



West Buckinghamshire Area Planning Committee agenda

Date: Wednesday 25 May 2022 – **Meeting adjourned until Wednesday 8 June 2022 at 6.30 pm due to unforeseen technical issues at the meeting venue**

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*

*Note: Membership to be confirmed following Annual Council on 18 May 2022.

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Agenda Item	Page No
1 Apologies for Absence	
2 Appointment of Vice-Chairman	
3 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.	
4 Minutes of the Last Meeting To note the minutes of the meeting held on 26 April 2022.	5 - 10
Planning Applications	
5 21/07006/REM - Slate Meadow, Stratford Drive, Wooburn Green, Buckinghamshire	11 - 44
6 20/07802/FUL - Site of Former Park and Ride Facility, Crest Road, High Wycombe, Buckinghamshire	45 - 78
7 21/06803/FUL - Griffin House Preparatory School, Station Road, Little Kimble, Buckinghamshire. HP17 0XP	79 - 100
8 21/08547/VCDN - Silver Birches, Hawks Hill, Bourne End, Buckinghamshire, SL8 5JQ	101 - 110
9 22/05527/FUL - Car Park, Old Kiln Road, Flackwell Heath, Buckinghamshire	111 - 134
10 Date and Time of Next Meeting Wednesday 21 June 2022 at 6.30pm (provisional). To be confirmed following Annual Council on 18 May 2022.	
11 Availability of Members Attending Site Visits (if required) To confirm members' availability to undertake site visits on 20 June 2022 if required.	

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@buckinghamshre.gov.uk

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West Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the West Buckinghamshire Area Planning Committee held on Tuesday 26 April 2022 in High Wycombe Council Chamber, Queen Victoria Road, High Wycombe, HP11 1BB, commencing at 6.30 pm and concluding at 9.02 pm.

Members present

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

Others in attendance

J Adams, K Asif, L Briggs, L Hornby, R Martin and H Smith

Apologies

D Johncock and S Wilson

Agenda Item

1 Declarations of Interest

Councillor S Raja: Application number 21/05794/FUL. Declared he had a personal interest due to a family member living next door to the application site. He declared he would speak as a Ward Member and then leave the Chamber for the debate and voting on the application.

Councillor M Turner: Application number 21/08160/FUL. Declared that he was a Ward Member but that he had an open mind and would listen to the debate and would make a decision at the conclusion of the debate.

Councillor P Turner: Application number 20/08349/FUL. Declared a personal interest in the application and declared that he would vacate the Chamber for the duration of the debate and voting on the application.

Councillor K Wood: Application number 20/08349/FUL. Declared an interest due to being a Member of the Board for the Almshouses which were located next door to the site. She declared that she had an open mind, would listen to the debate and make a decision at the conclusion of the debate.

2 Minutes of the Last Meeting

The Minutes of the meeting held on 30 March 2022 were agreed as an accurate record.

3 WITHDRAWN. 20/07802/FUL - Site of Former Park and Ride Facility, Crest Road, High Wycombe, Buckinghamshire

Erection of a retail unit for use as supermarket (Class E) and erection of restaurant / takeaway unit with drive thru (sui generis) with associated access, car parking and hard/soft landscaping.

The application was withdrawn from the agenda prior to the meeting pending further clarification.

4 20/08349/FUL - 175-179 Gordon Road, High Wycombe, Buckinghamshire, HP13 6AR

Demolition of existing shops and ancillary residential and erection of 3 x 2 and 4 x 1 bed flats with ground floor shop served by new access, bin store and cycle store.

After a full debate, Members voted on the motion to approve the application in line with officer's recommendation.

Speaking as Ward Councillor: Councillor Steve Guy

Speaking in objection: Mr Ben Holkham

Speaking on behalf of the applicant: Mr Richard Clark

It was proposed by Councillor N Marshall and seconded by Councillor K Wood

Resolved: that the application be approved.

Councillor P Turner left the Chamber for the duration of the debate due to having declared an interest.

5 21/05794/FUL - 114 Totteridge Road, High Wycombe, Buckinghamshire, HP13 6EX

Construction of two storey rear extension to lower ground and ground floor with associated alterations and alterations to roof in connection with conversion of existing RAF Association Club to form 7 x 1-bed flats (with 4 x parking spaces, bicycle storage and refuse facilities), plus construction of detached single storey building for wider community use at rear (part retrospective).

This application was the subject of a site visit.

Members voted in favour of the motion to refuse the application for the following reasons:

1. In the opinion of the Local Planning Authority, the principle of residential development is not acceptable. The existing building is a designated asset of

community value. The loss of an asset of community value will only be considered acceptable if a community needs assessment for the building has been undertaken and where it can be demonstrated that the need for a community asset/facility no longer exists in this location. No such assessment has been submitted with the application and, whilst a replacement community facility has been included as part of the development proposal, insufficient evidence has been submitted to demonstrate that the new building, which is smaller in scale than existing facility, would off-set the loss of the existing asset of community value. The proposal is therefore in conflict with the aims and objectives of policy DM29 of the Adopted Wycombe District Local Plan (August 2019), the Community Facilities SPD (October 2011) and the Community Facilities Strategy - May 2009 (updated August 2011 and March 2014).

2. In the opinion of the Local Planning Authority, the works already undertaken have resulted in unduly dominant additions to the existing building, failing to be subservient to the existing property. Together with the new building, which would also be constructed on site as part of this scheme, the overall proposal would represent an overdevelopment of the site. As such, the development would appear incongruous and be harmful to the character and appearance of the area. This conflicts with policies DM35 and DM36 of the Adopted Local Plan and the Householder Planning and design guidance SPD.
3. In the opinion of the Local Planning Authority, the proposed increase in bulk of the rear extension, by virtue of its height, depth and siting in relation to the neighbouring property would be unduly overbearing in appearance. The additional flank windows and balconies would cause a loss of privacy to neighbours. Moreover, the introduction of a new community building would further increase activity on site, which in combination with the use of the flats, would create noise and disturbance for the neighbouring residents. As such the proposal would be detrimental to the amenities of the occupants of the neighbouring properties and conflicts with Policies DM36 of the Adopted Local Plan and the Householder Planning and design guidance SPD.

Speaking as Ward Councillors: Councillors T Green, A Hussain and S Raja

Speaking in objection: Mr S Head

Speaking on behalf of the applicant: Mr E Munir

It was proposed by Councillor P Turner and seconded by Councillor C Oliver.

Resolved: that the application be refused for the reasons given above.

Councillor S Raja left the Chamber for the debate and voting on the item having first spoken as Ward Member.

6 21/08160/FUL - 310 Marlow Bottom Road, Marlow Bottom, Buckinghamshire, SL7 3QH

Householder application for erection of detached garden room to rear with works to garden including new retaining walls, re-landscaping and alterations to levels, new

boundary treatments and planting (part retrospective).

This application was the subject of a site visit.

Members voted in favour of the motion to refuse the application for the following reason:

- In the opinion of the Local Planning Authority, the proposed boundary fencing, by virtue of its height and siting in relation to the neighbouring property would be unduly overbearing in appearance. As such the proposal would be detrimental to the amenities of the occupants of this neighbouring property and conflicts with Policy DM36 of the Adopted Local Plan and the Householder Planning and design guidance SPD.

Speaking as Ward Member: Councillor D Barnes

Speaking in objection: Mr J Barlow

Speaking on behalf of the applicant: Mr P Smith (agent) and Mr C Newell (applicant)

It was proposed by Councillor M Turner and seconded by Councillor C Oliver.

Resolved: that the application be refused for the reason given above.

7 21/08599/FUL - Stuart Lodge, Stuart Road, High Wycombe, Buckinghamshire, HP13 6AG

Construction of part single, part two storey side extensions to both elevations of Stuart Lodge, conversion of integral garage and other associated internal alterations in connection with change of use of existing building from offices (use Class E) to residential (use Class C3) comprising 3 x 2-bed flats and 2 x studio flats (5 in total).

