopy cover. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the character and appearance of the area, and in order to deliver biodiversity and green infrastructure in accordance with local plan policy DM34.
- 16 The Reserved Matters of layout and landscaping shall include details of arrangements for the setting out of the public open space including the woodland buffer and the playpark as part of the development. The arrangements shall address and contain the following matters:
a) The delineation and siting of the proposed public open space
b) The type and nature of any facilities to be provided within the public open space
c) The method of access to the areas of public open space including footpaths
Thereafter the development shall be carried out and completed in accordance with the approved scheme unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure that the development provides public and accessible open space in accordance with policy.
- 17 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To secure a satisfactory external appearance.
- 18 No development shall take place until a detailed layout of drainage, utilities and any other services which have been designed so as to avoid conflict with retained and proposed trees, has been submitted to and approved in writing by the Local Planning Authority. The installation of any such services shall be in accordance with guidelines set out in British Standard B.S. 5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' and the National Joint Utilities Group (Guidelines for the Planning Installation and Maintenance of Utility Apparatus in Proximity to Trees) Volume 4. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
Reason: This is a prestart condition to ensure that the trees and hedgerows within the site are protected, in the interests of visual amenity.
- 19 No development above ground shall take place until a schedule, and/or samples, of the hard landscape materials and finishes for the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Materials should:
 - be discreet and natural in appearance and reflect the rural character of the nearby landscape
 - avoid bright and reflective materials

- reinforce the local identity of the area by using specific materials traditional to the locality.

Reason: To secure a satisfactory external appearance.

- 20 No development shall take place until a fully detailed Arboricultural Method Statement and Tree/hedgerow Protection Plan based on that submitted at the outline stage has been submitted to and approved in writing by the local planning authority.

It shall also include details of supervision, monitoring and reporting which set out:

- when works need supervision from an Arboricultural Consultant,
- a regular site monitoring program to demonstrate that measures in the AMS are being followed structures with in RPAs are being installed correctly,
- the format for recording this information (i.e. including photographic evidence),
- a protocol for escalating and dealing with any deviations from agreed measures.

The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre- start condition in order to protect trees in the interests of the visual amenities and character of the area.

- 21 The development hereby permitted shall integrate and utilise high-efficiency alternative energy generation systems sufficient to deliver at least 15% of the total Target Fabric Energy Efficiency for the development. The dwellings hereby permitted shall not be occupied until 15% total Target Fabric Energy Efficiency is achieved. The TFEI and the % contribution made by high-efficiency alternative systems shall be calculated in accordance with Building Regulations Approved Documents L (2013, as amended 2016, or any update to this methodology in any future amendment of the Approved Documents) and be made available within 7 days upon request.

Reason: In the interests of sustainability, carbon reduction and the promotion of renewable technologies

- 22 No development shall take place until a scheme for the resurfacing, upgrade and provision of Footpath HWU/107/1 running through the development and east to Limmer Lane, to a width of at least 2 metres within the site and to adoptable standard, has been first submitted to and approved in writing by the Local Planning Authority. The footpath shall be resurfaced, upgraded and provided in accordance with the approved details prior to occupation of 25th dwelling hereby approved.

Reason: This is a pre-start condition to ensure the public footpath is provided in a suitable condition to accommodate safe access by new residents to the existing pedestrian network and to comply with guidance in the National Planning Policy Framework and Wycombe Local Plan Policy DM33.

- 23 The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.

Reason: In the interests of water efficiency as required by Policy DM41.

- 24 Unless otherwise agreed in writing by the local planning authority each dwelling with one or more dedicated parking spaces (as opposed to communal parking or on street parking) shall, prior to the occupation of that dwelling, be provided with the electrical infrastructure (32 Amp) suitable for a vehicle charging point accessible from that parking space. One further 32 vehicle charging point shall also be provide per 10 unallocated/ communal parking spaces.

Reason: To comply with the requirements of policy DM34 and to encourage residents to consider electrical vehicles and thereby reduce the negative impact on the health of residents due to vehicle emissions.

- 25 No development shall take place until an ecological design strategy (EDS) addressing mitigation compensation enhancement has been submitted to and approved in writing by the local planning authority.

The EDS shall be produced in coordination with the urban design layout of the site in an iterative process with the intention of maximising on site biodiversity value as will be evidenced through an updated biodiversity metric. The EDS shall include the following:

- a. Purpose and conservation objectives for the proposed works.
- b. Review of site potential and constraints.
- c. Detailed designs and working methods to achieve stated objectives.
- d. Extent and location/area of proposed works on appropriate scale maps and plans which relate to the updated biodiversity metric.
- e. Specification and source of materials (including plants and soil) to be used where appropriate, e.g. native species of local provenance.
- f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g. Persons responsible for implementing the works.
- h. Details of initial aftercare prior to implementation of the Landscape Ecology Management Plan (LEMP).
- i. Details for monitoring and remedial measures.
- j. Details for disposal of any wastes arising from works.
- k. Provision for wildlife corridors, including hedgehog holes in fences, native hedgerows and other linear features for habitat connectivity.
- l. Tree, hedgerow, shrub, wetland and wildflower planting and establishment.
- m. Proposed new landforms associated with habitat creation, e.g. water bodies/SuDSs features.
- n. Soil handling, movement and management.
- o. Creation of new wildlife features, including bird and bat boxes integrated into buildings (at least one per building), wildlife ponds, insect hotels/bee bricks, places of shelter for reptiles and hedgehogs, etc.

The EDS shall where appropriate be cross reference in other relevant details (e.g. landscape plans, LEMP, detailed building design, construction environmental management plan), and it shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: This is a pre-start condition to ensure that the biodiversity value of the site will be maximised in line with policy DM34.

- 26 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a. Construction Environmental Management Plans (Biodiversity)
- b. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- c. Details of site monitoring for badgers (and other species which may be present) in line with recommendation 8.1 of the submitted Reptile and Badger Survey, to ensure that the following mitigation measures are appropriately up to date.
- d. Risk assessment of potentially damaging construction activities.
- e. Identification of "biodiversity protection zones".
- f. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- g. The location and timing of sensitive works to avoid harm to biodiversity features.
- h. The times during construction when specialist ecologists need to be present on site to oversee works.
- i. Responsible persons and lines of communication.
- j. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- k. Use of protective fences, exclusion barriers and warning signs (including their specification, location and timing for erecting and dismantling).

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: This is a pre-start condition to ensure that development is undertaken in a manner which ensures important wildlife is not adversely impacted.

27 No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.

- i. Description and evaluation of features to be managed.
- ii. Ecological trends and constraints on site that might influence management.
- iii. Aims and objectives of management.
- iv. Appropriate management options for achieving aims and objectives.
- v. Prescriptions for management actions.
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- vii. Details of the body or organisation responsible for implementation of the plan.
- viii. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: This is a pre-start condition to ensure appropriate protection and enhancement of biodiversity, to make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare.

28 Prior to occupation, a "lighting design strategy for biodiversity" (which follows the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18 'Bats and artificial lighting in the UK') shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important movement corridors; and
- b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) and detail how timing of lighting will be controlled, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c. ensure that lighting shall have a colour temperature of less than 2700 Kelvin.
All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: Many species active at night are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established movement corridors or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. Limiting negative impacts of light pollution is also in line with paragraph 180 of the NPPF.

29 The reserved matter of Layout shall be accompanied by an updated Noise Assessment which shall take into account noise from the M40 motorway and Booker Airpark and any other nearby noise sources. The assessment shall propose a scheme to ensure that the dwellings and their private gardens are protected from excessive noise i.e. 30dB LAeq average over 8 hours within bedrooms (11pm-7am), 35dB LAeq average over 16 hours within living rooms (7am-11pm), and 55dB LAeq average over 16 hours for outdoors amenity areas (7am-11pm). The development shall only be constructed in accordance with the approved measures and no dwelling shall be occupied until the measures relating to that dwelling have been implemented.

Reason: In the interests of the residential amenities of future occupiers.

INFORMATIVE(S)

- 1 In accordance with paragraph 38 of the NPPF (2021) Buckinghamshire Council (BC) 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. BC 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. In this instance the applicant was provided the opportunity to submit amendments to the scheme/address issues.

- 2 This permission shall not be deemed to confer any right to obstruct the public footpath crossing the site which shall remain open and available unless legally stopped up or diverted under Section 257 of the Town and Country Planning Act 1990 or temporarily closed by Traffic Regulation Order under Section 14 Road Traffic Regulation Act 1984.
- 3 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
- 4 The applicant is advised that the off-site works will need to be constructed under a section 278 of the Highways Act legal agreement (or internal protocol should the implementing applicant be Buckinghamshire Council). 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 Highways Development Management at the following address for information: -

Highways Development Management (Delivery team)
Buckinghamshire Council
6th Floor, Walton Street Offices
Walton Street,
Aylesbury
Buckinghamshire
HP20 1UY
- 5 You are advised that Planning Obligations have been entered into in connection with this permission.
- 6 Please note that the indicative layout is not considered to be an acceptable layout for the site. Further discussions with the Planning Authority are recommended.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Majid Hussain:

I have real concerns about this application as you probably are aware there are other dwellings taking place in this area, There's issues with junctions, we are pushed with schools, doctors surgery all this will lead to more traffic for local residents.

Cllr Darren Hayday:

As one of the local Cllrs for the area I cannot support this application. They have added additional dwellings, they have not addressed the change in flying movements at the nearby airpark, there has been no consultation with UK Highways regarding installing sound barriers from the nearby M40, I'm not happy that more has not been done about controlling the junction from Cressex Road into Horns Lane (at the moment we have long queues which form up Horns Lane approaching Cressex Road in busy times of the day). Also, more importantly I and other Cllrs have requested that a pathway be installed along the side of Horns Lane from the exit/entrance of the ROW footpath (where the proposed site would be) down to the nearby cottages and continuation of the ROW for walkers, etc. - at the moment this is very dangerous for people wanting to take this route as they have to step out onto the busy road at a corner. Finally I am fed up with all of the rubbish which is currently thrown out of vehicles that go along Horns Lane through the Booker Woods and no mention of any ongoing plans to address this (which is getting worse). This development would make this problem even worse. I personally pick up a lot of this rubbish at least twice a year for the last 4 years. As we are now one big happy Unitary Council, we should be having a joined-up plan to tackle these issues I have highlighted - before I can support this application.

It seems to be that BC want to make as much money out of this parcel of land by selling it to the developer, rather than addressing these points regarding the benefits of the residents!

(Former) Cllr Brian Pearce:

I strongly object to this proposed development as it appears to be geared towards financial gain more than an actual housing need. My main objections are:

1. Infrastructure - a major concern. I demand vast improvements to the junction at Horns Lane and Cressex Road. At the minimum, I would like to see a mini-roundabout, with a filter lane, and traffic light control. I have been informed that this lack of provision is nothing to do with the development and everything to do with costs. This stance from the Council is highly inappropriate and unacceptable.
2. Car parking - insufficient, inadequate and badly designed. Will encourage new residents to park in side roads.
3. Traffic generation - would cause significant congestion in and around the surrounding main roads and side roads. In particular, this would affect the unofficial cart road adjacent to Booker Common, which is already used as a rat run in rush hour. This is un-adopted and only really wide enough for one vehicle. It must be addressed and I believe that a barrier or gate should be installed at the bottom end by Horns Lane in order to prevent traffic accessing. In summary, it is already dangerous and this development would only add to that threat. In addition, the traffic build up pre lockdown can be quite horrendous with vehicles backtracking past the cottages in Horns Lane, sometimes almost to the junction with Lane End Road!

4. Noise and disturbance - Cressex Road/Clay Lane are already exceedingly busy, considering it is a non-classified road and this development would only add to the noise pollution and diminish the air quality experienced by the local residents. This could be aggravated by the other proposed development at Clay Hill.
5. Character of the area - a block of flats is not in keeping with the local area. I realise that houses are desperately needed, but this development is severely overcrowded and the Council would be better served to look at alternatives in the town. This field is on the edge of an area of Outstanding Natural Beauty. There are far too many houses being proposed with no consideration to the infrastructure, with a lack of planning in regard to parking.
6. Flood risk - this field is renowned for flooding and can get so bad that in the past the horses had to be moved to another field as they were getting bogged down. I believe that the development allows for a triangular piece of land adjacent to Cressex Road to be used as a mini flood plain.
7. Footpath - I would also like to see footpath improvements from Cressex Road, past the development and up until the cottages in Horns Lane. The local area is frequented by dog walkers, ramblers, and many young families. On a number of occasions, I have personally witnessed near misses with speeding traffic, where people have tried to cross from Booker Common into the local woods. Sadly, the area is well known locally as 'suicide alley'. Are the Council putting finances before the lives of our local residents?

Finally, last summer, I held two public resident meetings in the local village hall to gauge opinion on this proposed development. The response was overwhelming and everyone seemed to agree that there were far too many proposed houses for this site. I was led to believe that one of the advantages of having one Council (one big happy family), would be better consultation and liaison between the planning/consultants/highways department. Alas, this does not appear to be the case, as clearly demonstrated here. In fact, far from it!

Additional comments; There is talk of building an additional 10 houses on back land off of Limmer Lane with the entrance and exit to this site via the proposed site at Horn's Lane (21/05368/OUT) This would probably mean an additional 20 cars at least coming out onto Horn's Lane and should be taken into serious consideration with the Horn's Lane development. Also, most of these will go via the junction with Cressex Road.

I feel that in conjunction with the Horn's Lane site, this would certainly over-develop the area.

I am very concerned that this is going to bring a lot of traffic to this area this is a very quiet area and will bring the property prices down also unconcerned and that I see today day somebody measuring up to Road Limmer Lane where two properties are next to me which I am concerned that would be pulled down for a roadway which would make our road very dangerous.

Further representations were received from Cllr Pearce dated 23.02.21 (x2) & 29.07.21. These are available on Public Access.

Parish/Town Council Comments

The site is located in the unparished area of High Wycombe. However Great Marlow Parish Council have made the following comments:

Great Marlow Parish Council objects to this outline application. As an adjoining Parish it is concerned about the cumulative effect of traffic along Clay Lane bearing in mind the other

applications recently received, i.e. land off Clayhill, High Heavens Recycling Centre (now approved) and Revola (Clay Lane). This will be another car dependent site accessing an already busy road network.

Consultation Responses

The Berks, Bucks and Oxon Wildlife Trust (BBOWT):

BBOWT is a local nature conservation charity, and as such our comments relate specifically to the protection and enhancement of the natural environment and wildlife. We comment on as many relevant issues as our resources allow, and the absence of a comment on an issue should not be taken as our approval.

BBOWT is pleased to see that Biodiversity Net Gain is being aspired to as part of this planning application, we have the following advice to ensure it is achieved. The submitted Biodiversity Impact Assessment demonstrates that the proposals will result in an on-site loss of biodiversity. We recommend that the LPA uses a section 106 agreement to ensure that these biodiversity units are provided either via the identification of a suitable Biodiversity Offsetting Scheme by the applicant or via payment to the LPA to source the compensation on the behalf of the applicant.

Some advice was also provided by BBOWT on the Defra 2.0 Metric, to enable it to be brought into line with best practice.

Lead Local Flood Authority:

The LLFA removes their objection to the proposed development subject to a number of planning conditions being placed on any planning approval.