This application was the subject of a site visit.

Members voted in favour of the motion to refuse the application in line with officer's recommendation.

Speaking as Ward Councillor: Councillor A Baughan

Speaking in objection: Ms L Yates

It was proposed by Councillor P Turner and seconded by Councillor I Hussain

Resolved: that the application be refused.

Councillor A Baughan spoke as Ward Member and then vacated the Chamber for the duration of the debate and voting on the application.

8 Date and Time of Next Meeting

Wednesday 25 May 2022 at 6.30pm.

9 Availability of Members Attending Site Visits (if required)

Resolved: that in the event it was necessary to arrange site visits on Tuesday 24 May 2022 in respect of the agenda for the meeting to be held on Wednesday 25 May 2022, the following Members ne invited to attend:

Councillors: N Marshall, C Oliver, M Turner and P Turner

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Report to West Area Planning Committee

Application Number:	21/07006/REM
Proposal:	Reserved matters application for approval of access, appearance, landscaping, layout, scale and associated works including proposed Village Green scheme pursuant to outline planning permission 18/05597/OUT
Site Location:	Slate Meadow Stratford Drive Wooburn Green Buckinghamshire
Applicant:	Croudace Homes
Case Officer:	Declan Cleary
Ward(s) affected:	The Wooburns, Bourne End, and Hedsor
Parish-Town Council:	Wooburn and Bourne End
Date valid application received:	08/07/2021
Statutory determination date:	07/10/2021
Recommendation	<p>That the application is delegated to the Director of Planning and Environment for APPROVAL subject to:</p> <ul style="list-style-type: none">• confirmation that matters relating to the recreational pressures on Burnham Beeches SAC have been addressed, in agreement with Natural England, and the subsequent completion of a signed Unilateral Undertaking and/or Deed of Variation to secure payments towards the Burnham Beeches SAMMS;• that the submitted flood plain modelling is satisfactory, in agreement with the Environment Agency;• any conditions/measures necessary; and,• the subsequent deferral to the Secretary of State for their determination as to whether the application should be called in

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Land at Slate Meadow is identified for development within the adopted Local Plan under WDLP Policy BE1. Outline consent has been granted for up to 150 dwellings under planning permission 18/05597/OUT. The principle of residential development on this site has been established and the reserved matters application is in accordance with the parameters set out through the outline consent.
- 1.2 This application is being reported to Planning Committee as the application has been called in by Cllr Wilson stating “As a Ward Councillor, I want to call in this Reserved Matters Planning Application given the material significance of this site to the communities of Wooburn and Bourne End. There is significant interest in the Reserved Matters from Buckinghamshire Councillors, the Parish Council, community groups and residents. Matters of access (with a primary school in close proximity) and a busy road junction at peak times, appearance, landscaping, layout and the Village Green have been held back from the original outline planning application and merit discussion at planning committee rather than a delegated decision”, and also by Cllr Drayton, stating “As a County Councillor for the ward of The Wooburns, Bourne End and Hedsor, I would like to call this application in”.
- 1.3 Matters of first principle have been established under the outline consent, which has been supported by a Legal Agreement to deliver the necessary obligations required to make the development acceptable. The principle of an access off Stratford Drive has been established as has the impact on the highway network associated with the quantum of development.
- 1.4 It is considered that the proposed development is acceptable in terms of the layout, scale, appearance, access and landscaping, and that the proposals would not give rise to material harm to warrant a refusal of the reserved matters.
- 1.5 There remain outstanding considerations with regard to the impact on the Burnham Beeches SAC, however an approach has been agreed with Natural England for money to contribute towards the Burnham Beeches SAMMS which can be secured by Legal Agreement. Furthermore, the outstanding information required from the EA with regard to post development modelling for flood plain compensation has been submitted, and confirmation from the Environment Agency is awaited.
- 1.6 It should also be noted that the Secretary of State has received a request to consider whether to call the application in for determination. Therefore, in the event of a resolution to approve as recommended the application will need to be referred to the Department for Levelling Up, Housing and Communities.

2.0 Description of Proposed Development

- 2.1 The application site comprises a greenfield site which is located within the settlement boundary for Bourne End and Wooburn. The site is allocated within the Wycombe District Local Plan for housing development, under Policy BE.1.
- 2.2 The site represents an undeveloped parcel of land between the two settlements with residential development to the east and west. The River Wye runs through the site to the south, beyond which is the A4094. To the north is the open countryside, which is designated as Green Belt. The site is located within a valley with hills to the north and south. There are no significant land level differences within the site itself which is generally flat.
- 2.3 Due to its proximity to the River Wye, part of the site is located within Flood Zones 2 and 3, although the majority of the site (where development is proposed) is located within Flood Zone 1. The site has close connections to the public right of way network located to the north

within the countryside. Land identified as a village green is located at the north eastern part of the site, falling outside of the application boundary.

- 2.4 Outline consent was granted for the construction of up to 150 dwellings, under planning permission 18/05597/OUT which was considered to be acceptable under the Development Plan framework at that time, subject to conditions and a legal agreement.
- 2.5 This application relates to the reserved matters pursuant to that outline consent and considers solely the design details of the proposal, seeking approval for the layout, scale, appearance, access and landscape of the development. The outline consent sets the parameters and principles for development and establishes where development can be located and the extent of open space to be provided.
- 2.6 This proposal is for the construction of 146 dwellings, comprising a mix of 1 bed, 2 bed, 3 bed and 4 bed properties which would be provided through a mix of apartments, terraced, semi-detached and detached dwellings. The dwellings are laid out in a perimeter block form with properties fronting onto the areas of open space and river Wye corridor. The development would be a mix of 2 storey and 2 ½ storey development.
- 2.7 The site would be accessed from Stratford Drive, as established through the outline consent, and includes a primary route through the site, with secondary roads branching from the principal corridor. Parking would be provided through a mix of allocated on site parking for individual properties and parking courtyards to serve the apartments. The scheme also includes unallocated parking within the streets which would serve a dual purpose with parking for the adjacent school.
- 2.8 A significant area of public open space will be provided to the west of the site maintaining a separation between the two settlements. This open space would provide SuD's and flood plain compensation elements, and also includes significant landscaping, recreational and biodiversity enhancements, along with pedestrian/cycle routes connecting to the adjacent communities and wider Public Rights of Way (PROW) network. Open space is provided within the development, including a central area and view corridor from the south which would incorporate an element of SUDs.
- 2.9 The site would be accessed from Stratford Drive to the east, which is the indicative means of access which was considered to be acceptable under the outline consent and in accordance with the Development Plan and Development Brief.
- 2.10 The application is accompanied by:
 - a) Planning Application Forms (including ownership certificates);
 - b) CIL Forms;
 - c) Site Location Plan (ref: 18086 – S101);
 - d) Full set of architectural drawings
 - e) Planning Statement
 - f) Design and Access Statement
 - g) Supporting Statements (including Affordable Housing Statement, Sustainability Statement and Transport Statement)
 - h) Ecological Appraisal (including BIA)
 - i) Ecology – wildlife checklist
 - j) Addendum Flood Risk Assessment
 - k) Landscape Masterplan
 - l) Sustainable Urban Drainage System Strategy
 - m) Canopy Calculator

- n) Arboricultural Method Statement
- o) Construction Environmental Management Plan
- p) Landscape and Ecological Management Plan
- q) Shadow Habitats Regulations Assessment

3.0 Relevant Planning History

- 3.1 18/05597/OUT - Outline application (all matters reserved) for the development of up to 150 dwellings (including affordable homes), accessed off Stratford Drive, together with ancillary infrastructure including the provision of public open space, parking and circulation facilities and the management and protection of the water and ecological environments – Approved – 27/06/19
- 3.2 90/05423/OUT - Residential development with new vehicular access – Refused – 09/05/90

4.0 Summary of Representations section ahead of the considerations

- 4.1 The application was subject to the relevant consultation, notification and publicity. An initial round of consultation was undertaken in July/August 2021.
- 4.2 In response to the consultation 17 representations of objection from the local community were received, in addition to 2 letters from residents groups.
- 4.3 The most frequently mentioned concerns/benefits are summarised at Appendix A of the Committee Report.
- 4.4 All representations received from statutory consultees, non-statutory consultees and other interested individuals, groups and organisations are also set out in Appendix A of the Committee Report

5.0 Policy Considerations and Evaluation

Planning policy framework

- 5.1 In considering the application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 In this case the site is allocated for development by Policy BE1 of the adopted Wycombe District Local Plan. There are other development plan policies that are also relevant. The policy framework will be set out below.