Public Rights of Way Officer:

I would recommend a condition which upgrades the surface of HWU/107/1 to footway standard, off site from the application boundary to the existing Limmer Lane footway. The recommended standard (2m bitumen with concrete edging) may not always be possible due to the confined space towards Limmer Lane, but if reduced to, say 1.0/1.2m, the site's sustainability can nevertheless still be enhanced.

The standard 2m width can be provided on-site through the development, but would seem only necessary along the section I highlight green in Extract 1 (i.e. not alongside the LAP). Moreover, any improved access to Limmer Lane has the additional benefit of complimenting future pedestrian access to the remaining section of housing allocation HW10. The Illustrative Masterplan indicates a pedestrian route from the site across HWU/107/1 into this land with a red arrow, also shown in the 'wider context plan'.

The existing kissing gates can be removed to provide push chair, mobility scooter and wheelchair access.

With the above in mind, a condition requiring the resurfacing, upgrade and provision of the footpath through and near the site, is recommended.

Environmental Health:

The Noise Assessment (report 19/0526/R2) by Cole Jarman demonstrates that through intelligent design the development can be sufficiently protected by noise from the M40 and, to a reasonable standard, noise from aircraft using Booker airfield. Though the final layout of the development is yet to be finalised, the suggested mitigation within the above report should guide that final layout and the standard of glazing and acoustically treated ventilation to be installed.

There is no indication of the level of parking provision for the development. It can be assumed that there will be a reasonable provision of parking and that all residential dwellings will be provided with at least one parking space. The developer therefore must provide electric vehicle charging points in accordance with the Air Quality Supplementary Planning Document. This would require each dwelling to be provided with at least one electric vehicle charging point with a minimum rating of 32amp.

Recommendation:

Objection, unless condition included to require electric vehicle charging points.

Ecology Officer (latest comments):

The amended documents now show the net loss as -3.44 units (-62.63%) for habitats and the same +19.16% gain for hedgerows. This is an increased loss from the previous position.

RECOMMENDATIONS:

As per the previous comments, there is no reason to refuse the application on ecological grounds, as long as an agreement can be drawn up for the transfer of the appropriate financial contribution for offsetting and appropriate conditions are applied.

The agreement will need to specify that not greater biodiversity loss shall result from the detailed designs produced as part of reserve matters, and that prior to commencement, the full financial value as determined by the Buckinghamshire financial calculator for the updated and agreed calculations, shall be paid, prior to commencement.

Conditions will be required as previously suggested which cover:

- Landscaping details which have been produced to maximise ecological value.
- Updated metric calculations which reflect the proposed landscaping.
- Wider ecological enhancements (e.g. bat and bird boxes, bee bricks etc) which are not covered by the metric.
- A Construction Environmental Management plan for ecology.
- A Landscape Ecological Management Plan to ensure the suggested conditions and distinctiveness scores for proposed habitats are reached.
- External lighting details showing how light spread will relate to ecological habitats and features. The lighting must be designed in accordance with paragraph 8.5 of the Preliminary Ecological Appraisal.

PREVIOUS COMMENTS:

The application includes all the appropriate ecological assessments for this stage. It is clear that the illustrative layout will result in a substantial area net loss in biodiversity on the site (58.28%). The proposals would however result in a net gain in hedgerow of 19.16%. These two figures are not comparable and one cannot compensate for the other. The illustrative layout has not been

designed in a way to maximise the biodiversity value on site and large areas of hard standing are evident. As policy DM34 requires the mitigation hierarchy to be followed, the layout and designs which would come in as part of reserve matters applications will require greater emphasis on reducing the amount of net loss on the site through design. Surveys have shown that there are unlikely to be impacts upon notable or protected species which cannot be mitigated/compensated for through conditions.

Tree Officer:

As part of the Local plan, development of the site is required to protect perimeter vegetation, including the hedgerows between the site and the adjacent allotments, which respects the existing footpath crossing through the centre of the site.

The AIA indicates that this is achievable, subject to final layout being agreed and AMS/ TPP by condition. Given its size, the development must satisfy the 25% canopy cover requirement as per Policy DM34 of the Wycombe District Local Plan (Delivering Green Infrastructure and Biodiversity in Development).

The soil across the whole site will be highly disturbed by construction and of poor quality, so tree pit design will be essential for both hard and soft landscaped areas.

Highways Officer: (latest comments):

You will recall my previous comments whereby additional information relating to the visibility splays at the proposed access and junction modelling of the Horns Lane/Cressex Road Junction was requested.

The applicant has submitted a Transport Note for which these comments will review.

HORNS LANE/CRESSEX ROAD JUNCTION ANALYSIS:

The applicant has included the results of a PICADY assessment of the Horns Lane/Cressex Road Junction within the Transport Note. I note that the applicant has used data collected on the 18th June 2019 by the council. The data was therefore collected prior to the national lockdown restrictions implemented as a result of the Covid-19 Pandemic and has been 'growthed up' to represent 'normal' traffic flows for 2021.

A PICADY analysis is an industry standard tool, with its use supported by highway authorities, planning authorities, the Planning Inspectorate, central government and transport professionals. Specifically, PICADY analyses what happens at priority junctions under the worst-case scenario (which in this case is during the respective weekday AM and PM peaks).

The results are presented in terms of Ratio of Flow to Capacity (RFC), seconds delay per passenger car unit (s/pcu) and Queue length (number of vehicles). RFC is a measure of the volume of traffic making a turning movement at the junction compared to the capacity of that movement determined by the geometric measurements of the road layout. The generally agreed practical capacity of a junction is at an RFC 0.85 or 85%. While junctions can still operate within theoretical capacity with an RFC value of up to 1 (100%).

The results of the PICADY assessment show that the junction would be operating above the practical capacity irrespective of the development traffic during the PM peak in 2027. However,

the development traffic would further exacerbate the situation. The development traffic would result in an increase to delay time of approximately 9 seconds to vehicles turning from Horns Lane onto Cressex Road and additional delays of approximately 5 seconds for vehicles turning right onto Horns Lane from Cressex Road during the PM peak time.

To mitigate the impacts of the development traffic, the application would provide some off-site junction improvements. This includes the provision of a flared exit from Horns Lane onto Cressex Road and the widening of Cressex Road to provide a right turn ghost filter lane (for vehicle waiting to turn right into Horns Lane).

The proposed mitigation scheme would improve the operation of the junction by increasing the junction capacity such that all arms of the junction would be operating within capacity in both the AM and PM peak periods in 2027 with the development traffic.

I am satisfied that the junction improvement works proposed would sufficiently mitigate the impact of the development traffic. The requisite improvements can be secured via condition on any permission granted.

VISIBILITY SPLAYS:

I note that the details of access are now a reserved matter. However, the indicative plans still show the access to be located in the location previously shown on Horns Lane.

The results of a speed survey carried out by the applicant show that the 85th percentile speeds of vehicles travelling eastbound towards the site access was 42.1mph. As a result, a visibility splay of 2.4m x 125m would be provided to the right on exit in accordance with guidance contained within Design Manual for Roads and Bridges.

An extension to the 30mph speed restriction at the Horns Lane/Cressex Road junction could be achieved through the provision of street lighting columns on Horns Lane to the point of the access which does not require a Traffic Regulation Order (TRO). This will create a more appropriate speed limit to reflect the changing road characteristics and can also be secured by an off-site works condition.

Mindful of the above and in consideration of my previous comments for this application, the Highway Authority raises no objection to the proposals, subject to conditions and informative points.

Representations

Comments from 47 parties have been received objecting to the proposal:

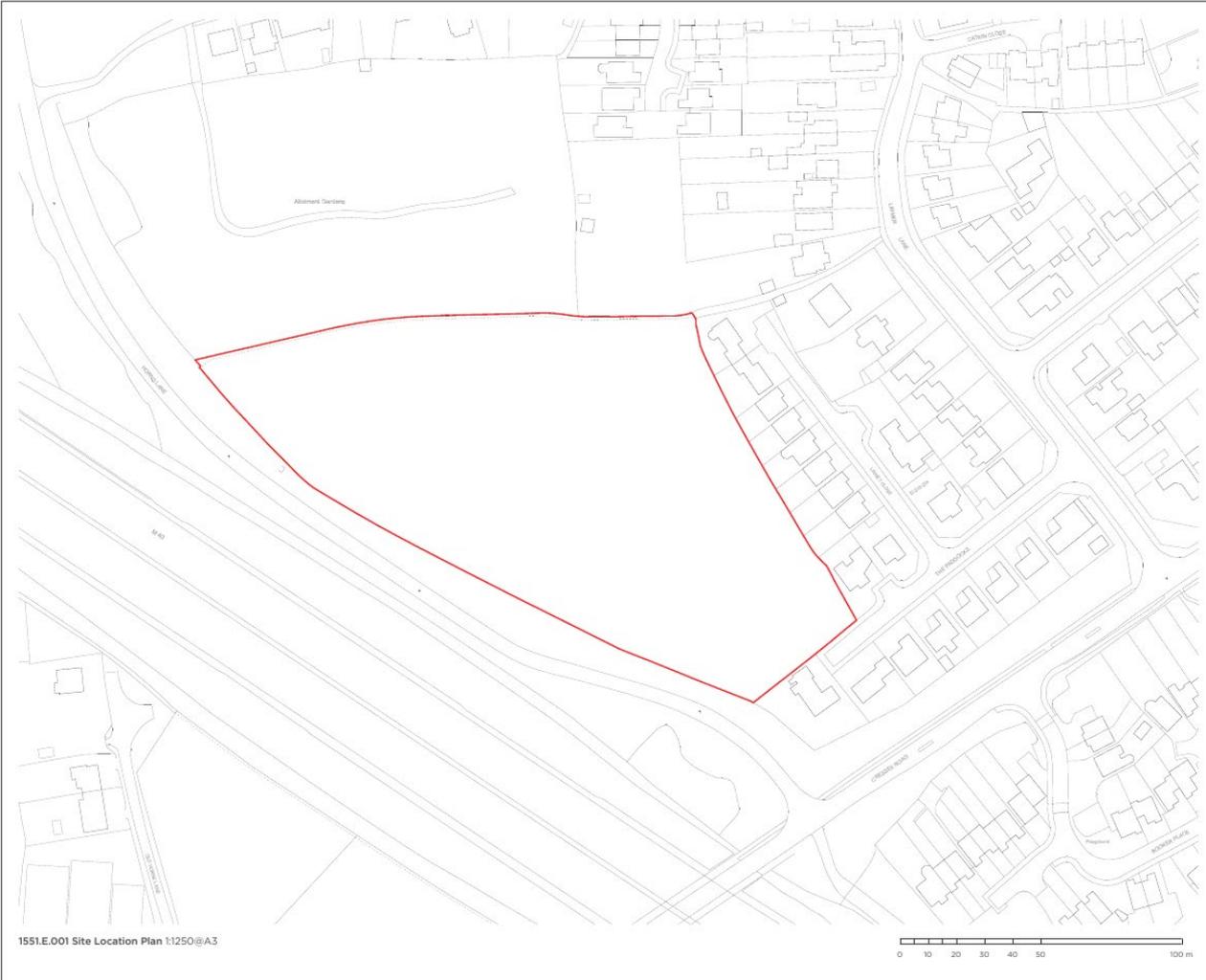
- The density of the project is too high given flood risk on part of suite.
- Air and noise pollution would impact on amenities of future residents.
- Will lead to more traffic use of the narrow/cart road alongside Booker Common.
- Propose that they invest into erecting a safety gate at the Horns Lane end to prevent traffic from freely using the common road - they should seek funding from the developers, or Highway Agency or local community funding in addition to the Dashwood Estate.
- Public right of way shouldn't be built on.
- The local services such as doctors, schools are already oversubscribed and will not be able to cope with the further influx of up to circa 150 extra people into the area.

- The design is not in keeping with the area.
- The local area consultation was very poor and local people were not given due consideration within the consultation.
- The teams online meeting with the developer's representatives was very poor.
- There needs to be comprehensive plans for traffic safety during and after construction for horns lane.
- The land is currently a buffer for pollution created by the adjacent motorway for the local community and not suitable for development
- Substantial amount of noise mitigation will be required, which will need maintaining.
- The development is not going to benefit the area.
- The ecological ramifications of this project have not been taken into consideration.
- In an era of pandemics, cramming so many houses in one small site feels counterintuitive both in terms of health and safety but also because open spaces of natural habitat have become even more important to people's well-being.
- The land is currently a buffer from pollution from the adjacent motorway therefore is not suitable for building on.
- There's been no consideration about traffic increasing and how the roads surrounding would support this.
- There will be increased noise and pollution, including litter management and carbon dioxide. We already struggle with excessive noise from M40.
- Possible additional anti-social behaviour.
- There is not enough green space.
- Local ecology should not be affected especially on the allotments where we believe there is a large bee population of bats and owl family and possible newts.
- Disruption due to construction traffic.
- Would damage the wildlife/ birdlife/ natural habitats.
- Would result in noise and light pollution to existing residents, acoustic barriers required as a minimum.
- Security issues to both existing properties and allotment holders.
- Drainage of both storm and foul have potential to overload existing infrastructure, with site run off from any construction phase having damaging/dangerous effect on local roads/paths.
- Horns Lane will not support the increased volume of traffic of this new development.
- The landing and take-off flight path for Booker air park could be a safety issue. This is due to the fact that aircraft towing gliders will take off over this development from time to time.
- Road junction barely cope with traffic currently.
- There is a public right of way/footpath running through the area and this is used by many people for walks around Booker and forms part of the Booker Stile Free Walk
- Inadequate provision of parking.
- The noise assessment fails to take any account of the revised flight paths necessary to satisfy the Council's own plans for Wycombe Air Park (20/08255/R9FUL). This will increase noise levels far beyond what is acceptable. Despite the BCWPS pointing this out during the consultation (since the Council failed to share this information internally) it has not been properly investigated. The evidence is clearly shown in the Air Park Noise Impact Assessment, submitted with application 20/08255/R9FUL. If both applications are permitted either the new homes will be uninhabitable or the Airpark activities will be restricted.

- Greenbelt status was removed from the site without any consultation and greenbelt is there to buffer rural areas from suburbia.
- There are and will be in the near future plenty of brownfield sites in Wycombe that should be considered for housing before building on another precious green field in High Wycombe.
- sound readings were carried out during the Covid lockdown when there were no flights and very little traffic, therefore, these sound assessments should be carried out when the motorway and air traffic are back to what it is normally is and this should happen before planning is given.
- There is a shooting range close by carrying loud gunshot noise across this area.
- Along a stretch of approx. half, a mile of Cressex Road around the junction of Horns Lane there are several busy access points to Cressex Road. Cressex Road simply cannot sustain any more access traffic.
- Booker common and the surrounding area is an oasis in high Wycombe. If we continue to fill in these beautiful outdoor spaces we will have no outside leisure facilities left.
- Some of the houses in The Paddocks and in particular Linnet Close are going to be severely overlooked by the development resulting in a total loss of privacy and security. Reports say that the magnitude of change to these properties will be "major adverse" and the level of effect will be large.
- The plan to only plant trees along the most sensitive boundary on the site in the hope that they will mature over the next 15 years is totally inadequate.
- Currently the horses that reside in the planned development site have had to be moved to another field as this site is too waterlogged for them.
- Building on this land is only going to increase the flood risk to homes in Linnet Close and the Paddocks despite the proposed drainage basin.
- The number of car parking spaces allocated on the site is woefully inadequate. Now that extra pedestrian access has been factored into the plans this will likely result in The Paddocks, Linnet Close, Limmer Lane and Glade View being used as an overflow car park.
- The flats that were removed from the plan last year have now been reintroduced as they are now needed to mitigate noise from the motorway.
- The ecology report overlooks the fact that there are bats nesting and feeding in the area.
- I believe that Planning Permission for this proposed development should at the very least be withheld until such time we are relatively Covid free and everyone's movements including the traffic in the area is back up to pre Covid and another study can be done.
- The proposed development at Clay Hill should also be taken into consideration for the traffic impact.
- The ecology survey did not flag up the foxes, muntjac and other wildlife.
- The drainage test hole required backfilling, one by 3 feet.
- With one road in and out of the development onto the top of Horns Lane, will cause traffic back up. This is already a very busy junction. There will need to be some sort of traffic control at the junction.
- The site was originally owned by Lord Carrington who sold the land for the building of a school. This was later decided against as it was deemed unsafe due to the proximity of the airfield/planes.
- The field has been used as a safe place to land gliders in the past when unable to make it to the airfield.
- Pollution will rise with 50+ extra vehicles.