Principle (Housing)

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development); CP2 (Overall Spatial Strategy); CP3 (Settlement Strategy); CP4 (Delivering Homes); DM21 (The location of new housing); DM33 (Managing Carbon Emissions, Transport and Energy Generation); BE.1 (Slate Meadow, Bourne End and Wooburn)

Wycombe District Adopted Delivery and Site Allocations Plan (July 2013): DM1 (Presumption in favour of sustainable development)

Supplementary Planning Documents – Slate Meadow Development Brief (March 2018)

- 5.3 The site is allocated for housing under Policy BE.1 of the Wycombe District Local Plan (WDLP). Outline planning permission was granted for the construction of up to 150 dwellings under planning permission 18/05597/OUT. This is a reserved matters application submitted pursuant to the grant of that outline planning permission.

- 5.4 The reserved matters application proposes a total of 146 dwellings which is compliant with the outline consent in terms of quantum of development proposed. It is not necessary therefore to revisit whether the principle of residential development on this site is acceptable. Additionally, it is pertinent to note here that the principle of an access off Stratford Drive has been established under the outline consent as this is embedded within the description of development.
- 5.5 This application therefore seeks to determine whether the matters of detail of the proposals, insofar as they relate to scale, appearance, layout, access and landscaping are acceptable. It is also necessary to consider whether the proposals comply with any relevant conditions attached to the outline consent.

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)

- 5.6 The delivery of affordable housing has been secured under the outline consent through its accompanying s.106 legal agreement. The permission ensures that no less than 40% of the bedspaces to be provided within the development shall be affordable housing.
- 5.7 There has been a change in policy since the outline consent was granted. Policy DM24 requires that developments should deliver 48% of its total units as affordable housing. However, the legal agreement confirms that affordable housing ought to be determined in accordance with the policies and standards which were in effect at the time the legal agreement was dated. Therefore it is necessary to consider the total bedspaces proposed rather than total units.
- 5.8 The number of bedspaces proposed within the scheme would comply with the terms of the outline consent.
- 5.9 With regard to tenure of affordable housing, the Legal Agreement requires that no less than 70% of the affordable housing shall be Affordable Rented, while the remainder (no more than 30%) shall be shared ownership. The proposed scheme includes a total of 68 affordable units, of which 48 (70.6%) would be rented, and 20 (29.4%) shared ownership. The proposals therefore comply with the legal agreement.
- 5.10 The mix of affordable units would comprise 15 x no. 1-bed Apartments (12 rented) 28 x no. 2-bed Apartments (19 rented) 4 x no. 2-bed Houses (2 rented) 17 x no. 3-bed Houses (11 rented), and 4 x no. 4-bed Houses (4 rented), which proposes a good mix of affordable units within the scheme.
- 5.11 With regard to housing mix generally, the scheme proposes a good mix of 1, 2, 3 and 4 bedroom units which is compliant with the aspirations of Policy DM22.
- 5.12 The proposed scheme in terms of affordable housing delivery and housing mix is considered to be acceptable and in accordance with the outline consent and accompanying legal agreement.

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); BE.1 (Slate Meadow, Bourne End and Wooburn); DM35 (Placemaking and Design Quality)
 DSA: DM2 (Transport requirements of development sites)
 Interim Guidance on the Application of Parking Standards
 Buckinghamshire Countywide Parking Guidance

Slate Meadow Development Brief (March 2018)

Access

- 5.13 The principle of residential development on this site, for up to 150 dwellings, with access from Stratford Drive is established through the outline consent and Development Plan policy. It is not possible to revisit points of first principle in this regard. Policy BE.1 is clear that main vehicular access shall be from Stratford Drive, and to limit vehicle access from Eastern Drive and Frank Lunnon Close, while no direct vehicular access shall be from the A4094.
- 5.14 The proposed access point from Stratford Drive is similar to that indicatively indicated in the outline consent while additional accesses for 5 properties would be provided from Stratford Drive. All points of access can achieve the requisite visibility splays of 2.4m x 43m onto the public highway. The Highways Authority are therefore satisfied that safe access to the site can be achieved.
- 5.15 The scheme includes details of a raised table which would be provided on Stratford Road at the site entrance, this would extend to the entrance to St Pauls C of E Combined School. The details include a pedestrian crossing through the use of tactile paving on the pavements. The Highways Authority are satisfied that these details are acceptable.
- 5.16 Concerns have been raised locally with regard to the capacity of the road network to accommodate the development, and the cumulative impacts from Hollands Farm. While the concerns are noted as stated above it is not possible to revisit points of first principle under a reserved matters application. In considering the outline consent the Highways Authority were satisfied that quantum of development could be accommodated satisfactorily into the highway network.

Internal Layout

- 5.17 The main spine road through the site has been designed to be of appropriate width and include pavements on either side. The wider scheme includes a mix of shared surfaces. BC Highways had raised some concern with regard to the absence of footways in certain locations across the development and also concerns regarding accessibility for refuse vehicles. However, following discussions and relevant amendments to the scheme, these concerns have been satisfactorily addressed.
- 5.18 Highways have raised one outstanding matter with regard to the manoeuvrability of larger vehicles within the cul-de-sac serving Plots 141-145. Amended details have been received, which demonstrate turning provision to serve these units and comments from the Highways Authority are awaited. Elsewhere, the application has been accompanied by refuse tracking details and the Highway Authority are satisfied that such vehicles can manoeuvre safely through the development as designed.
- 5.19 The LPA is satisfied that parking spaces can be accessed and egressed safely without causing harm to highway safety or conflict with other road uses.

Parking

- 5.20 Buckinghamshire Countywide Parking Guidance identifies the site as being located within Zone B. The scheme proposes a total of 365 parking spaces to serve the development, of which 57 would be unallocated visitor parking spaces.
- 5.21 BC Highways have reviewed the overall parking provision and are satisfied that the development would deliver an appropriate level of parking to serve each dwelling. Further,

the Highways Authority are satisfied that the size of both off street allocated parking, and on-street allocated parking is in accordance with the required dimensions.

- 5.22 Policy BE1 requires the provision of school travel improvements through additional, unallocated, on-street parking on the site. This requirement is also a condition on the outline consent. The scheme proposes numerous on street parking spaces which are to be unallocated, which would serve as a function to assist with school travel. The on street parking proposed are all within acceptable walking distance from the school and would meet the necessary requirements of the policy and walking distances. It should be noted, that it would not be possible to provide further spaces closer to the junction with Stratford Drive due to vehicular/pedestrian safety.

Sustainable travel

- 5.23 The legal agreement to the outline consent includes obligations for the development to deliver cycleway and PROW improvement contributions towards localised improvements to the existing network, including footpaths WOO/17/1 and WOO/20/2. Further the scheme proposes the necessary connections, through the site, which connect to the wider PROW network and adjoining communities which complies with the requirements of Policy BE1. Furthermore, the scheme will deliver cycle storage facilities for occupants of the development, the delivery of these are secured by the outline consent. The proposals therefore deliver the necessary and appropriate connections and facilities to encourage walking and cycling as a viable alternative to the use of the private motor car.
- 5.24 With regard to bus travel there is a planning obligation for the outline consent to provide financial contributions towards Real Time Passenger Information at bus stops in the area.
- 5.25 Finally, there remains a requirement under condition of the outline consent for the development to deliver electric vehicle charging points in all dedicated parking on the site.
- 5.26 The scheme therefore encourages sustainable travel and meets the objectives of reducing emissions from travel.
- 5.27 The layout and access of the proposals are therefore considered to be acceptable in respect of highways matters.

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); BE1 (Slate Meadow, Bourne End); 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),

DM16 (Open space in new development)

Residential Design Guide

Slate Meadow Development Brief

- 5.28 This is a reserved matters application which considers matters of detail, the key considerations with regard to place making and design are the matters relating to layout, appearance and scale. Considerations relating to landscaping are considered in more detail later in this report.
- 5.29 Policy BE1, with regards to place making sets out two requirements, to retain an undeveloped area between Bourne End and Wooburn; and to retain the village green. Further requirements, under landscape, require the retention of views up the valley sides to the north and south, and to provide a layout, scale and appearance of the development that minimises

the impact on views down from the valley sides. A Development Brief has also been produced to inform development on this site.

Layout

- 5.30 The proposed layout, in terms of developable area has been dictated by the outline consent and the requirement to achieve adequate open space on the site. A significant corridor is retained to the west of the site which maintains the separation between Bourne End and Wooburn. Furthermore, the village green is retained as required. Both these elements are secured through the legal agreement attached to the outline consent.
- 5.31 The development makes effective use of perimeter blocks which results in developments which satisfactorily addresses the river Wye corridor, open space and existing development along Stratford Drive. The pattern and mix of development, and the use of apartment buildings at focal points is considered to be acceptable.
- 5.32 A key consideration in the evolution of the site layout has been requirement to achieve potential views through the site to the hillsides beyond. There are vistas from within the development which allow for views of the hills beyond, along the proposed road networks. While views from the north towards the southern hills can also be achieved along the corridors created by the roads and over the rooftops. The creation of a view from beyond the site to the south had been more problematic to achieve, given the quantum of development proposed. However, discussions between the applicant and LPA have sought to secure a wider corridor from the south which would penetrate through to the central area of open space. This would open up a corridor within the development platform and allow for vistas through the site and to the landscape beyond. It is considered that the proposals are acceptable in this regard.
- 5.33 Initial plans showed the central area to be dominated by a SUD's feature, this would have lessened the effectiveness of this area as a focal point within the development. This has subsequently been removed and relocated to within the southern view corridor. A more meaningful area of open space has now been provided within the development.
- 5.34 The proposals have been assessed in terms of the impact upon heritage assets and their setting, and it is not considered that the development would unduly impact any heritage asset as a result of the detail submitted in this application, as confirmed by the Heritage Officer. Matters relating to archaeology are reserved by conditions on the outline consent.

Scale

- 5.35 The proposed development is predominantly two storey with some elements of 2 ½ storey. Representations have been received which state that these are 3 storey developments and that they are out of character with the surrounding development (being predominantly 2 storey).
- 5.36 There is no condition attached to the outline consent which restricts the scale of the development, and the inclusion of 2.5 or 3 storey developments is not considered unacceptable as a matter of principle. Indeed the Development Brief states that the proposals should be predominantly 2 storey with the potential for occasional 2.5 and 3 storey elements. The proposed development is predominantly 2 storey in scale, while 2.5/3 storey elements are provided within the development. These are predominantly concentrated in key locations such as adjacent to the central open space, or fronting onto the wider open space. These therefore provide focal points within the development and are considered to be acceptable.

Appearance

5.37 The development proposes a variety of building designs, types and forms. The scheme includes different character areas within the development, such as the main spine road, the open space and river frontages, and mews areas. Additionally, the scheme includes a mixed palette of materials. The appearance of the development helps to add interest within the scheme and is considered to be of acceptable.

Amenity of existing and future residents

Wycombe District Local Plan (August 2019): CP9 (Sense of Place); DM35 (Placemaking and Design Quality); DM40 (Internal space standards)

Residential Design Guide

Slate Meadow Development Brief

5.38 The development will safeguard the amenity of neighbouring properties and provide an appropriate living environment for new occupiers in accordance with development plan policy and guidance.

5.39 The development will provide private, attractive, usable and conveniently located private amenity space of an appropriate size for each new home. Houses will be provided with private garden space, while apartments will be provided with either a ground level patio garden area or balcony.

5.40 The scheme will not result in adverse impacts on the amenities of neighbouring properties because:

- A 25m back to back distance is achievable with existing homes on Stratford Drive.
- Boundary screening will be achieved by the retention and enhancement of existing boundary landscaping.
- The perimeter block layout will ensure that existing gardens back onto new gardens thereby making it difficult for outside intruders to access back gardens.
- The scale of the properties is appropriate to ensure that there would be no adverse overbearing or overlooking issues.

5.41 The layout of the new development has been designed to broadly comply with the Council's normal development standards in order to provide an adequate degree of amenity for the future residents of the proposal. There are a small number of internal back to back relationships which are marginally below the spacing standard, however in the context of the scale of scheme, and for the purposes of achieving good design, the spacing between the dwellings is considered to be acceptable.

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)

5.42 Matters relating to air quality, contamination, servicing, and noise disturbance, were considered at outline stage and the proposals were deemed to be acceptable on these points, subject to conditions attached to the outline consent where appropriate.

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); BE1 (Slate Meadow, Bourne End and Wooburn)

Flood Risk

- 5.43 The application site includes land which is located within Flood Zones 2 and 3, which is acknowledged within Policy BE1 and considered through the outline consent. The requirement to ensure that the development is safe from flooding has dictated the development platform secured through the outline consent.
- 5.44 The outline consent includes a condition which dictates the finished floor level of any perceived vulnerable properties within the development, and limits the extent of built development. These are mandatory requirements that any development has to satisfy and the submitted detail shows adherence to this.
- 5.45 The outline consent also requires the submission of flood plain modelling to be submitted with the Reserved Matters for layout, which should include an addendum to the overarching FRA.
- 5.46 The initial Environment Agency comments raised concern with regard to the submitted documentation and the level of detail provided in terms of flood plain modelling, the effectiveness of the floodplain compensation scheme, and levels within the development. As such, the EA requested the submission of a revised FRA which had not been submitted to support the application.
- 5.47 An addendum FRA has since been provided and the EA were reconsulted. The submitted information included outstanding information required by the EA and suggests that the development can be carried out without causing risk to future occupants, or contribute towards additional risk elsewhere. However, a further significantly delayed response from the EA identified that there remained some outstanding information relating to flood plain modelling. This detail has been produced and has subsequently been referred to the EA again for their urgent consideration.
- 5.48 It should be noted that a further condition requires the submission of a floodplain compensation scheme prior to the commencement of development. Therefore, it is not necessary for this element of the proposal to be considered or agreed at this time. Notwithstanding this, the scheme submitted includes two areas of floodplain compensation, which would alleviate the loss of floodplain arising from any raising of land levels.

Drainage Scheme

- 5.49 The application has been supported by a drainage strategy which broadly reflects the layout submitted. The LLFA have considered the submitted information and observed that some detail is outstanding. Notwithstanding this, they have confirmed that the matters can be dealt with by way of the submission of details pursuant to conditions 10 and 11 attached to the outline consent.
- 5.50 A legal agreement relating to sustainable drainage systems (SuDs) management and maintenance has been secured at Outline stage.