- The style of properties is not in keeping with the type of properties surrounding. Most properties in the area are detached properties in all roads.
- Apartments have potential to attract anti-social behaviour such as drug issues, etc.
- This plot of land was green belt for a reason.
- Why not build a care home? They are badly needed in the area and would not encourage anywhere near the traffic/pollution that this proposed development will incur.
- If the site is to be developed it needs to be used for commercial or other low level use.
- Why are there 2 different site descriptions running concurrently we why are objections being given incorrect labels.
- The density of housing at 50 dwellings with a site of 1.8 ha is approximately double the surrounding established housing stock and somewhat surprisingly, 45% higher than the most recent comparable medium sized development of the old Booker Community Hospital site that was carried out in 1997/8. Booker Hospital site 1.62 ha and has 31 houses.
- The initial proposal was for 62 houses which was reduced to 47 after some consultation, but now appears to have increased to 50 houses without any further consultation.
- vehicular access should be reconsidered even to the extent of a mini round-about at the junction of Horns Lane and Cressex Road with a separate access from the proposed development.
- Pleased to see that 48% of the proposed housing stock will be allocated as affordable housing. Might I suggest that the term affordable means not only the initial purchase price but the long term cost of ownership?
- There is the opportunity to introduce much greater energy efficiency measures over and above the rather mediocre improvement of 18% on Building Regulation figures
- a recent change in the orientation of many of the houses on the site now presents them with a southerly aspect roof making the adoption of photo voltaic electricity generation even more feasible.
- Passivhaus building techniques, pv and/or solar hot water together with provision of EV charging points should be mandated on the Developer at the detailed planning stage.
- Council applying to the council for planning permission; concern about transparency in the decision making.
- Biodiversity statement has been changed and I query as to why this was not a new submission.
- It is disappointing that you have not seen fit to inform all the people that have taken the time to share their views online on the application and it is disappointing that you have not shown clearly on the online portal the proposed Amendments to the planning application despite the necessity to do so under planning regulations.
- Perhaps in consideration of all the agreed and outstanding planning applications, within the area, the impact should be looked into for the whole Booker not just individually.
- A clear unambiguous statement needs to be made, that all the members the planning committee will be given copies of all the submitted representations and objections, and not just a simple one-page sheet summarising the points made, in order to ensure that they are all considered equally.
- Trip rate calculations inaccurate.
- There must be a clause to require Horns Lane to be widened, resurfaced and a footpath installed form Lane End Road to Cressex Road.
- Shortage of bungalows.

APPENDIX B: Site Location Plan



APPENDIX B: Site Location Plan





Report to West Area Planning Committee

Application Number:

Proposal: Construction of outdoor swimming pool and sleeper retaining wall

Site Location: The Spinney
Upper Icknield Way
Whiteleaf
Buckinghamshire
HP27 0LY

Applicant: Mr S Ruck

Case Officer: Peter Nixon

Ward(s) affected: The Risboroughs

Parish-Town Council: Princes Risborough Town Council

Date valid application received: 20th May 2021

Statutory determination date: 15th July 2021

Recommendation: Approval

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Permission is sought for the development of an outdoor swimming pool for ancillary use to a replacement detached dwelling currently being built out.
- 1.2 Concerns over cumulative level of development have been raised, and as such Cllr Alan Turner called in the application for consideration by committee.
- 1.3 The site of the proposed pool is currently shown on existing plans as a patio area, which received permission along with the main dwelling as part of application 18/08264/FUL. This planning permission for the redevelopment of the site removed permitted development rights by way of a planning condition.
- 1.4 Whilst a pool would represent further development of the site, the area shown on plan is already an area of permitted hard landscaping and the pool would not impact upon openness. As such a pool would not be contrary to Green Belt policy or result in any further loss of green infrastructure.
- 1.5 The application is recommended for approval.

2.0 Description of Proposed Development

- 2.1 The proposed development would involve the introduction of a rectangular outdoor pool measuring 12m x 4m, with a maximum depth of 2.5m. Plant equipment for the pool would be stored within a subterranean area built into a retaining feature to the rear of the pool, under the sloping garden.
- 2.2 The proposed development would represent additional development to a property currently under development that was granted consent through permission 18/08264/FUL.
- 2.3 18/08264/FUL allows for the development of two dwellings to replace a single dwelling, the result being an increase in the quantum of the development on the site. The principle of two dwellings on the property was established with 16/05513/FUL which would result in the original dwelling being subdivided.
- 2.4 The permission was predicated on the increased level of development representing a lesser level of harm than the amount of lawful development available to the existing dwelling via permitted development rights.
- 2.5 Condition 5 of the above planning permission removed permitted development rights for classes A, B and E. The proposal herein would normally fall within class E.
- 2.6 The site sits within The Chilterns AONB and Green Belt, and adjacent to the Ragnits quarry; an area of chalk excavation dating from the 1850s, and also borders the Whiteleaf Golf Course local wildlife site.
- 2.7 The Ragnits quarry is an archaeological notification site, as an Anglo-Saxon inhumation cemetery was discovered there during quarrying in 1850. The extent of this ancient burial area is unknown and thought to extend beyond the Ragnits quarry.
- 2.8 The area in which the pool would be excavated has already undergone minor engineering works and archaeological investigation under the current permission to create a flattened patio area built into the surrounding sloping topography.
- 2.9 The application is accompanied by:
 - a) Heritage Statement
 - b) Design and Access Statement
 - c) Ecology and trees checklist

3.0 Relevant Planning History

Reference	Development	Decision	Decision Date
16/05513/FUL	Construction of part single storey, part two storey side extension, fenestration & external alterations to existing building & alterations to ground levels to provide new terraced area to the rear and internally divide existing dwelling to provide 1 x 6 bed and 1 x 2	PER	5 May 2016

	bed dwellings, parking and access.		
17/05769/FUL	Demolition of existing two dwellings and garages and erection of 2 x 6 bed detached dwellings with detached double garages.	PEOBL	24 July 2018
18/07069/MIN AMD	Proposed non-material amendment to permission for application for construction Demolition of existing two dwellings and garages and erection of 2 x 6 bed detached dwellings with detached double garages granted under planning ref: 17/05769/FUL	APPRET	
18/07378/MIN AMD	Proposed non-material amendment to permission for the demolition of existing two dwellings and garages and erection of 2 x 6 bed detached dwellings with detached double garages granted under planning ref 17/05769/FUL	REF	26 September 2018
18/07748/FUL	Householder application for internal reconfiguration resulting in changes to window/door positions/sizes, elevations of Cotswold stone and timber cladding, landscaping, outdoor swimming pool, part subterranean pool plant and new gates to driveway.	APPRET	
18/07847/FUL	Demolition of existing dwelling and garages and erection of 1 x 5-bed detached dwellings with detached double garage	APPRET	

18/08264/FUL	Demolition of existing two dwellings and garages and erection of 1 x 5 bed and 1 x 4 bed detached dwellings with detached double garages (alternative scheme to pp 17/05769/FUL)	PEOBL	20 March 2020
20/06422/ADRC	Application for approval of details subject to conditions 3 (materials) and 14 (landscaping scheme) of planning approval ref: 18/08264/FUL	PECOND	3 July 2020

Policy Considerations and Evaluation

Principle and Location of Development

Adopted Wycombe District Local Plan (August 2019): DM31 (Development Affecting the Historic Environment) DM43(The replacement or extension of dwellings in the Green Belt (including outbuildings))

- 3.1 The location is within a residential garden and the proposal is for a swimming pool plant and works ancillary to the residential use. The principle of development is therefore acceptable.
- 3.2 The site is within the green belt, and as such development of outbuildings is subject to the limitations of policy DM43.
- 3.3 Whilst the applicant notes that the extraction of the swimming pool is subterranean development, the pool would nonetheless be an intensification of use and have a greater visual impact than the current permitted patio.
- 3.4 For the purposes of assessing this impact, the pool is not considered to be an addition of in curtilage massing on the site. The plant equipment has also been integrated into the existing landscape and therefore accords with the constraints of policy DM43.
- 3.5 In this instance, the pool would not represent an addition to the volume of above ground built form within the residential curtilage, and is therefore acceptable.
- 3.6 Furthermore, as the principle of development in this area is in place, no further harm to the openness of the green belt would occur.

Raising the quality of place making and design

DM30 (Chilterns Area of Outstanding Natural Beauty), DM35 (Placemaking and Design Quality), Chilterns Building Design Guide.

- 3.7 The site is located in the Chilterns Area of Outstanding Natural Beauty (AONB). Paragraph 172 of the NPPF (2019) requires great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs.
- 3.8 The location of the pool would be within an already established area of curtilage development, however an outdoor pool and the contingent plant equipment, plumbing

and foundations would be a more intense level of development than the hard landscaping that currently has planning permission.

- 3.9 The development would be located in an already developed patio area of the property, and as such harm to the character and appearance of the surrounding green infrastructure would be minimised, however the proposal would not offer any enhancement to the landscape of the AONB.
- 3.10 Nonetheless, the design of the pool and plant storage integrates into the existing landscaping of the site.
- 3.11 The pool would be in a residential curtilage and while it would not enhance the AONB it is not considered detrimental to it.
- 3.12 The location of the pool would not be visible from the highway. The adjacent Whiteleaf Golf Course has a public footpath running across the eastern edge, however the development would not be visible from here.
- 3.13 The landscape officer has stated that a tree and hedge retention plan is necessary to ensure an acceptable level of boundary screening. A tree planting plan and landscape plan from the 2018 permission remains extant and fulfil this function, this can be controlled by condition.

Amenity of existing and future residents

Policy DM35(Placemaking and design quality)

- 3.14 The pool would provide an enhanced level of amenity for the residents of The Spinney.
- 3.15 The pool is located next to the boundary with the Ragpits and is therefore unlikely to impact upon the neighbours.

Landscape Issues

List relevant policies & SPD

- 3.16 The site sits within the Chilterns AONB. Policy DM30 requires that all development conserve, and where possible enhance, the natural beauty of the landscape.
- 3.17 An external swimming pool would be a departure from the historic character of the AONB, which is characterised by buildings associated with rural industry and farmsteads.
- 3.18 Mature planting around the site would obscure the development from the landscape, and would need to be retained in perpetuity as noted by the conservation area.

Archaeology

Policy DM31(Development affecting the Historic Environment)

- 3.19 The application site is within an area of Archaeological Notification site, and adjacent to the Ragpits' quarry in which Anglo Saxon graves have been discovered. A previous desk study by the county archaeology department concluded that it is likely further remains exist beyond the excavated area of the Ragpits, potentially within the application site.
- 3.20 The pool site has already been the subject of harm following the development of the flattened patio area in which a notable amount of earth has been removed. The harm was considered to be acceptable as the development was confirmed to be within the prior building plate, which had been substantially terraced.

- 3.21 The swimming pool would represent additional excavation in the same location to a depth not yet disturbed. Thus a cumulative level of harm to a site of archaeological interest would occur, with previous applications and the proposed application reaching a depth of at least 2.5m.
- 3.22 However, correspondence with an external archaeological consultant notes that the archaeologically relevant stratum would not be further affected by these excavations.
- 3.23 Archaeological monitoring was carried out during initial site excavation as per the condition attached to 18/08264/FUL, to land adjacent to the proposed pool site and no significant remains were encountered. However, the County Archaeological Team have stated that they would also require monitoring of the pool site during development to be a condition of planning approval.

Green networks and infrastructure

Policy DM34(Delivering Green Infrastructure and Biodiversity in Development)

- 3.24 The neighbouring Ragpits site is an important local greenspace, and is characterised by mature woodland. The development would have no impact on the biodiversity of the site.
- 3.25 The application site is currently shown on permitted plans to be developed as a patio. The development of a pool would therefore not represent any further loss of green infrastructure that is not already permitted.
- 3.26 The landscape officer has requested that a tree and hedgerow retention plan be made should planning permission be granted, to ensure no damage to existing mature boundary planting. However, the landscaping for the development is already controlled through a previous landscaping plan.
- 3.27 Policy DM 34 requires that ‘all development is required to protect and enhance both biodiversity and green infrastructure features and networks both on and off-site for the lifetime of the development’. In this instance the plans do not demonstrate any enhancement to biodiversity. This can be controlled by a condition requiring two bird boxes to be attached to trees within the garden.

Ecology

Wycombe Delivery and Site Allocations Plan 2013 policy DM13

- 3.28 The site borders the Whiteleaf Golf Course local wildlife site. As per retained policy DM13 of the Wycombe Delivery and Allocations Plan 2013 ‘The highest level of protection will be given to sites and species of international and national importance; development affecting them will not normally be permitted’.
- 3.29 The development would be situated around 60m away from the local wildlife site ensuring harm would be minimised. Nonetheless the noise from the operation of the pool may have a nominal impact on local habitats.

4.0 Weighing and balancing of issues / Overall Assessment

- 4.1 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.
- 4.2 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 (such as CIL if applicable), and,
- c. Any other material considerations

- 4.3 As set out above it is considered that the proposed development would accord with development plan policies. Whilst policy DM43 looks to control the quantum of in curtilage development, the design of the pool and the ancillary plant storage house ensures the development would not represent further volume built onto the property.
- 4.4 Some harm to the character of the landscape would be encountered, however this would not be a significant increase on the level already assessed and permitted by the development of the main dwelling. Measures to mitigate any further impact can be put in place through the retention and maintenance of boundary planting.
- 4.5 The applicant also notes that the pool would be visibly ancillary to the domestic use of the dwelling, and as such harm to the character of the area would not be encountered.
- 4.6 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.

5.0 Working with the applicant / agent

- 5.1 In accordance with paragraph 38 of the NPPF (2021) the Council 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.
- 5.2 The Council 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.
- 5.3 In this instance the agent was made aware of objections to the plans from the local councillor.
- 5.4 With regard to the concerns over harm to archaeological sites, the agent referred to the previous monitoring on the site to demonstrate an acceptable level of harm from the proposed development.
- 5.5 The agent supplied evidence that an archaeological consultant (Thames Valley Archaeological Services Ltd) had provided a recommendation that the original watching brief was sufficient to ensure further excavations for a pool would not be detrimental.

6.0 Recommendation

- 6.1 The application is recommended for approval.
- 6.2 No notable increase in harm to the character or openness of the site would occur as a result of the works.

- 6.3 Whilst the removal of permitted development rights by condition was put in place to limit the overdevelopment of the site, the development would not include any new outbuildings or prominent structures within the curtilage.
- 6.4 The siting of the pool is adjacent to the main dwelling, and would not result in any further loss of green infrastructure.
- 6.5 Conditions to ensure adequate boundary screening, archaeological monitoring, and biodiversity enhancement are recommended.

Application Permitted

Subject to the following conditions and reasons:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers SR1/TS/1/20/P003; SR-20-1-SP001 and SR-TS-1-20-P001; unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 3 No earthmoving or groundworks shall take place on site unless the Buckinghamshire Council Archaeologist has been given two weeks written notice. Thereafter, access to the site shall be afforded to the Buckinghamshire Council Archaeologist, or their representative, for the duration of the works for them to record any archaeological features exposed during the work.
Reason: To permit the recording of any archaeological features exposed during the implementation of this consent.
- 4 A revised landscaping plan for this plot to show the development hereby approved in line with the previously approved landscaping plan under 18/08264/FUL on drawing CAS32/02C shall be submitted to and approved by the local planning authority prior to any construction work, other than excavation, taking place. The submitted plan will also indicate the type and location of the two bird boxes required under Condition 5 of this permission.
The approved plan shall then be implemented in accordance with the landscape management plan for the site approved under application 20/06422/ADRC.
Reason: To secure adequate landscaping and biodiversity within the site.
- 5 All development is expected to result in a net increase in biodiversity and ecological features proportionate to the development proposed. In order to increase biodiversity opportunities two bird boxes shall be attached to trees within the site and thereafter retained for the lifetime of the development.
Reason: To comply with the requirements of policy DM34

Informative(s)

- 1 In accordance with paragraph 38 of the NPPF (2021) the Council 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.

The Council 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.

In this instance the agent was made aware of objections to the plans from the local councillor.

With regard to the concerns over harm to archaeological sites, the agent referred to the previous monitoring on the site to demonstrate an acceptable level of harm from the proposed development.

The agent supplied evidence that an archaeological consultant (Thames Valley Archaeological Services Ltd) had provided a recommendation that the original watching brief was sufficient to ensure further excavations for a pool would not be detrimental.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Alan Turner:

This application is yet another deviation from the original plans for this site. The previous permission to put two large houses on this site in the AONB was granted on condition that plans for a swimming pool were dropped in order to comply with the "50% rule" of increased development. The current application exceeds the amount of development that was barely acceptable previously.

It is overdevelopment and the impact on the adjacent "Ragpit" site, both by digging deep into the ground next to such an historic and archaeologically important site and on the wildlife habitat caused by the noise from the proposed swimming pool filtration unit is of serious concern.

Should officers intend to grant permission, I request that it is brought to Planning Committee for determination.

Parish/Town Council Comments

None received

Consultation Responses

Landscape Officer:

There appears to be well established vegetation around the site boundary, which hopefully was offered for some protection through the permission for the two houses. Check that this has been put in place on site, as there isn't any protective fencing visible in the photos.

The proposed pool is very close to the vegetation along the southern boundary and excavations have potential to damage roots if they are too close. Check that the proposed excavations do not encroach into the root protection area of the southern vegetation.

A Tree/hedgerow Protection Plan should be made, and protective fencing erected, to ensure there are no excavations within the root protection area of the southern boundary vegetation. This may require a layout revision.

County Archaeological Service:

No consultation received, however comments provided for 21/06533/FUL remain pertinent to the site for the purposes of this application:

The proposed development is likely to affect a heritage asset of archaeological interest because it lies adjacent to a quarry put where a Saxon cemetery was discovered in the mid-19th century.

It is possible that further inhumations could survive on the site of The Spinney.

Further comments received via email from the County Archaeological Service:

Despite nothing being found within the area of the houses*, there is still the potential for burials elsewhere on the site.

Unless the swimming pool is within the area that was monitored previously**, it would be expected that this would also be monitored as part of the condition.

*during a watching brief associated with permission 17/05769/FUL.

**the area shown in plans for the proposed pool is within the previously monitored area which had the soil removed down to the chalk strata. Nothing of Archaeological interest was found in the previous investigation.

Representations

None received

APPENDIX B: Site Location Plan





Report to West Area Planning Committee

Application Number:	21/06577/FUL
Proposal:	Demolition of existing dwelling and erection of replacement dwelling with parking and amenity space
Site Location:	Silver Birches Hawks Hill Bourne End Buckinghamshire SL8 5JQ
Applicant:	Mr and Mrs Drayton
Case Officer:	Ian Zabala-Beck
Ward(s) affected:	The Wooburns, Bourne End & Hedsor
Parish-Town Council:	Wooburn And Bourne End Parish Council
Date valid application received:	19th May 2021
Statutory determination date:	14th July 2021
Recommendation:	Approval

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Planning permission is sought for the; Demolition of existing dwelling and erection of replacement dwelling with parking and amenity space.
- 1.2 Concerns have been raised with regards to ground levels and the resultant overall height of the proposed dwelling, this has been communicated with the agent.
- 1.3 The applicant is Cllr Penny Drayton (The Wooburns, Bourne End and Hedsor), as such the application is automatically called in to planning committee to be determined.
- 1.4 Recommendation – approval

2.0 Description of Proposed Development

- 2.1 The application site falls within the Bourne End and Wooburn settlement Boundary and consists of a single residential unit. The site is accessed via a private road, east of Hawks Hill and serves 6 properties. The row of neighbouring properties all have varying plot sizes and are varying property types, therefore there is no uniformity within the immediate locale. The land levels of the area slope downwards from Hawks Hill (highway) down towards Samarra, which is the last property within the row of properties of the private road. The sloping land levels are also reflected within the application site.

- 2.2 The existing property is a detached bungalow sited in the eastern half of the plot, the proposed two storey dwelling is shown to be sited in a similar position. The proposed dwelling has a similar footprint to the existing dwelling and has a flat roof design. Existing footprint: approximately 130 sqm, Proposed footprint: 158 sqm.
- 2.3 The proposed dwelling is in essence two cubes linked by the entrance hallway and upper landing area and comprises of: Ground floor; boot room, W.C., coat cupboard, games room, office, gym, wine cellar, bike store and open plan dining/lounge/kitchen area. First floor; 5 bedrooms, 2 bathrooms and 1 en-suite.
- 2.4 The proposed property measures: D: 8.6m x W: 26.6m (including single storey element) x H: 5.6m.
- 2.5 The existing dwelling (about 37.50 FFL) is located at a slightly lower level than the drive (average 37.80) by about 300mm and about 200mm above the levelled terrace to the west (average 37.30). The proposed Finished Floor Level is 37.21 but that would result in the proposed building being approx. 0.5 metres taller than the ridge height of the existing dwelling. Officers are of the opinion that it should be no higher than the existing and should take advantage of the slope to cut into the hillside by that 0.5 metres with a FFL of 36.70. These measurements can be discussed at planning committee.
- 2.6 The proposed finishes to the dwelling consist of render to ground floor and composite timber cladding to the first floor.
- 2.7 The application is accompanied by:
- a) Application form
 - b) Proposed plans
 - c) Site and location plans
 - d) Ecological Assessments
 - e) Ecology – emergence survey
 - f) Ecology and Trees checklist
 - g) Photos – 3D images
 - h) Planning Statement

3.0 Relevant Planning History

3.1 Insert relevant planning history for the site:

Reference	Development	Decision	Decision Date
21/05002/FUL	Demolition of existing dwelling and construction of replacement dwelling with retaining wall, alterations to existing driveway and turning point	WDN	11 February 2021

4.0 Policy Considerations and Evaluation

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP3 (Settlement Strategy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM1 (Presumption in favour of sustainable development)

- 4.1 This area of Hawks Hill is an existing residential area (Zone B) and within Bourne End and Wooburn settlement boundary. Given this location, there is no objection to new dwellings in principle, provided any proposal meets all of the relevant criteria contained in development plan policy relating to the visual impact of the development in the locality and having due regard to the amenities of neighbouring residential properties.

Transport matters and parking

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)
DSA: DM2 (Transport requirements of development sites)

- 4.2 The application site is located on a private lane which is accessed via Hawks Hill, a C-classified road subject to a speed restriction of 30mph.
- 4.3 The application proposes the demolition of the existing dwelling and garage and the erection of a replacement dwelling. The existing access arrangements are to remain with no changes proposed.
- 4.4 The County Highways department have been consulted and are satisfied that the proposed parking area can provide the optimum level of parking for this dwelling in accordance with the *Buckinghamshire Countywide Parking Guidance* policy document, which is 3(no) spaces – no objection or conditions raised.

Raising the quality of place making and design

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)
DSA: DM11 (Green networks and infrastructure), Housing intensification SPD, Householder Planning and Design Guide SPD.

- 4.5 The proposed development would be located on the western side of Hawks Hill accessed via a private road. The proposed replacement dwelling would be constructed in a similar position to the existing, and would not extend beyond the established building line displayed in the street scene.
- 4.6 The replacement dwelling would comprise of a box style two storey property with a flat roof and finished in half render, half-timber cladding to replace the existing bungalow. The proposed dwelling would have a height of 5.6m on a slightly larger footprint than the existing dwelling. The distances to all boundaries would also be similar to that of the existing dwelling.
- 4.7 The street scene of the Private Road is made up of a mixture of dwelling types and architectural styles and materials. The street scene lacks consistency whereby the proposed demolition of the existing dwelling would not harm the architectural composition of the immediate locality. There are varying changes in ground levels between the properties from east (highest) to west (lowest).
- 4.8 The proposed dwelling is two stories (height: 5.6m) and replaces a single storey property (height: 5.1m). The proposal would therefore be visually more dominant than the existing dwelling which is recessive in nature due to its small scale and pitched roof. Its modern design size, location and use of materials will all draw the eye so that the replacement would have a more dominant appearance within the plot, and upon the locality.

- 4.9 The use of part render and timber cladding are already evident within the area and therefore these materials are not uncharacteristic within the locale. Modern designs are not unacceptable and the building would not necessarily dominate its surroundings. However, locating it near the highest point in the plot and not cutting it into the slope fails to take advantage of the slope to reduce the overall impact of the proposal.
- 4.10 The scheme would benefit from being set lower, approximately 0.5m, in to the gradient of the land to mitigate the height issue and thus be similar in height to the existing dwelling. The agent has been made aware of this, but no amendments have been received.
- 4.11 The difference between the FFL figures of the agent and officers is approx. 0.5 metres, we are looking for a FFL of 36.70 and the agent is suggesting a FFL of 37.21. Therefore, the upper floor of the building will not only be much bulkier it will be half a metre higher than the existing. We recommend that if the scheme were to be approved, a condition should be imposed that requires the FFL to be at 36.70.

Amenity of existing and future residents

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM40 (Internal space standards)
Housing intensification SPD

- 4.12 The proposed development is considered to achieve more than adequate internal accommodation and external amenity space.
- 4.13 Given the proposed positioning and siting of the dwelling it is not considered that it would result in any loss of light but may visually create an overbearing appearance for neighbouring properties, specifically The Chalet and Samarra on the western boundary, as these properties are at a lower ground level to the application site.

Environmental issues

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF)

- 4.14 The site does not lie within an Air Quality Management Area, however all dwellings are expected to help to reduce the carbon footprint of the area and therefore a 32-amp electric car charging point should be available in the parking area. This can be controlled by condition.

Flooding and drainage

Wycombe District Local Plan (August 2019): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 4.15 The site is not within a Flood Risk Zone.
- 4.16 The agent has submitted the following information within the planning statement: Data held by the Environment Agency indicates that the site is – for fluvial flooding purposes – located in Flood Zone 1 and, therefore, suitable as a matter of principle for residential development. Furthermore, that data indicates that the site is not subject to surface water flooding, nor potential flooding as a result of a reservoir breach. Accordingly, there are not considered to be any flooding constraints/limitations to the proposed development.

- 4.17 The LLFA has been consulted on the application and concluded that because the site is considered to be small scale minor, the LLFA will not be making any comments, it therefore falls to the planning department to ensure that the development does not increase the potential for flooding in the local area.
- 4.18 Provided re-use, infiltration or a combination of both is used, then the development will not result in the increase in flood risk elsewhere. If re-use or on site infiltration methods are subsequently shown not to be possible then the developer will need to demonstrate why this is not possible and how they intend to ensure that the risk of flooding elsewhere will not be increased due to the development. This can be dealt with by way of a planning condition.

Ecology

Wycombe District Local Plan (August 2019): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

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

- 4.19 The Council's Ecological Officer has been consulted on the application and provided the following comments:
- i. The ecological surveying has found that there are no likely to be no protected species which would be directly impacted upon by the proposals.
 - ii. The footprint of the proposed building is only marginally larger than the existing and so if the ecological mitigation and enhancement measures which are proposed in the Ecological reports are properly incorporated I am sure there is sufficient scope to achieve a biodiversity net gain.
 - iii. The ecological mitigation and enhancement measures which are recommended in the ecological reports need to be formalised through condition, to ensure there is agreement on exactly what will be incorporated.
 - iv. Suggested condition: A scheme to mitigate against potential harm to protected species and compensate for the loss of features of ecological value on the site and to provide ecological enhancement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the site. The details can be based on the recommendations of the submitted Cherryfield Ecology reports but must be specific about proposals including a plan showing locations of features. All works shall then proceed in accordance with the approved scheme with any amendments agreed in writing. The measures contained within the scheme shall thereafter be retained on site unless otherwise approved in writing by the Local Planning Authority.
Reason: to ensure that the development safeguards protected wildlife and achieves a net gain in biodiversity.

Building sustainability

Wycombe District Local Plan (August 2019): DM41 (Optional Technical Standards for Building Regulations Approval)

- 4.20 It is considered necessary to condition water efficiency in accordance with Policy DM41.

Infrastructure and Developer Contributions

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

5.0 Weighing and balancing of issues / Overall Assessment

- 5.1 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.
- 5.2 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 (such as CIL if applicable), and,
 - c. Any other material considerations
- 5.3 As set out above it is considered that the proposed development would accord with the development plan policies.

6.0 Working with the applicant / agent

- 6.1 In accordance with paragraph 38 of the NPPF (2021) the Council 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.
- 6.2 The Council 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.
- 6.3 In this instance the applicant/agent was updated of any issues after the initial site assessment. The applicant/agent was informed of the council's concerns and how they could be overcome but amendments were not received.

7.0 Recommendation: Permission

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 01, 01A, 02, 04 and P100; unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 3 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To secure a satisfactory appearance.