Green networks and infrastructure, biodiversity and 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); BE1 (Slate Meadow)

DSA: DM11 (Green networks and infrastructure); DM13 (Conservation and enhancements of sites, habitats and species of biodiversity and geodiversity importance); DM14 (Biodiversity in Development)

Slate Meadow Development Brief

Impact on Burnham Beeches Special Area of Conservation (SAC)

- 5.51 Natural England have raised objection to the Reserved Matters application on the basis that the development proposals do not satisfactorily mitigate the additional recreational pressures which would arise on the Burnham Beeches SAC.
- 5.52 By way of background, both the WDLP and the Slate Meadow Development Brief acknowledge that residential development at the application site would, sans mitigation, result in an adverse impact on Burnham Beeches SAC. Both acknowledge that the provision of open space at the application, above and beyond the policy requirements set out in Policy DM16 would be necessary to provide an alternative to the SAC and therefore reduce any recreational pressures.
- 5.53 The evidence base to the preparation of the Development Plan included a Habitats Regulations Assessment Report (dated January 2019) was carried out prior to the granting of outline planning permission. This considered the impacts that Local Plan would have on sites of international importance, including the Burnham Beeches SAC. Again, this identified that Slate Meadow would have an impact on the SAC through recreational pressures which ought to be mitigated as the site fell within 5km of the SAC (based on Visitor Survey evidence from 2014). That Heritage Regulations Assessment (HRA) considered that the provision of on site open space would be sufficient to mitigate the pressures on the SAC. It was observed that the site is surrounded by a good network of rural Public Rights Of Way (PROW) which the proposals should connect to. Under the preparation of that HRA, Natural England (NE) were consulted based on the strategy outlined within the Local Plan HRA. Based on the mitigation agreed NE confirmed that they were satisfied that the Local Plan will not have significant impacts to any European protected sites. The mitigation strategy within the HRA therefore informed the Local Plan Policy.
- 5.54 The Outline consent was granted after NE acknowledged the strategy towards the SAC within the HRA and (at that time) emerging Local Plan. In considering that application it was acknowledged that the development would impact upon the SAC and that the overprovision of open space, as proposed, would mitigate the recreational pressures. This assessment was in line with the HRA to the Local Plan. Consequently, the open space provision has been secured and fixed through Legal Agreement.
- 5.55 As set out above, in considering this Reserved Matters application, NE have maintained an objection to the proposals on the basis of the impact on the SAC.
- 5.56 Following discussions between the applicant, Council and Natural England it has been agreed in principle that a contribution towards the Burnham Beeches SAMMS as detailed by the Buckinghamshire Council Burnham Beeches SAC SAMMS SPD (which forms part of the Development Plan for Chiltern and South Bucks) could be secured and this would mitigate the potential recreational pressures arising from the development. This would amount to a payment of £295,485.02 arising from the scheme of 146 dwellings. The applicant has confirmed that they will make payments towards the mitigation strategy, to be secured through legal agreement, and the LPA are awaiting formal confirmation from Natural England of removing their objection.
- 5.57 In addition, with regard to the proposals submitted with this reserved matters application, the scheme includes the quantum of open space which is consistent with that which has been secured under the Legal Agreement for the outline planning permission. The scheme includes a network of routes through the open space which will connect to the wider PROW and as such providing an appropriate alternative green space, and access to the countryside, which clearly act as a recreational facility which would serve the occupants of the development and also the wider community.

Biodiversity proposals

- 5.58 The application has been supported by the necessary surveys and reports which consider the impacts upon protected species and/or their habitats. The updated information indicates that there are some protected species on the site including water vole, reptiles, badgers and bats. The proposals include mitigation measures which the Ecology Officer consider to be acceptable. The amended Construction Environmental Management Plan sets out clearly how species and habitats will be protected through the construction process. The zoning of the site enhances the interpretation of how different areas of the site will be dealt with and should help ensure harm does not occur. Consequently, the Ecology Officer has raised no objection to the development in this regard which satisfies the requirements of ecological conditions attached to the outline consent.
- 5.59 The submitted plans and documents demonstrate a 10m buffer from the River Wye, as required by condition. The detail includes the necessary landscaping and ecological enhancements within the buffer zone. The zone is largely clear from built form. It is noted that there is some minor incursion of footpaths into this zone, however revised plans have been submitted which remove the footpath from the buffer which would address the EA concerns in this respect.
- 5.60 While concerns raised by the Environment Agency with regard to the impact upon protected species, particularly Water Voles, no concerns have been raised by the LPA's Ecology Officer. The re-profiling of the river banks is required in order to provide enhancements to the River Corridor. One water vole burrow has been identified within the bank which is to be re-profiled. The submitted CEMP confirms that before any works are carried out further water vole surveys will be undertaken to ensure that all burrows have been identified and mapped. If required a Natural England licence will be obtained in order to conduct water vole displacement works and such works, if necessary, would be in accordance with Natural England licensing requirements. There remains other habitat within the site which would be suitable for water vole which the species could disperse to. Through displacement, it is considered that the works would not have a detrimental impact upon the species or its population.
- 5.61 Details of the lighting layout have been provided and further details of these have been provided within the CEMP and Mitigation and Enhancement Strategy. The Ecology Officer is satisfied that these details are well designed from a biodiversity perspective, while a condition remains on the outline consent which controls the installation of further lighting.
- 5.62 The Environment Agency (EA) have also raised concern with regard to the design of the seasonal wetlands and that these should be designed to have multiple benefits and variety in profiling. These engineering works are required initially due to floodplain compensation requirements and their design ultimately needs to strike an appropriate balance between ensuring they are fit for purpose from a flooding perspective and any biodiversity or recreational function. It is considered that the proposals provide for an appropriate balance between these factors.
- 5.63 The EA acknowledge the river enhancements which have been presented to date. However, they have suggested that a more comprehensive scheme for in channel enhancements is required to introduce variations in flow. While these comments are noted, again, a balance ought to be struck between ensuring that matters of flood risk are not compromised as a result of works to the river itself. The applicant's specialists have identified that such works may have implications on channel capacity which is why such measures have not been incorporated and

this approach appears to be reasonable to the LPA. In addition the proposed depth of the marginal shelf, at 150mm to 200mm, is considered to be acceptable.

Net Gain

- 5.64 With regard to net gain the submitted Biodiversity Metric shows a habitat net gain of 20.25%, and hedgerow net gain of 677.83%. The scheme shows a good mix of habitats to be provided which would integrate well into the site. The Ecology Officer is satisfied that the calculations seem reasonable and that the development proposals would deliver a measurable net gain in biodiversity, on site. Furthermore, the submitted LEMP sets out how the onsite habitats will be managed to ensure that the predicted values will be achieved.
- 5.65 The EA have suggested that a River Condition Assessment ought to be carried out to inform biodiversity net gain. While this comment is noted, condition 9 attached to the outline consent, states that the reserved matters application (for landscaping) should include a biodiversity impact assessment and enhancement statement in line with the Warwickshire Metric (or Buckinghamshire if available). The condition and the Warwickshire Metric does not require such an assessment and such requirements is above and beyond the outline consent.
- 5.66 As set out above, the application proposals demonstrate a significant level of biodiversity net gain enhancement on-site which is above and beyond the requirements of current Development Plan policies.

Trees and canopy cover

- 5.67 The development would accord with policy DM34 in that it would achieve a future canopy cover of at least 25% across the site area. The submitted documentation demonstrates that 28% future canopy cover could be achieved. This has been reviewed by the LPA's Tree Officer who has confirmed that the proposed tree provision across the site is acceptable. Additionally noting that the tree cover within the development itself would present a sylvan character for the development.
- 5.68 The submitted arboricultural method statement is also deemed to be acceptable in terms of the protection of retained trees.
- 5.69 The proposed layout and landscaping of the site is deemed to be acceptable in terms of biodiversity and green infrastructure.

Building sustainability and climate change

Wycombe District Local Plan (August 2019):

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

Air Quality SPD

- 5.70 These matters have been considered at outline stage under the policy context at that time. It is not possible to revisit points of principle in this regard. However, the applicants have acknowledged that should the development not satisfy Building Regulations through fabric efficiency alone then they would look to incorporate PV panels into the development.

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); BE1 (Slate Meadow, Bourne End and Wooburn)

- 5.71 The quantum of open space which would be delivered has been established through the outline consent. This includes a significant over provision of local and strategic open space to provide separation between the settlements, a green corridor, and in part to mitigate the

impacts on the Burnham Beeches SAC as outlined above. The parameters of the open space is secured through legal agreement and includes a significant undeveloped corridor to the west of the site as required by policy and the Development Brief.

- 5.72 Within the site allocation, but outside of the application boundary, is an area of land identified as village green. Policy BE1 requires the retention of this land, and this is retained under this proposal. The outline consent, under the legal agreement, requires the submission of a village green scheme, subject to a licence. The proposals detailed through the amended plans show limited alterations to the village green itself, with the exception of enhancing connectivity through the area to the wider PROW network which are considered to be reasonable. Notwithstanding this, any scheme requires consent outside the remit of this application, pursuant to the Legal Agreement.
- 5.73 The scheme includes a corridor of open space within the development area which would include some SUD's elements, which would lead towards a central undeveloped open space area. The scheme also details an area of play space which would be provided within the strategic corridor. The provision and extent of which is considered to be acceptable.

Infrastructure and Developer Contributions

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth)
DSA: DM19 (Infrastructure and delivery)

- 5.74 These are matters which have been secured by the Outline Consent. It is not possible to revisit or reassess what has been secured by the planning permission.

Weighing and balancing of issues / Overall Assessment

- 5.75 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.
- 5.76 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
- 5.77 As set out above it is considered that the proposed development would accord with the development plan policies and would bring with it the benefits established through the outline consent.
- 5.78 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 applications/ agents of any issues that may arise in the processing of their application.

6.3 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 and the LPA has worked collaboratively with the applicant to find solutions
- The case was considered by the planning committee where the applicant had the opportunity to answer representations.

Recommendation: That the application is delegated to the Director of Planning and Environment for Approval subject to:

- (a) Confirmation that matters relating to the recreational pressures on the Burnham Beeches SAC have been addressed, in agreement with Natural England, and the subsequent completion of a signed Unilateral Undertaking and/or Deed of Variation to secure payments towards the Burnham Beeches SAMMS;
- (b) That the submitted flood plain modelling is satisfactory, in discussion with the Environment Agency;
- (c) Any conditions/measures necessary; and,
- (d) The subsequent deferral to the Secretary of State for their determination as to whether the application should be called in; and,

Subject to the following condition(s):

1. The development hereby approved shall be carried out in strict accordance with the plans detailed within the Planning Application Register, dated 11th May 2022.
Reason: In the interests of clarity and to secure the satisfactory layout, scale, appearance, access and landscaping of the development.

APPENDIX A: 20/07006/REM

Consultation Responses and Representations

Councillor Comments

Cllr Wilson - As a Ward Councillor, I want to call in this Reserved Matters Planning Application given the material significance of this site to the communities of Wooburn and Bourne End. There is significant interest in the Reserved Matters from Buckinghamshire Councillors, the Parish Council, community groups and residents. Matters of access (with a primary school in close proximity) and a busy road junction at peak times, appearance, landscaping, layout and the Village Green have been held back from the original outline planning application and merit discussion at planning committee rather than a delegated decision. (23/07/21)

Cllr Drayton - As a County Councillor for the ward of The Wooburns, Bourne End and Hedsor, I would like to call this application in. (26/07/21)

Parish/Town Council Comments

Wooburn & Bourne End Parish Council – Further Comments – Further to our letter dated 24th January 2022, we welcome the recent Environment Agency (EA) response dated 14th April 2022. In their response, the EA maintain their objection for a number of reasons which echo our earlier response in terms of flood risk, drainage and biodiversity issues which we both feel have not been adequately dealt with by the proposed development. We note that the EA are also concerned about where additional swales have been placed which are not evident on the landscape masterplan nor that there is consideration for the seasonal wetlands to have been included. We agree with both of these points as reflected in our letter. We would be keen to understand the LLFA drainage officers current standpoint on the above but are yet to see a response from themselves.

Wooburn & Bourne End Parish Council – Further Comments – Wooburn and Bourne End Parish Council's planning committee is fortunate that one of its members is a geotechnical engineer and he has reviewed the amended drainage strategy in document FWM8960-RT001 R01-00

We wish to alert you to our concerns that the amended drainage strategy does not provide enough treatment or benefit to the Site or it's ecological receptors and that the biodiversity net gain assessment uses a now withdrawn standard.

In response to amended documents uploaded recently to the Buckinghamshire Councils Planning Portal in relation to the outline planning permission 18/05597/OUT and 21/07006/REM Slate Meadow Stratford Drive Wooburn Green Buckinghamshire.

- Wooburn and Bourne End Parish Council would like to make the following observations and comments.

For Flood storage compensation we would expect volume calculations, comparing available flood storage volumes for the current site against the proposed site. These calculations are generally undertaken on a level for level basis at increments of c. 0.1 m. This has not been undertaken in this instance. However, the results of the modelling would suggest that the features would result in a slight decrease in downstream flood risk (as inferred from the reduction in modelled flow volume passing through the site) under the 1 in 100 years + climate change event. It is unclear whether the volumes provided by these features would be utilised under lesser storm event conditions. It is

assumed that they would not be although there is not much information included on the connectivity between the watercourse and the basins.

- Ideally the drainage strategy should be updated as the FRA has been. At present there are quite a few contradictions between the two.
- The Site is in Zone 3 and close to Zones 1 and 2 of a drinking water source protection zone. However, the drainage strategy does not appear to consider this in terms of pollution incidents given the primary mechanism of surface water disposal is infiltration. This needs further thought and consultation with Thames Water.
- A blanket minimum invert level for infiltration features seems inappropriate for a site of this size. A more refined approach could be employed such as that used to set finished floor levels in the FRA addendum.
- Confirmation should be sought that none of the permeable paving is within the 1 in 100 yr. + climate change flood envelope.
- It is good that the previous attenuation crates have been replaced with an above ground 'green' basin. However, there appears to be no treatment to surface water run-off from adoptable roads prior to discharge into the River Wye. The invert level of the surface water sewer network appears to be consistently lower than the invert level of the basins suggesting that the only way they will fill is by the hydro brake 'backing up' the entire system. So under low flow conditions any pollutants would seemingly discharge directly to the river. We cannot see any other form of treatment to remove pollutants including contamination (e.g. fuel/ oil spills) and suspended solids.
- The FFLs of the plots have been raised but the discharge of surface water from each is to the sub-base of surrounding permeable paving. Whilst quite extensive, we are concerned that it is still a concentrated discharge which has not been tested under 'flood' conditions and could lead to localised or extensive groundwater flooding i.e. they effectively work in reverse.
- The flood plain compensation basins are noted as 'seasonal wetlands' but the base/ invert of them is higher than the 'worst case' groundwater elevation. Assuming they are unlined we would think we commend that for better biodiversity benefit, these should be lowered such that the bases are indeed 'seasonally' wet whilst providing adequate storage above during times of flood.
- The new proposal includes river bank enhancements. Again, for biodiversity reasons, a fish 'refuge' pond should be considered in this area.
- The River Wye ecological buffer intersects with footpaths/ cycle-ways and abuts the one of the roads. Ideally there should be a degree of separation from human activity.
- The ecological report notes: "The SuDS feature in the central area will provide a permanently wet wildlife pond with a shallow gradient and marginal zones for aquatic, emergent and marginal vegetation." However, we are unsure how this will be achieved if it only gets wet when the system 'backs up' - see above.
- The ecological report uses DEFRA biodiversity metric 2.0 but this has been withdrawn and replaced with 3.0 which should be used.