- 4 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To secure a satisfactory external appearance.
- 5 The development hereby approved shall store all additional runoff within the site and either reuse it or release it into the ground through infiltration. Where the additional runoff is not to be re-used or on-site infiltration methods are not proposed, details of how the risk of flooding elsewhere will not be increased shall be submitted to and approved by the local planning authority prior to any development taking place. The approved details shall thereafter be implemented prior to the development being brought into use and thereafter managed and maintained for the lifetime of the development.
Reason: To ensure that the development does not increase the risk of flooding elsewhere
- 6 Prior to the occupation of the development hereby permitted, 1 electric vehicle 32 amp charging point must be installed. Thereafter the electric vehicle charging points must be maintained in full working order for the lifetime of the development.
Reason: To assist in the reduction of air pollution from vehicular traffic by facilitating the use of electric vehicles to reduce the negative impact on the health of residents living within the Air Quality Management Area and to meet the requirements of Policies CP12 and DM33 in the adopted Wycombe District Local Plan (2019).
- 7 The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.
Reason: In the interests of water efficiency as required by Policy DM41 (Optional Technical Standards for Building Regulations Approval) of the Local Plan.
- 8 A scheme to mitigate against potential harm to protected species and compensate for the loss of features of ecological value on the site and to provide ecological enhancement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the site. The details can be based on the recommendations of the submitted Cherryfield Ecology reports but must be specific about proposals including a plan showing locations of features. All works shall then proceed in accordance with the approved scheme with any amendments agreed in writing by the Local Planning Authority. The measures contained within the scheme shall thereafter be retained on site unless otherwise approved in writing by the Local Planning Authority.
Reason: To ensure that the development safeguards protected wildlife and achieves a net gain in biodiversity.
- 9 The levels of the development hereby permitted, shall adhere to the following:
 - a) That the finished floor level of the dwelling hereby permitted shall be 36.70 AoD(N)
 - b) Prior to the commencement of development, details of any changes to the existing ground levels from those shown on the Topographic Plan 01A (Groundsurveys Ltd dated December 2014), together with any retaining walls, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with the approved details.

Reason: To reduce the impact of the development upon the character and appearance of the area.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), no development falling within Classes A, D and E of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality.

INFORMATIVE(S)

- 1 In accordance with paragraph 38 of the NPPF (2021) the Council 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.

The Council 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.

In this instance the applicant/agent was updated of any issues after the initial site assessment. The applicant/agent was informed of the council's concerns and how they could be overcome but amendments were not received.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

No comments received.

Parish/Town Council Comments

No comments received.

Consultation Responses

Highways Department – no objection or conditions

Control of Pollution – no objection

LLFA – comment of no comment received

Ecological Officer – no objection subject to condition

Representations

Representations

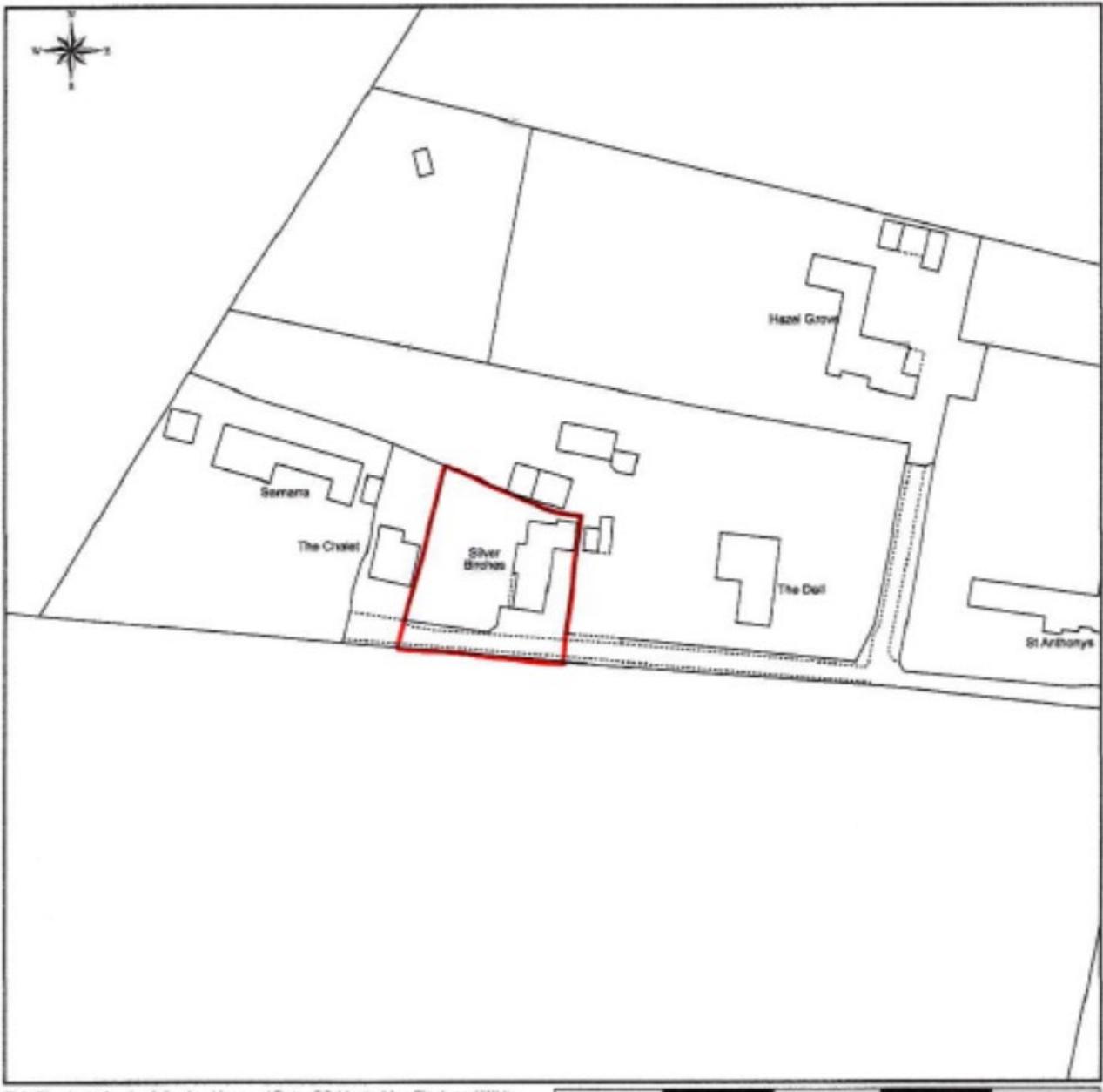
2 comments have been received supporting the proposal:

- Contemporary design is individual and unique and is in keeping with the wide and mixed range of styles in this location.
- Materials will blend in with the countryside/semi-rural nature
- Positive/Attractive improvement

3 comments have been received objecting to the proposal:

- Privacy/Overlooking
- Light/Overshadowing
- Noise/Disturbance
- Out of character
- Overbearing appearance
- Increases surface water run off
- Access during and after construction
- Design/appearance/materials

APPENDIX B: Site Location Plan



This Plan includes the following | Issued Date: 05 March 2018 | Black and White

APPENDIX B: Site Location Plan

21/06577/FUL
Scale 1/2500



Planning Committee
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Ordnance Survey 100062456

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Report to West Area Planning Committee

Application Number:	CM/0009/21
Proposal:	Variation of condition 5 of planning permission CC12/9001/CM to increase permitted HGV movements
Site Location:	Wycombe Recycling Ltd Unit 53 Binders Industrial Estate Cryers Hill Road Cryers Hill Buckinghamshire HP15 6LJ
Applicant:	Wycombe Recycling Ltd
Case Officer:	James Suter
Ward(s) affected:	Ridgeway East
Parish-Town Council:	Hughenden Parish Council
Date valid application received:	1st April 2021
Statutory determination date:	1st July 2021
Recommendation:	It is recommended the application is approved subject to the conditions set out in Section 4

1.0 Summary & Recommendation/ Reason for Committee Consideration

1.1 This application, made under section 73 of the Town and County Planning Act 1990 (as amended), seeks to vary condition 5 (HGV Movements) attached to planning consent CC12/9001/CM for a waste transfer station at Unit 53, Binders Industrial Estate, Cryers Hill Road, Cryers Hill, Buckinghamshire, HP15 6LJ.

1.2 The original planning condition stated:

“The maximum total number of vehicle movements shall not exceed 80 (40 in, 40 out) per day.”

1.3 The applicant is seeking to vary this to 160 movements and the following revised condition wording is recommended:

“The maximum total number of HGV movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 160 (80 in, 80 out) per day on Mondays to Fridays. On Saturdays the maximum total number of HGV movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 80 (40 in, 40 out) per day.”

- 1.4 The application was deferred at the West Area Planning Committee on 17th August 2021, to allow for further information to be sought in respect of highway safety aspects of the proposed development.
- 1.5 The development would accord with the development plan and no material considerations dictate that a decision should be taken other than in accordance with the development plan. In summary the proposal:
- Would have no adverse impact on highway safety or the operation of the local road network
 - Would conserve the Chilterns AONB within which the site is situated
 - Would not be inappropriate development in the Green Belt
 - Would safeguard the amenity of neighbouring occupiers
 - Would provide increased waste management capacity on an existing site safeguarded for such use
- 1.6 A copy of the original committee report provides a detailed assessment of the proposal is set out in Appendix C, and should be read alongside this update report.
- 1.7 It is recommended the application is APPROVED subject to the conditions set out in Section 4.

2.0 Updated Information

- 2.1 The applicant has clarified that the split of vehicle types accessing the yard is 95% HGV and 5% Vans or Light goods vehicles.
- 2.2 The applicant has also provided estimates for HGV movements for two annual throughput scenarios. The scenario in table 1 equates to approximately 8 movements per hour over the working day. The scenario in table 2 equates to 10 movements per hour over the working day.

Table 1: Total average daily HGV movements at 23,000 tonnes throughput per year

Type of movement	Total annual tonnes	Average load size (tonnes)	Number of daily movements
Skip lorries (incoming waste)	23,000	2.11	78
Container (outgoing materials)	16,000	12	10
Tipper (outgoing materials)	7,000	20	4
Total			92

Table 2: Total average daily HGV movements at 30,000 tonnes throughput per year

Type of movement	Total annual tonnes	Average load size (tonnes)	Number of daily movements
Skip lorries (incoming waste)	30,000	2.11	100
Container (outgoing materials)	20,000	12	12
Tipper (outgoing materials)	10,000	20	4
Total			116

- 2.3 The Transport Strategy Team has recently provided a report to the North West Chilterns and Missendens Community Board in response to two recent petitions regarding

removing and/or banning HGVs from certain roads in Great Kingshill. The report provided background information and some recommendations to assist the Community Board on how they wish to proceed.

2.4 Of most relevance to the assessment of this planning application is information regarding traffic surveys. The table below shows that there was an increase in total volume flows from 2016 to 2018 but HGV numbers remained pretty stable. There was little HGV variance from 2018 to 2021, although there have been pandemic lockdowns during this period but this is not felt to have significantly affected the HGV results.

	Oct 2016	Oct 2018	May 2021	Variance 2018 over 2016	Variance 2021 over 2016	Variance 2021 over 2018
Non HGV	5,221	5,727	5,749	506	528	22
HGV	95	100	97	5	2	-3
Total vehicles	5,316	5827	5,846	606	625	19
% HGVS of all vehicles	1.8%	2.0%	2.0%	0.2%	0.2%	0.0%

2.5 In summary, the transport strategy report highlighted the following: -

- Collision data for the area means the Great Kingshill area would not be prioritised for road safety measures, as there are currently a higher number of higher priority sites to be treated.
- Speed data indicates whilst there is a level of speeding this is not exceptional and best tackled by working with the police through community speed-watch.
- Traffic counts suggests all levels of vehicles and, HGVs in particular have not increased since 2018. As a result, there are no grounds for priority action to be taken in this location by the Highways Authority.
- Enquiries with HS2 and their main contractor confirmed there is no reason for any HS2 contracted vehicles to be in the Great Kingshill Area.

2.6 It has been recommended to the Community Board that they consider traffic calming measures and advisory “unsuitable for HGV” signage with feasibility studies being conducted to confirm the appropriateness of these measures to certain roads in the Great Kingshill Area. The ability of the Community Board to proceed would not be compromised by a decision on this planning application.

3.0 Additional Policy Considerations and Evaluation

Highway safety and transport matters

BMWLP: Policy 17 (Sustainable Transport)

WDLP: DM33 (Managing Carbon Emissions: Transport and Energy Generation), CP12 (Climate Change)

- 3.1 The Highway Authority have reviewed the further information and have confirmed that they maintain no objection. A reason for refusal on highway impact grounds, such as safety or capacity could not be sustained.
- 3.2 Paragraph 111 of the NPPF states "Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 3.3 The application is acceptable with regards to highways impact and would accord with the development plan in this respect.

4.0 Recommendation

4.1 The application is recommended for approval subject to the following conditions:

1. The development hereby permitted shall not be carried out other than in complete accordance with the following documents:

- Proposed Site Plan – Drawing no: 150WRNB/1
- New Building and Plant Elevations -Drawing no: 150WSNB/2
- Proposed Office Elevations – Drawing no: 126WSR/5 Rev A
- Vehicle Flows – Drawing no: 126WSR/9
- Fencing and Drainage Plan – Drawing no: 115WSE/12
- Location Plan – Drawing no: 126WSR/1

Reason: To define the development which has been permitted and to control the operations in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

2. The development shall be carried out in accordance with details submitted to and approved by the Local Planning Authority on 16th July 2013 pursuant to condition 3 of planning permission CC12/9001/CM and detailed in the application AOC/CC12/9001/CM shall be adhered to for the duration of the development.

Reason: To define the development which has been permitted and in the interests of limiting the visual impact of the development in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

3. Sole access to the site shall be via the northern access onto the A4128 as shown on drawing no: 126WSR/1.

Reason: In the interests of highways safety and the amenity of the local area in accordance with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

4. The maximum total number of HGV movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 160 (80 in, 80 out) per day on Mondays to Fridays. On Saturdays the maximum total number of HGV movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 80 (40 in, 40 out) per day.

Reason: In the interests of highways safety and the amenity of the local area in accordance with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

5. No loaded heavy goods vehicle or skip vehicle shall exit the site without being securely sheeted or netted.

Reason: In the interests of highways safety and the amenity of the local area in accordance with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

6. A record of the number of daily vehicle movements and the tonnage of waste being imported to the site shall be maintained for the duration of the development hereby permitted and shall be made available to the Local Planning Authority no later than one week after any request to view them has been made.

Reason: In the interests of highway safety and the amenities of the local area and to comply with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

7. Chains on the skip lorries accessing and egressing the site shall be isolated using a resilient material.

Reason: To mitigate the metallic impact sound as the metal chains come into contact with other metal surfaces such as the skip and/or vehicle frame so to protect local residents from being adversely impacted by noise in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

8. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no unacceptable risk to controlled waters. The development shall be carried out in accordance with the details shown on approved plan number 150WRNB/1.

Reason: To prevent contaminated surface water from entering the aquifer in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

9. No operations authorised by this consent shall be carried out other than between the following hours:

- 7:00 to 19:00 Mondays to Fridays
- 7:00 to 13:00 Saturdays

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

10. The site shall be enclosed by a fence to prevent the escape of windblown litter off site, in accordance with the details submitted pursuant to condition 5 of planning permission 09/06430/CONCC approved by the Local Planning Authority on 20th July 2010.

The fencing shall be maintained for the operational lifetime of the development. Site working practices shall include an auditable schedule of regular (twice a week) litter clearance for the external areas of the site.

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

11. Noise from the operations shall not exceed 55dB LAeq 1hr (free field) as measured at the facades of the nearest properties as shown on the plan submitted pursuant to condition 9 of planning permission 09/06430/CONCC approved by the Local Planning Authority on 20th July 2010.

Reason: To protect the occupants of nearby premises from loss of amenity from noise disturbance and to conserve the tranquillity of the AONB in accordance with policies 16 and 22 of the Buckinghamshire Minerals and Waste Local Plan.