Please take these points into consideration in any discussions of conditions with the Developer and into your determination of the planning application.

Wooburn & Bourne End Parish Council – Initial Comments - Members of the PH&L Committee of Wooburn & Bourne End Parish Council wish to make the following comments with regard to the above application 21/07006/REM. In reading and comparing the 21_07006_REM-PLANNING_STATEMENT-3970841.pdf and the Development Brief for Slate Meadow which was adopted in 2018, and Wycombe District Local Plan adopted in 2019, we note the following that are not in accordance with the agreed development brief.

Development Brief 1.3 Vision para 10 says: Deliver off site infrastructure directly related to the needs of the development. The planning application addresses its access to Stratford Drive but not beyond, yet 2.5.1 calls for "improvement for right turning onto A4094 and potential revision to Stratford Drive junction including the pedestrian crossing"

- the road improvements and infrastructure around the site must be completed before any development starts. This planning application does not include a transport assessment, but this is stated as being required within the Development Brief at 4.7. The Transport assessment will consider the number of vehicle movements, the proposed single entrance and exit to the site, where that entrance is relative to Stratford Drive entrance from Brookbank; the entrance to Orchard Drive and the entrance to the school. All of these are in close proximity to each other and could potentially cause a bottle neck at any one time.

The assessment also needs to take into account that some students will attend St Paul's who are not living at Slate Meadow and will be walking along Cores End Road, Brookbank and from the outer edges of the catchment area at Wooburn Manor Park. Therefore, there needs to be additional safe crossing areas. (Local Plan Policy BE1 2e).

The Local Plan states that Bourne End is a transport hub, so we recommend that the Old Railway Line is looked at again as a bridle/cycle path to reduce short term vehicle journeys. (WDC Local plan BE1 2d)

Development Brief 2.5.4 "...additional visitor parking provision in the new development in close proximity to the school, capable of providing addition school drop off parking"

- The plan does show layby style parking within the site but as the site roads loop in and out of the development from the single entrance/exit and many are dead ends, we would envisage many vehicles trying to turn around within the development on junctions and even in driveways. The Liaison Committee had recommended that there was a single parking plot for school drop offs, with a permeable base, and the PH&L committee agree that this would be a safer and more desirable solution.

Development Brief 2.9. Utilities & Services

"Foul Water: The sewerage undertaker for Slate Meadow is Thames Water Utilities Ltd. Thames Water has stated that the planned upgrade for the Little Marlow Sewage Works will be incorporated into the Company's 2020 programme. Thames Water has stated that existing infrastructure can cope with developments that come forward before 2020: and has confirmed that its existing capacity and infrastructure is capable of accommodating Slate Meadow and the other reserve sites."

- Section 4.8 of the Development Brief states: A baseline infrastructure assessment of existing utility and drainage services within Slate Meadow and the areas immediately surrounding the site was undertaken in March 2007 and updated in 2016. Detailed in Section 2.9, it confirms that there is capacity in the water and foul water infrastructure to accommodate additional development on the site.
- We note the stand-alone pumping station in the plan for the site
- However, Thames Water have been discharging raw sewage at Little Marlow after heavy rain so they clearly cannot cope. This should therefore be re-verified with Thames Water to identify when their planned upgrades will be completed so that the Development can be phased accordingly, with the upgrades completed prior to the start of the phases.

“Surface Water: The surface water strategy is subject to detailed geotechnical survey/assessment of ground conditions. The preference is for an integrated SuDS system that incorporates surface water attenuation in the form of swales and ponds.

Otherwise storm water will be discharged to suitable watercourses in a manner that is carefully managed in accordance with EA requirements.”

- It is our observation that the surface water drainage has got worse in the last few years and areas that are particularly affected are Cores End Road, Brookbank around the perimeter of Slate Meadow, Stratford and Orchard Drives and from Kiln Lane and Hawks Hill as runoff accrues at the Cores End Roundabout. It has been acknowledged by HR Wallingford that most of the surface water flooding is due to blocked drains and pipes.
- We are also concerned that a large area of the SuDS system is close to the badger setts and request that the placing of SuDS be monitored and their placement changed if necessary.

With reference to the housing styles and types, we consider that there is a missed opportunity to incorporate solar panels, ground source heat pumps as alternatives to gas boilers, (which will no longer be allowed in new builds from 2025), EVC points, clean and grey water separation and recycling and other greener alternatives and that Slate Meadow has great potential to be an example of a green housing development.

Village Green

Whilst the developers have acknowledged that the Village Green (**Village Green 112 Slate Meadow**) is owned by Buckinghamshire Council and is not part of this application, the plans show suggested changes, with direct connections to the development area. We would like it noted that we strongly object to any changes made to the Village Green as it is a protected open space, with its current and historically used access points at Frank Lunnon Close and off the railway line link paths remaining unchanged. We seek written reassurance that the Green will be left as it currently is – an organically maintained space with natural grass paths, shrubs, trees and hedgerows that are kept naturally tamed by deer, badgers and other wildlife. Your thorough ecology assessment identifies the Village Green as being the most diverse in terms of species and any development or additions in terms of tarmac or laid paths and “manicured” areas would destroy that. Any management issues which encroach the development must be discussed and agreed with the Parish Council.

We also request written confirmation that no waste or soil from the SUDS holes or land excavation are put on or near the Village Green.

In conclusion, the PH&L committee, on behalf of the Parish Council, are therefore making an application to Buckinghamshire Council, that this application is called into the Full Planning Committee for the above matters to be taken fully into consideration.

Consultation Responses

Buckinghamshire Council Arboricultural Officer – Further Response - Canopy Calculator submitted, now showing 28% canopy cover.

Questionable use of exclusions and yet use of trees within them.

Removals and retention in AMS do not match Canopy Calculator, this seems to be because of the exclusions in the calculator.

The Amended Arboricultural Method Statement (AMS) covers all the important aspects I would expect and the Recommendations are statements of what will be done. The document is clear and I am happy with its content.

Amended Detailed Landscape Scheme and the Amended Landscape Masterplan show more trees will be included in the urban areas as requested. Although details of how the soil volumes of each individual tree have not been submitted as per the Canopy Cover SPD. It appears that the majority of trees will be planted in locations with an open soil volume and so they should have the opportunity to grow.

RECOMMENDATIONS:

With an overall anticipated canopy cover of 28% I am confident that even though the correct figure might be a little lower, I am satisfied that a good level of canopy cover will be reached and with much of this being associated with the built area, the development will have a good sylvan character.

The AMS details are clear and should be sufficient to ensure that retained trees are correctly protected.

I am therefore happy with the details submitted.

Buckinghamshire Council Arboricultural Officer – Initial Response - The Arboricultural Method Statement covers all the important aspects I would expect.

The Landscape Masterplan and the Detailed Landscape Detail plans show a good level of tree planting however there are improvements which need to be made.

Previously in pre application discussions I asked for more planting on streets, in parking areas, in back gardens and on the boundary between the village green and the development. I am pleased to say that there is now a good level of planting in the streets but there are still relatively few in parking areas, none in back gardens and only a limited number on the boundary with the village green.

The species which have been chosen for the more urban areas are in the most part small species. Larger species could easily be accommodated in many locations.

Details have not been submitted to show how trees will be planted and how much soil will be provided. This is particularly important in the more urban locations where compaction to support hard surfaces can limit soil volumes and this ultimately limits the size a tree can grow to.