12. All plant and machinery used at the site shall be properly silenced and maintained in accordance with the manufacturer's specification
Reason: To minimise impacts upon the amenity of the locality and to conserve the tranquillity of the AONB in accordance with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

13. No wastes other than construction and demolition waste and commercial and industrial waste shall be imported to and deposited at the site.
Reason: The importation of other waste streams would raise environmental and amenity issues which would consider separate consideration in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

14. Stockpiles of processed or unprocessed material within the site shall not exceed 4 metres in height.
Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

15. No further illumination shall be erected or otherwise provided on the site.
Reason: To prevent light spill beyond the boundaries of the site, to preserve the dark skies of the AONB, preserve the amenities of the local area and to comply with policies 16 and 22 of the Buckinghamshire Minerals and Waste Local Plan.

16. The monitoring and mitigation of dust shall not be carried out other than in complete accordance with the details submitted pursuant to condition 3 of planning permission CC10/9001/CM approved by the Local Planning Authority on 30th December 2010. The development shall not be carried out other than in compliance with the approved dust monitoring and mitigation details for the duration of the development.
Reason: To protect occupants of nearby residential premises from the loss of amenity from dust in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

APPENDIX A: ADDITIONAL CONSULTATION RESPONSES

Highways Authority – No objection. Cryers Hill Road is an A-class road subject to a 30mph speed restriction with no parking or waiting restrictions within the vicinity of the site. The road benefits from pedestrian footways but does not benefit from street lighting.

The Highway Authority has previously commented on this application proposal, dated 6th May 2021. The comments ultimately had no objection to the variation of condition 5. The application was considered at planning committee, to which the application was subsequently deferred so that further information could be sought in respect of highway safety aspects of the proposed development.

As a result of the proposed development, petitions were raised regarding concerns around the existing level of HGVs within the Great Kingshill area. In response, the council's Transport Strategy section produced a collation and response to the North West Chilterns Community Board, identifying relevant available information and some recommendations on how to proceed.

It must be noted that when the initial comments from the Highway Authority were submitted, this document was not publically available and therefore was not considered at the time of the initial assessment of the application. However, an assessment of this document has been assessed and commented on below.

Enquiries were made to Transport for Buckinghamshire, Road Safety Team, HS2 Team, Pipers Corner School and Transport Strategy. In summary, having assessed the findings and information, it is considered that that the report does not raise any highway safety matters that would be detrimentally exacerbated if the proposed variation of condition received consent and, as a result, there is no tangible material weight upon which a highway objection to this application could be lodged or sustained.

Furthermore, the measures suggested by the report appear to be a reaction to the local aspirations to limit HGV traffic in this area; there are no identifiable network capacity or safety issues that stipulate that these measures must be employed. Consequently, the options suggested within the document cannot be considered as mitigation for the current application to increase HGV movements given that the proposals are already deemed acceptable in the opinion of the Highway Authority.

Whilst I note discussions pertaining to the existing level of HGV movements and vehicle types from Binders Industrial Estate have taken place between the applicant and the Local Planning Authority, this information was already reviewed as part of this Authority's initial analysis of the proposals, which determined that trip generation wasn't a basis for objection and that further information in this regard was unnecessary in order for the Highway Authority to review its position on the proposals.

Mindful of the above, and in conjunction with previous comments made, I maintain that the Highway Authority does not have any objections or conditions to recommend for this application with regard to highway issues.

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Report to West Area Planning Committee

Application Number:	CM/0009/21
Proposal:	Variation of condition 5 of planning permission CC12/9001/CM to increase permitted HGV movements
Site Location:	Wycombe Recycling Ltd Unit 53 Binders Industrial Estate Cryers Hill Road Cryers Hill Buckinghamshire HP15 6LJ
Applicant:	Wycombe Recycling Ltd
Case Officer:	James Suter
Ward(s) affected:	Ridgeway East
Parish-Town Council:	Hughenden Parish Council
Date valid application received:	1st April 2021
Statutory determination date:	1st July 2021
Recommendation	It is recommended the application is APPROVED subject to the conditions set out in section 7.

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This planning application seeks to vary conditions on planning permission CC12/9001/CM to allow for 160 HGV movements per day rising from 80 vehicle movements previously permitted. The key considerations in determining this application are the impacts upon amenity, area designations and highways.
- 1.2 This application has been the subject of consultation with the Planning Committee Chairman of the West Area Committee. It has been determined that the application should be referred to the relevant Planning Committee for consideration.
- 1.3 It is recommended the application is APPROVED subject to the conditions set out in section 7.

2.0 Description of Proposed Development

- 2.1 This application is made under S73 to vary a condition relating vehicle movements related to a waste transfer station within the Binders Industrial Estate.
- 2.2 The original planning condition stated:

“The maximum total number of vehicle movements shall not exceed 80 (40 in, 40 out) per day.”

2.3 The applicant is seeking to vary this planning condition to state:

“The maximum total number of HGV movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 160 (80 in, 80 out) per day.”

2.4 It should be noted that the original condition refers to vehicle movements and the proposed condition refers to HGV movements.

2.5 This application is made under Section 73 of the Planning Act. Although often referred to as an application to vary or remove a condition an application under this section of the Act actually has no effect on the original permission it is not an amendment to the earlier permission. It is a separate freestanding permission that the applicant is entitled to implement or ignore. This application must therefore be capable of being implemented in its own right and therefore all appropriate conditions and obligations must be imposed.

2.6 The merits of the condition(s) must be assessed against an up to date development plan. Section 73 of the Town and Country Planning Act 1990 (as amended) states:

“Determination of applications to develop land without compliance with conditions previously attached.

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

2.7 Unit 53 covers an area of 0.13 ha (excluding access road) and is located within the existing Binders Yard Industrial Estate which lies within both the Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB). Access to the site is via the A4128 (Cryers Hill Road). Public footpath HUG/83/1 runs through Binders Industrial Estate adjacent to the access road along the northern boundary of the estate.

2.8 The site is located roughly 100m from the nearest residential properties located on Lisleys Field. Widmer End and Great Kingshill are located roughly 600m south east and north east of the site respectively. The site is roughly 3km north of the densely populated town of High Wycombe. Great Kingshill Combined School lies approximately 250m south of the site access.

2.9 The site is within Zone 3 of a Source Protection Zone and is within a Drinking Water Safeguard Zone (Surface Water). The site is located within the Great Kingshill Settled Plateau Landscape Character Area. The nearest listed building is Claypit Cottage (Grade

II) which is approximately 400m north of the site. Millfield Wood Site of Special Scientific Interest is one mile away.

- 2.10 The current permitted hours of operation for the site are 7am to 7pm Monday to Friday and 7am to 1pm Saturdays with no working on Sundays and Public Holidays.
- 2.11 The proposed additional HGV movements per would allow an increase in the total amount of waste being imported to and being treated at the site. There is no extant planning condition limiting the waste throughput of the site explicitly but rather the limit on HGV movements limits the tonnage of waste the site can manage.
- 2.12 The application highlights that supporting documentation for planning applications CC10/9001/CM and CC12/9001/CM shows that the maximum throughput for the site was estimated to be 30,000 tonnes per annum (tpa). The agent states that prior to the closure of other waste operators on the wider Binders Industrial Site the application site was operating at a throughput of approximately 17,000 tpa. The increased business resulting from other neighbouring operators closing has increased annual tonnage to approximately 23,000 tpa.
- 2.13 There is not a direct correlation between total waste throughput and HGV movements. This is because average skip size orders have become smaller as a consequence of more domestic customers in comparison to when historically primary clients were builders. The result is smaller tonnages per vehicle. The agent has confirmed that the proposed vehicle movement limit would allow for 30,000 tpa of waste to be managed at the site
- 2.14 With regards to the catchment of the development the agent states that over the three-month period of March – May 2020 the company provided 1508 waste services to properties at the following distances from the site:
- 608 within a 0-5 mile radius,
 - 708 within a 5-10 mile radius and
 - 192 within a 10-15 mile radius.
- 2.15 The agent also states that the increase in vehicle movements would provide 5 full-time jobs where there were once 5 part time jobs, a job for a junior office worker and another driver. A total of 4.5 FTE posts are estimated to be created by this proposal.
- 2.16 The following documents have been submitted alongside the application:
- Binders Industrial Estate – Transport Statement dated March 2021
 - Location Plan – Drawing No: 126WSRR/1
 - Supporting Email from Agent Dated 23rd June 2021
 - Supporting Statement Ref: 292VIWR/1 dated February 2021
- 2.17 The development has been screened under the Environmental Impact Assessment Regulations and the local planning authority has concluded that an environmental impact assessment will not be required in this case.

3.0 Relevant Planning History

Reference	Development	Decision	Decision Date
04/08109/CONCC	Proposed application for a skip yard and waste recycling processing and transfer facility.	Permitted	19.01.2005

APP/P0430/A/06/1181581	Appeal against conditions 3 and 4 of planning permission 04/08109/CONCC.	Appeal Allowed	04.10.2005
09/06430/CONCC	Extension of existing skip waste transfer and recycling facility and retention of double stacked portacabins as site office/store	Permitted	12.10.2009
CC10/9001/CM	New processing plant and building extension to existing skip waste transfer and recycling facility	Permitted	25.08.2010
CC12/9001/CM	Variation of condition 2 of planning permission no CC10/9001/CM to enable a revised configuration for the new building	Permitted	14.06.2012

- 3.1 Appeal APP/P0430/A/06/1181581 sought to appeal against two conditions placed on planning permission 04/08109/CONCC. These conditions related to hours of operation (condition 3) and restricted vehicle movement timings so as not to interfere with the start and end of the school day (condition 4). The appeal was allowed with the outcome being that the condition controlling hours of operation was varied to allow longer hours and the condition restricting movements to only outside of the school traffic hour peaks was removed.
- 3.2 The other waste developments on the industrial estate include Unit 44 which has permission for a waste recycling process and transfer facility under planning permission 09/07038/CONCC and Unit 54 which has permission for a waste transfer facility under planning permission 04/08036/CONCC. Both permissions allowed a total of 40 daily vehicle movements i.e. 80 movements per day taken together.
- 3.3 Representation has been received from the site's landowner who signalled that agreement had been made with the applicant (Wycombe Recycling) that other waste operations on the estate will cease. Whilst it is recognised the previous tenants operating under the above permissions may have vacated the site and no movements are currently being generated from these sites, the permissions remain extant, meaning the permitted capacity within them remains and that there is potential for vehicles associated with a waste recycling and transfer use to be generated in the future. The generation of traffic under these other permissions cannot be controlled as part of this application as they are not in the control of the applicant. A such minimal to no weight should be attributed to this circumstance in the planning balance.

4.0 Policy Considerations and Evaluation

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Section 85 of the Countryside and Rights of Way Act 2000 requires that in exercising a function affecting land in an AONB, the Council shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

4.2 The development plan for this area comprises of:

- Buckinghamshire Minerals and Waste Local Plan 2019 (BMWLP)
- Wycombe District Adopted Local Plan 2019 (WDLP)
- Wycombe District Adopted Delivery and Site Allocations Plan 2013 (ADSAP)

4.3 In addition, the following documents are relevant for the determination of the application:

- National Planning Policy Framework (NPPF)
- National Planning Policy for Waste (NPPW)
- National Planning Practice Guidance (NPPG)
- The Chilterns AONB Management Plan 2019-2024 (CMP)
- Buckinghamshire Countywide Parking Guidance dated September 2015
- Wycombe District Council Air Quality Supplementary Planning Document

Principle and Location of Development

BMWLP: Policy 11 (Waste Management Capacity Needs), Policy 13 (Spatial Strategy for Waste Management), Policy 26 (Safeguarding of Minerals Development and Waste Management Infrastructure)

Waste capacity

- 4.4 Policy 11 of the BMWLP sets out the waste management capacity needs within the county over the plan period (2016-2036). The extant permission which is sought to be varied restricts the waste to be imported at the site to construction and demolition and commercial and industrial waste.
- 4.5 Table 7 of the BMWLP identifies the capacity gap over the plan period (i.e the gap between the amount of waste that can be recycled and the amount of waste that is generated). It identifies a capacity gap for both the recycling of inert construction, demolition and excavation waste and the recycling of municipal, commercial and industrial waste. The estimated capacity gap for 2026 for the recycling of inert construction, demolition and excavation waste and the recycling of municipal, commercial and industrial waste are 0.51Mtpa and 0.12Mtpa respectively.
- 4.6 Policy 11 states the total waste management capacity needs will be delivered via existing commitments, extensions to existing commitments and new facilities. The proposal would seek to increase capacity at an existing site to recycle, recover and process these waste streams. No Annual Monitoring Report for waste management capacity within Buckinghamshire has been produced since 2018 but it is understood that the county is below the current capacity needs. The agent for the application states that with the current vehicle movement limits and when the other waste sites within Binders' Yard were operating, approximately 17,000 tpa of waste could be transferred at the application site. Using the Environment Agency's Waste Interrogator, it was found during the year of 2019 approximately 15,000 tonnes of waste was handled at the site which supports the above statement from the agent.
- 4.7 The agent states that increasing permitted HGV movements to 160 per day will allow the site to treat 30,000 tpa of waste without breaching vehicle movement limits. It is noted that 30,000 tpa was the estimated throughput for the site as set out for planning applications CC10/9001/CM and CC12/9001/CM. The agent has confirmed that an increase in permitted movements would not necessarily result in an increase in

throughput above 30,000 tpa. Essentially the size of skips is decreasing and the contents are becoming more mixed in nature which results in average skip weights decreasing. What is irrefutable however is that increasing permitted vehicle movements will allow for an increase in the tonnage of waste to be managed at the site compared to operations conducted under the existing conditions. There is no extant planning condition limiting the waste throughput of the site explicitly but rather the limit on HGV movements achieves this.

- 4.8 In consideration of the above, the increase of the maximum number of daily vehicle movements proposed would serve to increase capacity for the management of waste streams in the context of a county-wide identified capacity gap. The development therefore accords with policy 11 of the BMWLP which seeks an increase in capacity.

Spatial strategy

- 4.9 Policy 13 of the BMWLP sets out the spatial strategy for waste management within Buckinghamshire. The policy states that the growth of Buckinghamshire's sustainable waste management network will be delivered by primarily focusing development of facilities for the preparation of wastes for reuse and recycling and other recovery on the main urban areas and growth locations of High Wycombe, Aylesbury and Buckingham within existing general industrial and employment areas along with urban extensions.
- 4.10 The site is not identified within the primary or secondary areas of focus for waste management but is located within an existing industrial estate. Paragraph 5.85 of the BMWLP states that proposals for development of waste management facilities on sites other than identified locations may also be acceptable if such sites are in compliance with relevant BMWLP policies. It is important to note that the site is an existing waste transfer station with planning permission and therefore the principle of the use in this location is established.
- 4.11 Policy 13 adds that opportunities to co-locate waste management facilities together and with complementary activities will be supported where compliant with relevant BMWLP policies. Policy 14 of the BMWLP states that where a proposal is not within an area of focus for waste management the preference will be for proposals which co-locate and integrate waste management facilities together with complementary activities. The site is an existing waste management site within an industrial park and is situated adjacent to units which have planning permission for the operation of waste transfer and skip operations. As such the proposal is co-located with other waste management facilities (even though these are currently vacant). This application does not change that stance but it effectively allows for the integration of the waste management operations into one smaller area insofar as the other permitted units are no longer currently operational and some of their business seems to have diverted to Wycombe Recycling.
- 4.12 Policy 14 of the BMWLP establishes the development principles for waste management facilities. The policy primarily concerns new waste management facilities although the principles raised do have relevance to the majority of waste planning applications. The policy states that proposals for waste management facilities must demonstrate that the development: is in general compliance with the spatial strategy, facilitates delivery of the waste management capacity requirements, identifies waste streams to be treated, catchment area for the waste to be received on-site and end date of any outputs, and enables communities and businesses to take more responsibility for their own waste and

supports management of waste in line with the proximity principle¹ and the waste hierarchy².

- 4.13 As aforementioned, the site is an existing waste transfer facility and this application is only seeking to vary a condition controlling vehicle movements with no built development proposed. The decision maker should not look to revisit the principle of the development but rather consider the question of the conditions subject to which any planning permission should be granted. It is however worthwhile to note that the proposal would facilitate a marginal increase in waste management capacity. The catchment for the site is understood to be primarily local and the operator largely handles waste from commercial, industrial and domestic locations. It can therefore be considered that the development would enable the local community and businesses to take more responsibility for their own waste in line with the proximity principle and waste hierarchy.
- 4.14 Policy 26 of the BMWLP seeks to safeguard existing waste management sites with extant planning permission and associated infrastructure from other forms of development.

Summary

- 4.15 Whilst the application site is not within the primary or secondary areas of for waste, the application is within an existing unit within an industrial estate which is safeguarded for waste development. The development would effectively deliver increased waste management capacity through the variation proposed (no built development or extension of red line is proposed) to an existing established site in line with policy 11 of the BMWLP. It is therefore considered that the proposal is supported in principle by the above policies so long as the application is in accordance with other BMWLP policies.

Chilterns AONB

BMWLP: Policy 20 (Landscape Character), DM32 (Landscape Character and Settlement Patterns), Policy 22 (Chilterns AONB)

WDLP: DM30 (Chilterns AONB)

- 4.16 Section 85 of the Countryside and Rights of Way Act (CROW) 2000 states in exercising or performing any functions in relation to, or so as to affect, land in an AONB the relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB.
- 4.17 The Chiltern Conservation Board (CCB) commented on the proposal and reminded the council of the above legislative requirement, relevant policy and guidance and asserts that the doubling of HGV movements would impact negatively upon the tranquillity of route networks through the AONB which would be harmful to the special qualities set out within the AONB Management Plan.
- 4.18 The CCB further ask that 'great weight' is given to the planning and legislative protections for the AONB and consider it material that HS2 will introduce high levels of HGV movements in the High Wycombe locality which may overlap with vehicles accessing the

¹ The proximity principle is a fundamental concept for sustainable waste management in England. The principle recognises that transporting waste has environmental, social and economic costs and so waste should be dealt with as near to the place of production as possible.

² The waste hierarchy is a fundamental concept for sustainable waste management in England. It ranks the methods of waste management in priority order. The order is as follows (highest priority to lowest): prevention, re-use, recycling, recovery, disposal.

site. Draft Construction Routes for Large Goods Vehicles associated with HS2 published on Buckinghamshire Council's website are not indicated to use the A4128. The most proximal indicated route is the A4010 which is approximately 5km west of the site.

- 4.19 The CCB add that they consider that the proposed increase to 160 HGV movements per day requires consideration of the major development test set out in paragraph 177 of the NPPF.
- 4.20 Paragraph 176 of the NPPF states great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The section also states the scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 4.21 Footnote 60 of the NPPF states for the purposes of paragraph 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
- 4.22 Whilst there is no definition for 'major development' as per Footnote 60 the decision maker should consider the nature, scale and setting of a proposal in addition to whether it could have a significant adverse impact on the purposes for which the area has been designated. The application seeks to vary a planning condition constraining daily vehicle movements on an existing waste transfer station with no built development proposed. The site covers an area of approximately 0.13ha (excluding the haul road) and is set within an existing industrial estate. Whilst the development may give rise to increases in noise and pollution in the locality it is not considered that the development would lead to significant adverse impacts upon the AONB. Therefore, the proposed development is not 'major development' with regards to paragraph 177 of the NPPF and footnote 60.
- 4.23 Policy 22 of the BMWLP states that proposals for minerals and waste development should conserve and enhance the Chilterns AONB, comply with the prevailing AONB Management Plan and other relevant guidance, and demonstrate exceptional circumstances and that the development is in the public interest. The policy adds that proposals within the AONB and its setting will be permitted where it can be demonstrated that it:
- does not result in harm to the AONB and does not conflict with the purpose(s) of the designation;
 - contributes towards provision of waste management capacity for preparing for reuse and recycling;
 - supports the economies and social well-being of local communities in the area;

- includes opportunities, where appropriate, to enhance the character, assets and appearance of the AONB and its setting, including ensuring a high standard of design for development and integration of the site within its landscape setting;
 - is compliant with relevant BMWLP policies.
- 4.24 In consideration of the above, as aforementioned no new development is proposed under this application, rather the applicant is looking to vary the requirements of an existing condition. As an existing development with extant planning permission the consideration for this development should relate to the acceptability of the proposed change and any conditions that may be required to make the proposal acceptable. The principle of the original development should not be scrutinised. In this case, the impact of the increase in permitted HGVs upon the AONB should be considered.
- 4.25 Policy 22 of the BWMLP requires proposals for minerals and waste development to demonstrate exceptional circumstances and that the development is in the public interest. This requirement is similar to that which is set out within paragraph 177 of the NPPF with regard to major development in the AONB. Similar to the reasons as set out above and in light of the fact the application is only seeking to vary a condition controlling vehicle movements with no built development proposed, it is considered that the application is not required to demonstrate exceptional circumstances nor that it is in the public interest.
- 4.26 Policy 22 aligns with the Countryside and Rights of Way Act 2000 (CROW) in stating proposals for minerals and waste development should conserve and enhance the AONB. However, the policy later states that proposals for waste development within the AONB will be permitted where:
- it does not harm the AONB or conflict with the purpose of the designation,
 - contributes to the provision of waste management capacity,
 - is compliant with relevant BMWLP policies and
 - includes opportunities, where appropriate, to enhance the AONB.
- 4.27 Policy DM30 of the WDLP makes similar provision adding that development within the AONB is required to conserve and where possible enhance the natural beauty of the AONB.
- 4.28 The Chilterns AONB Management Plan (CMP) makes similar provision to the aforementioned policies and seeks to ensure that development conserves or enhances the AONB in a manner commensurate with provisions of the CROW Act, the NPPF and the development plan.
- 4.29 Policy DP1 of the CMP which is a material consideration, states that planners must assess impacts on natural beauty which are both direct and indirect including new development affecting traffic levels, air quality and tranquillity. Policy DP2 of the CMP makes similar provision and provides guidance on what developments should be refused.
- 4.30 Mindful of the requirements of policy 22 it is appropriate to consider each point separately. With regard to whether the proposal harms or conflicts with the purpose of the AONB designation, the proposed development would result in a further 80 permitted HGV movements per day above what is already permitted at the site. This increase is considered unlikely to have a significant detrimental impact on the character and setting of the AONB as access to the site is gained directly off an A-class road and it would not be unreasonable to expect to see HGVs travelling along this type of road within an AONB. As set out below, the council as Highway Authority has no objection to the application.

- 4.31 The baseline for the area in which the development is located is not one of tranquillity and therefore any increase in vehicle movements should be viewed in this context regardless of the designation of AONB. In addition to this, the number of movements averaged over the course of the operating hours would be equivalent to an increase of 7 movements per hour. A recent traffic count (dated 11th May 2021) conducted at the Cockpit Road / Cryers Hill Road junction indicated in excess of ~10,000 vehicle movements occur northbound and southbound during the hours of 7:00 to 19:00 on a weekday. The proposed development seeks to increase the existing permitted movements from 80 vehicle movements to 160 HGV movements. This increase of 80 movements would represent an increase of approximately 6-7 movements per hour. It should be noted that the traffic count was not commissioned for the purpose of identifying the traffic impacts from this development and was conducted at a junction north of the site. It is however a useful indication of the current traffic throughput in the locality.
- 4.32 Mindful of the above, in the context of the surrounding area and existing traffic flows this proposed increase is not considered likely to give rise to a significant impact upon the AONB such as to render the refusal of planning permission sustainable. Further to this, an element of waste being managed at the site is likely to originate from within the AONB and will be required to be managed regardless which would require HGV movements within the AONB to transport the waste. Therefore, if permission were not granted to increase vehicle movements it would not necessarily prevent an increase in HGV movements within the AONB more broadly.
- 4.33 It is however considered appropriate to attach a new condition to the permission which requires chains on skip lorries to be isolated by a resilient layer to mitigate noise from chains clashing against each other and the lorry. It is considered that with the suggested conditions set out in section 7 that the development conserves the AONB.
- 4.34 Policy 22 of the BMWLP also requires waste development in the AONB to provide waste management capacity. As considered in the principle section of this report, the development is considered to provide waste management capacity and is in accordance with this requirement.
- 4.35 Policy 22 requires that waste development in the AONB supports the economies and social well-being of local communities in the area. As aforementioned, it is estimated approximately 4.5 FTE jobs would be provided by the development. Further to this, it is evident that the facility provides a service to the local community and businesses providing an option to manage their waste. It is considered therefore that the proposal is in accordance with this requirement.
- 4.36 Policy 22 also requires development to include opportunities, where appropriate, to enhance the AONB and requires proposals to comply with the prevailing AONB Management Plan. Similarly, Policy DP10 of the CMP seeks to ensure all development permitted in the AONB provides a net gain for the AONB (biodiversity, landscape, rights of way network, AONB visitor facilities) via on site improvements or financial contributions secured via s106 or offsetting schemes towards wider green infrastructure projects that enhance the AONB by meeting the aims of the AONB Management Plan.
- 4.37 The wording of policy 22 of the BMWLP and policy DM30 of the WDLP indicates enhancement will not always be possible for development. With this proposal there is no opportunity for net gain within the site itself nor the immediate surroundings as the applicant does not own the surrounding land. Secondly, the application seeks only to vary a condition therefore no built development is proposed and as aforementioned the scope

of the planning application is reduced. In consideration of whether a financial contribution to enhance the AONB to be secured via S106 agreement is appropriate in this case, as per paragraph 57 of the NPPF, S106 agreements should only be entered into when they are:

- necessary to make the development acceptable in planning terms,
- the obligation is directly related to the development and
- the obligation is fairly and reasonably related in scale and kind to the development.

4.38 Mindful of this, it is not considered that requiring a contribution in this case would meet these tests.

4.39 With regards to relevant policy and legislation pertinent to the AONB, mindful of the scale and nature of the proposal it is considered that the proposal adequately conserves the AONB.

Transport matters and parking

BMWLP: Policy 17 (Sustainable Transport)

WDLP: DM33 (Managing Carbon Emissions: Transport and Energy Generation), CP12 (Climate Change)

4.40 Policy 17 of the BMWLP requires proposals for waste development to address transport aspects while policy DM33 of the WDLP sets out local requirements for development with respect to transport modes, particularly sustainable modes.

4.41 Policy CP12 of the WDLP sets out the plan's response to mitigate and adapt to climate change. The policy promotes locating development in areas which minimise the need for travel.

4.42 The council as Highway Authority has considered the proposal and found that the access to the site is wide enough to support safe simultaneous two-way vehicular movements. It is also stated that access to the site is via an A-classified road designed and constructed to accommodate HGV vehicles. The highways officer highlights that the additional vehicle movements will be spread over the working day and does not consider the proposed increase in movements would cause a highway safety concern nor justify a reason for refusal on highways grounds. The Highway Authority has no objection nor recommends any conditions be attached.

4.43 As previously noted, no new development is proposed under this application, rather the applicant is looking to vary an existing condition. As an existing development with extant planning permission the consideration for this development should relate to the acceptability of the proposed change to vehicle movements and any conditions that may be required to make the proposal acceptable.

4.44 A key thing to note with this change is the change from vehicle movements to HGV movements. Notwithstanding the applicant's comments with regards to the situation under which the previous conditions were written, the extant consent is considered to restrict the site to 80 total vehicle movements which includes movements not carried out by HGVs. The applicant suggests that in order to avoid doubt that the amended conditions refers to HGVs explicitly and details HGVs to be vehicles over 3.5 tonnes unladen weight. Skip lorries are understood to tend to weigh in excess of 3.5 tonnes and therefore it is considered the amended condition would adequately cover all waste-bearing vehicles associated with the development. Notably this condition would no longer restrict other

vehicle movements however. It is recognised that the Highways Authority raise no objection to the proposed variation of condition 5 from the extant permission.

4.45 It is considered that the revised condition should be worded as follows:

“The maximum total number of HGV movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 160 (80 in, 80 out) per day on Mondays to Fridays. On Saturdays the maximum total number of HGV movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 80 (40 in, 40 out) per day.”

4.46 This variation reflects the current operating hours permitted for the site which are not proposed to change (7:00 to 19:00 Mondays to Fridays, 7:00 to 13:00 Saturdays). The lower limit on HGV movements on Saturdays is proportional to the hours of operation permitted on Saturdays.

4.47 A number of representations which have been received highlighted concerns and fears over impacts with regard to highways safety and pedestrians including children accessing Great Kingshill C of E Combined School. The school is approximately 350m south along the A4218 towards High Wycombe. As aforementioned the Highway Authority does not consider the proposal would cause a highways safety concern.

4.48 Several representations also highlighted issues of speeding vehicles along the road. Whilst this concern is noted, breaches of speed limits are not matters that can be dealt with through planning control. The enforcement of speed limits is a matter for Thames Valley Police.

4.49 Some representations requested that vehicle movements should be controlled and exclude school drop off and pick up times. This subject was the matter of an appeal for a previous permission granted on the site in 2005 when such a condition was attached to a previous planning permission. The planning inspector allowed the appeal and removed the condition restricting movements during school drop off and pick up times. The inspector found that the condition was not necessary to prevent harm to the safety and convenience of road users, including pedestrians. Such a condition would still not be necessary to make the development acceptable.

4.50 Some representations also commented that vehicles associated with the site use narrow roads causing disruption and danger. Routing of vehicles along main roads can be secured via a S106 agreement however this should only be done where necessary to make the development acceptable. As set out above, the Highway Authority has no objection and has not requested any planning conditions or a routing agreement be entered into for highway safety reasons. Officer advice is therefore that the increased vehicle movements are not considered to be significant enough to warrant such an agreement being required in order to render the application acceptable. Such an agreement would be costly to enforce as it would need significant officer time to carry out detailed surveys of HGV lorry movements on the road network in the locality over a period of time.

4.51 The Countywide Parking Standards sets out the parking requirements for a number of use classes. Whilst the use class for the extant development is likely ‘sui generis’ the criteria under the parking guidance which is most applicable relates to B2 development. The parking requirements for this type of development is calculated based on the internal floor space of new buildings. The floor space is not proposed to increase as part of the application. It is recognised that approximately 4.5 FTE jobs would be created by the development which would create an increase in parking pressure in the locality. It is not considered that this increase is significant given the minor staffing increase and as the site

has never been provided with specific parking capacity from the outset with agreements with nearby existing developments often made.

- 4.52 Paragraph 111 of the NPPF states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or residual cumulative impacts would be severe”.
- 4.53 It is considered appropriate to attach a condition which requires a record of daily vehicle movements and waste tonnage being imported to the site to ensure movement limits are not exceeded and to protect local amenity. It is also considered appropriate to restrict the movements on Saturday to no more than 80 movements (40 in/40 out) in the interests of amenity given the fewer hours the movements could be spread over. This would reflect the extant permission.
- 4.54 Mindful of the above, and the comments from consultees it is considered that with regards to highways safety and capacity the application is in accordance with relevant policy.

Green Belt

BMWLP: Policy 21 (Green Belt)

WDLP: CP8 (Protecting the Green Belt), DM42 (Managing Development in the Green Belt), DM44 (Development in the Countryside Outside of the Green Belt)

- 4.55 Policy 21 of the BMWLP seeks to preserve the openness and characteristics of the Green Belt and states development of waste management facilities in the Green Belt will be supported where it can be demonstrated that the development would not form inappropriate development and provided that it preserves the openness of, and does not conflict with the purposes of including land in, the Green Belt. The policy sets out a number of circumstances where waste development in the Green Belt may be regarded as not inappropriate and what considerations might contribute to very special circumstances. This includes the alteration of an existing waste management facility provided that it does not result in disproportionate built additions. Policy CP8 of the Wycombe District Local Plan makes similar provision seeking to protect the Green Belt from inappropriate development. Policy DM42 makes similar provision.
- 4.56 Paragraph 147 of the NPPF states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 4.57 The aim of Green Belt policy is to prevent urban sprawl by keeping land open. The proposed development does not seek any further built development such as would affect openness or the purposes of designation and instead seeks variation from an existing condition pertaining to vehicle movements. It is considered this application is not inappropriate development and the development is therefore in accordance with above policies.

Amenity of existing and future residents

BMWLP: Policy 16 (Managing Impacts on Amenity and Natural Resources)

WDLP: DM35 (Placemaking and Design Quality)

- 4.58 Policy 16 of the BMWLP seeks to manage impact upon amenity and natural resources. The policy requires minerals and waste development to demonstrate the development is environmentally feasible, secures a good standard of amenity and would not give rise to unacceptable adverse impacts upon a number of matters including: water resources, air emissions, human health and wellbeing, noise, vibration, light, visual impacts, migration of contamination from the site and cumulative impacts. The policy adds that specifically

relating to waste development, potential impacts relating to land instability, odours, bio-aerosols, vermin and litter should be addressed.

- 4.59 Policy DM35 of the WDLP makes similar provision requiring development to provide a level of amenity appropriate to the proposed use.
- 4.60 A number of the representations submitted referred to the impact of the proposed development upon amenity with particular regard to the impact of HGVs and an increased use of the processing equipment on the site.
- 4.61 With regards to noise, the main noise emitting aspects of the development are the HGVs accessing the site and the equipment being utilised on site. A condition on the extant permission which is not proposed to be altered sets a restriction on noise from the operations of 55dB LAeq 1hr (free field) as measured at the facades of the nearest residential properties. This condition is to be retained.
- 4.62 The noise and disturbance impact of HGVs through the locality is recognised but must be viewed in the context of the area which has an A-class road running through it. The proposal represents a very small increase in total vehicle movements along the road which is not considered to be significant enough to cause an unacceptable adverse impact upon amenity contrary to policy. The noise and disturbance from HGVs generated from the development are however a material consideration. To mitigate noise from the vehicles accessing the site a condition is recommended requiring that chains on the vehicles to be covered with a resilient material to reduce noise.
- 4.63 The processing of waste has potential to impact upon air quality via the creation of dust. The extant permission for the site details a dust mitigation strategy which includes damping of stockpiles, spraying in dry conditions and the operation of two rotary atomiser misting fans. It is considered this condition sufficiently addresses the dust impacts from the site and would be retained in any new permission granted to this application.
- 4.64 With regards to pollution impacts from increased permitted HGV movements, account must again be given to the context of the site and the fact the movements subject of this application are not the only sources of such impacts. Notably the presence of the A4218 has an effect on air quality in the locality. In addition to this, the proposed increase in movements is minor in scale compared to the total throughput of the road. The Environment Act 1995 introduced legislation that required councils to undertake air quality reviews to highlight any possible breaches in air quality objectives. In areas where objectives are not met Air Quality Management Areas (AQMA) are established to improve air quality. The site is not located within an AQMA.
- 4.65 The council's Environmental Health Officer has reviewed this application and has no objection. It is therefore considered that the proposed development would not cause significant detrimental impact upon amenity. It is therefore considered that the application is in accordance with above policies.

Landscape

BMWLP: Policy 20 (Landscape Character)

WDLP: DM32 (Landscape Character and Settlement Patterns)

- 4.66 Policy 20 of the BMWLP seeks to ensure minerals and waste development protects and enhances valued landscape in a manner commensurate with their status.
- 4.67 Policy DM32 of the WDLP requires development to protect and reinforce positive key characteristics of the receiving landscape. The policy also requires development to

evidence an understanding of the landscape and demonstrate positive responses to existing landscape character and design guidance and other landscape features on and around the site, tranquillity and darkness and views and vistas both to and from the site. The policy also requires development to demonstrate a mitigation hierarchy has been followed in a cumulative way, to avoid, minimise and mitigate harm; and that opportunities for enhancement have been taken.

- 4.68 The key landscape consideration is the impact on the Chilterns AONB which has been discussed above. Similar to the previous sections the proposal does not seek to change any aspect of the built form associated with the extant permitted site and so there is no additional landscape impact arising from the application. The only proposed change is to alter the permitted vehicle movements. It is therefore not considered to be within the scope of this application to require any further landscape works. Further to this, there is no opportunity for landscaping on the site and the applicant is not in control of land in the surrounding area. It is therefore considered that commensurate with the nature of the application, there is no conflict with these policies.

5.0 Weighing and balancing of issues / Overall Assessment

- 5.1 In light of the discussion set out above, it is considered that the proposal is in accordance with the development plan as a whole and mindful of all material planning considerations the planning balance is considered to be in favour of approving the application.
- 5.2 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 (such as CIL if applicable), and,
 - c. Any other material considerations
- 5.3 As set out above it is considered that the proposed development would accord with the development plan as a whole.
- 5.4 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.

6.0 Working with the applicant / agent

- 6.1 In accordance with paragraph 38 of the NPPF (2019) the Council 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.
- 6.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application.
- 6.3 In this instance:

- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- The application was determined without undue delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

7.0 Recommendation

7.1 The application is recommended for approval subject to the following conditions:

1. The development hereby permitted shall not be carried out other than in complete accordance with the following documents:
 - Proposed Site Plan – Drawing no: 150WRNB/1
 - New Building and Plant Elevations -Drawing no: 150WSNB/2
 - Proposed Office Elevations – Drawing no: 126WSR/5 Rev A
 - Vehicle Flows – Drawing no: 126WSR/9
 - Fencing and Drainage Plan – Drawing no: 115WSE/12
 - Location Plan – Drawing no: 126WSR/1

Reason: To define the development which has been permitted and to control the operations in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

2. The development shall be carried out in accordance with details submitted to and approved by the Local Planning Authority on 16th July 2013 pursuant to condition 3 of planning permission CC12/9001/CM and detailed in the application AOC/CC12/9001/CM shall be adhered to for the duration of the development.

Reason: To define the development which has been permitted and in the interests of limiting the visual impact of the development in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

3. Sole access to the site shall be via the northern access onto the A4128 as shown on drawing no: 126WSR/1.

Reason: In the interests of highways safety and the amenity of the local area in accordance with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

4. The maximum total number of HGV movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 160 (80 in, 80 out) per day on Mondays to Fridays. On Saturdays the maximum total number of HGV movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 80 (40 in, 40 out) per day.

Reason: In the interests of highways safety and the amenity of the local area in accordance with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

5. No loaded heavy goods vehicle or skip vehicle shall exit the site without being securely sheeted or netted.

Reason: In the interests of highways safety and the amenity of the local area in accordance with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

6. A record of the number of daily vehicle movements and the tonnage of waste being imported to the site shall be maintained for the duration of the development hereby

permitted and shall be made available to the Local Planning Authority no later than one week after any request to view them has been made.

Reason: In the interests of highway safety and the amenities of the local area and to comply with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

7. Chains on the skip lorries accessing and egressing the site shall be isolated using a resilient material.

Reason: To mitigate the metallic impact sound as the metal chains come into contact with other metal surfaces such as the skip and/or vehicle frame so to protect local residents from being adversely impacted by noise in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

8. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no unacceptable risk to controlled waters. The development shall be carried out in accordance with the details shown on approved plan number 150WRNB/1.

Reason: To prevent contaminated surface water from entering the aquifer in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

9. No operations authorised by this consent shall be carried out other than between the following hours:

- 7:00 to 19:00 Mondays to Fridays
- 7:00 to 13:00 Saturdays

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

10. The site shall be enclosed by a fence to prevent the escape of windblown litter off site, in accordance with the details submitted pursuant to condition 5 of planning permission 09/06430/CONCC approved by the Local Planning Authority on 20th July 2010.

The fencing shall be maintained for the operational lifetime of the development. Site working practices shall include an auditable schedule of regular (twice a week) litter clearance for the external areas of the site.

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

11. Noise from the operations shall not exceed 55dB LAeq 1hr (free field) as measured at the facades of the nearest properties as shown on the plan submitted pursuant to condition 9 of planning permission 09/06430/CONCC approved by the Local Planning Authority on 20th July 2010.

Reason: To protect the occupants of nearby premises from loss of amenity from noise disturbance and to conserve the tranquillity of the AONB in accordance with policies 16 and 22 of the Buckinghamshire Minerals and Waste Local Plan.

12. All plant and machinery used at the site shall be properly silenced and maintained in accordance with the manufacturer's specification.

Reason: To minimise impacts upon the amenity of the locality and to conserve the tranquillity of the AONB in accordance with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

13. No wastes other than construction and demolition waste and commercial and industrial waste shall be imported to and deposited at the site.

Reason: The importation of other waste streams would raise environmental and amenity issues which would require separate consideration in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

14. Stockpiles of processed or unprocessed material within the site shall not exceed 4 metres in height.

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

15. No further illumination shall be erected or otherwise provided on the site.

Reason: To prevent light spill beyond the boundaries of the site, to preserve the dark skies of the AONB, preserve the amenities of the local area and to comply with policies 16 and 22 of the Buckinghamshire Minerals and Waste Local Plan.

16. The monitoring and mitigation of dust shall not be carried out other than in complete accordance with the details submitted pursuant to condition 3 of planning permission CC10/9001/CM approved by the Local Planning Authority on 30th December 2010. The development shall not be carried out other than in compliance with the approved dust monitoring and mitigation details for the duration of the development.

Reason: To protect occupants of nearby residential premises from the loss of amenity from dust in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Steve Broadbent - The proposed variation to permit a doubling of vehicle movements must be considered in its entirety, given the impact upon the local community and the road network. The scale of change that a doubling of the permitted movements would bring places an entirely new context upon the operations of the business and of its impacts.

Road Safety, Air Quality, noise, the nature of the material and the risks that these all pose to people in the area require assessment. The most appropriate place for all matters to be considered would be the Strategic Sites committee. I therefore request that this application is referred to them for determination.

Cllr David Carroll - The roads are inadequate for these large vehicles, it's in the vicinity of a school and many children walk to school and this could have an adverse effect on their health and well-being alongside the residents.

Local residents have had to endure substantial noise and the smell for many years and these extra movements will make their lives even more intolerable. We live in an AONB and the visual effect has been immense. Bucks Council have a duty of care and responsibility for the health and wellbeing of our community. Alongside the HS2 vehicles now adding to the problem the situation is getting more dangerous for the residents.

In conclusion I strongly object to this application. I would like to this application referred to committee.

Parish/Town Council Comments

Hughenden Parish Council – Object to this application on the following grounds:

- **Environmental:** This application will result in a substantial overall increase in the number of permitted heavy goods vehicles movements through our rural parish which are associated with the site at Binders Yard. Increased vehicle pollutants, noise pollution and wear and tear on roads and causeways are specific area's which we feel warrant special and closer attention. Typically, older more polluting vehicles are deployed to rural areas because they cannot afford to operate in urban controlled zones, we do not want to become the hosts to these vehicles because we do not benefit from a low emission zone status. More vehicle movements will result in more deliveries which will require the site machinery to operate for more hours with associated noise and disturbance to neighbouring properties.
- **Pedestrian Safety:** We enjoy our environment. Parishioners of all ages use our roads and pavements for the school run, health and residential amenity. Our roads are relatively narrow and pavements sparse, visibility is frequently poor. There is insufficient space or barriers to prevent close and potentially life threatening contact with wide and heavy vehicles. As a minimum we believe that vehicle movements should be controlled and exclude school drop off and collection times to minimise the impact on both vehicular and pedestrian school traffic.
- **Inappropriate Development within an AONB:** We believe that the planning officers must have regard to the impact of the full site located within an AONB on the community. What started as a relatively small diversification in the use of farm buildings is now a full-blown industrial operation and demonstrates a process of complete change to the use of site in a gradual and piecemeal way.
- **Traffic Congestion:** The road system within the parish was never designed to cope with the number and types of modern vehicles in use today. Congestion at busy times is already with us,

adding further large vehicles which may not be able to pass each other safely, will increase that congestion and introduce delays and hold up to local traffic. The NW Community Board and TFB are currently assessing traffic impact, these results will only be known at the end of June. The impact of this kind of slow but steady increase in industrial vehicle movements has resulted in a great deal of hostility and nuisance elsewhere in the parish, we do not wish the same problems to be repeated here.

Consultation Responses

Chiltern Conservation Board (CCB) – Object. The CCB found no reassurances in the submitted papers that the proposed doubling of HGV movements within the site will satisfy the various AONB duties that cover the vast majority of the travel corridors that access this location. The board consider that the doubling of capacity will harm the tranquillity of route networks through the AONB harmful to the area’s special qualities. The CCB ask ‘great weight’ is given to the planning and legislative protections for the AONB. The board add that it is material that the HS2 will also introduce high levels of HGV movements around the Wycombe area. The CCB believe the development is major development and therefore should be subject to the test set out in paragraph 172 of the NPPF. The CCB recommend the decision maker takes into account the AONB management plan.

Highways Authority – No objection. Satisfied that the access is wide enough to support safe simultaneous two-way vehicular movements. With regards to the highways network in assessment of crashmap data and the injury collision records it is considered that these injury collisions do not result from highways design, conditions, or restrictions which would result in additional vehicular movements causing a danger to highway safety. Access to the site is achieved via the A4128 which is an A-classified road constructed to accommodate HGV vehicles. It is not considered that increasing the condition to allow 160 HGV movements would cause highways safety concern nor justify a reason for refusal.

Environmental Health Officer – No objection.

Representations

Petition - A petition signed by 337 people to “Stop huge HGVs from using small roads/lanes in Great Kingshill” was submitted. Whilst not entirely focussed on application CM/0009/21 the petition seeks to see Buckinghamshire Council take permanent action to ban these vehicles from certain roads in the village of Great Kingshill.

Hughenden Valley Residents Association – Object, consider that the site has enough movements to manage waste at present without increase.

Widmere End Residents Association – Object, raise concern over the wording of proposed change. Reaffirm a version of the successfully appealed condition restricting movements over school times should be attached. Raise concern over impacts of movements on locality with regards to congestion and safety.

Two comments have been received supporting the proposal and 135 comments objecting to the proposal. In summary, the comments raised the following matters:

- Impacts upon designations (AONB, Green Belt)
- Pollution
- Highways safety impacts
- Highways impacts
- Cumulation with other permissions on the site
- Impact upon amenity

APPENDIX B: Site Location Plan



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