More trees could be included in the green space around the developed area. Black poplar has been shown on the plans, this is suitable for parts of the site but it must be native black poplar which is planted.

The pre application comments asked for canopy cover details to be submitted, this needs to be done in line with the canopy cover SPD however this has not been submitted. I believe that the development could achieve the 25% requirement of policy DM34, but this needs to be demonstrated through an understanding of the potential of the species planted and the soil volume which will need to be provided.

Buckinghamshire Council Ecology Officer – Further Response - The Amended Lighting Strategy does not contain the information I had asked for in the way in which I had asked, however the specifications of the lights are listed and that allows the identification of the Lux levels and kelvin temperature. Lighting details are also included in the Amended Construction Environmental Management Plan and the Amended Ecology Surveys and Ecological Mitigation and Enhancement Strategy. The lighting details now appear to be well designed from a biodiversity perspective.

Biodiversity Metric results in a habitat net gain of 20.25% and hedgerow net gain of 677.83%. The assessments seem to be reasonable and the assessor comments have been completed and enable a good level of understanding of how decisions have been made.

It is unclear what the justification is for the categorisation of some habitats as strategically significant, but it has been applied for both baseline and created/enhanced habitats and so should not make a significant difference to the calculations.

The metric appears to accord with the plans and the plans show a good mix of habitats which integrate well with the amenity use the site will receive.

The Amended Construction Environmental Management Plan 5/1/2022 sets out clearly how species and habitats will be protected through the construction process. The zoning of the site enhances the interpretation of how different areas of the site will be dealt with and should help ensure harm does not occur.

RECOMMENDATIONS:

The amended ecological information shows that there should be a good level of biodiversity net gain and despite some unavoidable temporary disruption to some protected species, the protective measures in the CEMP should minimise impacts and there will be useful enhancements as a result of the Amended Ecology Surveys and Ecological Mitigation and Enhancement Strategy.

Therefore, I am happy with the documents submitted.

Buckinghamshire Council Ecology Officer – Initial Response - There are several shortcomings in the information which has been submitted which have been identified by the Environment Agency (EA), I agree with the comments that the EA have made and so I will not repeat them here but instead expect them to be addressed by the applicant.

The Metric shows a biodiversity net gain of +14.95%, this is in line with the requirement of the development brief objective 4 which requires a significant net gain. It also meets the requirements of policy DM34 and the forthcoming Environment Act. When designs and details have been revised to meet the requirements of these comments it will be necessary to redo the biodiversity metric.

The LEMP sets out how the onsite habitats will be managed to ensure that the predicted values will be achieved, this is a detailed document and it covers many of the aspects which should be included. The EA comments need to be referred to in making amendments to it.

The Updated Ecology Surveys and Mitigation & Enhancement Strategy show that there are some important protected species on the site including water vole, high numbers of reptiles, badgers and also bats. The mitigation and enhancement measures are appropriate in most cases, but the comments made by the EA need to be addressed. The production of a Construction Environmental Management Plan (CEMP) is repeatedly mentioned but it has not been included in the submitted documentation.

The inclusion of the seasonally wet SuDS basins has great potential to be very beneficial from both an ecological and landscape perspective as well as serving a SuDS function, however the design indicated on plans which has a uniform slope around to the perimeter down to a flat bottom is unnecessarily geometric and regular, these features need to have varied edge gradients and varied depths to ensure that they give the impression of being semi natural features contain greater variation (which will be of benefit to wildlife) and are not jarring to the eye.

The Lighting Strategy plan does not stand out as being problematic but as it contains no information about the Lux levels the Kelvin temperature or the lighting gradients and as there is no narrative of how lighting has been designed to minimise ecological impact. It is not possible to know whether the proposed lighting will have a negative impact upon wildlife.

Buckinghamshire Council Landscape Officer – Initial Comments - The proposed site layout differs little from that presented at the outline application stage and has not demonstrated a satisfactory response to / resolution of some key issues raised in the landscape and urban design comments made upon the outline application indicative site layout (a reserved matter).

Buckinghamshire Council Landscape Officer - The proposals are deficient in landscape terms, as follows.

1. The submitted documents do not demonstrate satisfactory street layouts and building heights to allow clear views from the river/road to high ground to the north/northwest through/across the development area; also views to high ground to the east/southeast from the Village Green (especially) and the central square. The illustrative 3D views in the Design and Access Statement suggest a substantial impact of development on the northern skyline of hills from Brookbank and the riverside in particular. Verifiable photomontages are required to demonstrate the relationship of the proposed development to the surrounding landscape

2. The proposed landscape layout shows works to the Village Green, which lies outside the red line boundary; also, such works are contrary to the wishes of the local community / parish council. Landscape works in this area should be reduced, to comprise mainly the western-most cycle path link

3. Buildings along the 'Mews' abut the pavement, excluding any soft landscape space. Soft landscape is entirely reliant on street trees. Examples given in the DAS include more planting than this. More green space is needed to the streetscape and front of houses for shrub planting. Similarly, 'green space' to the front of houses along the central 'Avenue' needs to be more generous in order to realistically accommodate plants and have a positive impact upon the streetscape. These spaces could/should double as rain gardens as part of a SuDS strategy, as suggested by the LLFA.

4. A rich and high quality landscape space must be delivered at the central green, not just a simple SuDS basin with a few trees planted nearby. This is a key focal space for the scheme, framed by some of the taller buildings in the scheme, and merits a more formal and civic quality. SuDS was not envisaged as part of this open space and should be omitted, replaced by SuDS features at source / distributed throughout the site e.g. rain gardens, swales, etc., as suggested by the LLFA.

5. The applicant must ensure that future detailed design provides sufficient space and soil volumes for the trees to thrive and grow, and must ensure there are no conflicts with services or lighting. The lighting strategy shows conflicts between lighting columns and trees, notably in apartment courtyards and the Mews. The lighting strategy should be revised to ensure such conflicts are avoided. A coordinated services and landscape masterplan should be submitted for all underground and over-ground services.

6. Parking courts for apartments must include significant tree and shrub planting to provide positive visual amenity for residents. Very little is shown.

Buckinghamshire Council Urban Design Officer – Initial Comments - The proposed site layout differs little from that presented at the outline application stage and has not demonstrated a response to / resolution of some key issues raised in the landscape and urban design comments made upon the outline application indicative site layout (a reserved matter).

Refer to the Landscape Officer's comments in addition to the following points.

LAYOUT & PLACEMAKING

The broad approach to layout is acceptable, providing secure perimeter blocks, subject to comments made above and below.

1. There is a lack of physical and visual permeability along the southern / south-eastern built edge to the proposed development. Wide streets breaking up the block and controlled building heights are needed to aid visual permeability and views to high ground beyond the site.
2. Avoid paring large double garages - this creates extensive hard standing between them and the road, making it a car-dominated hard space.

BUILDING DESIGN AND APPEARANCE

The broad approach to building design and appearance is acceptable, subject to point (8) above and the following comments.

3. Proposed buildings and individual dwellings should be reviewed and updated to ensure that they comply with Local Plan policy DM41. Amongst other things, it is noted that the proposed apartments do not meet the requirements of DM41 part 2, where in order to satisfy Building Regulation Part M4(2), lift access is required to each floor. Buildings intended to meet Policy DM41 part 3 should be identified as such and these floor plans annotated to demonstrate circulation within the dwelling satisfies the requirements of Building Regulations Part M4(3). The applicant also needs to review and amend the site layout to ensure that on-site parking, including garages and driveways, meet the same policy requirements.

ACCESS & MOVEMENT

The broad approach to access, circulation and parking is acceptable, being based around perimeter blocks, subject to the following comments.

4. Visitor parking is reasonably well distributed; informal parking on some streets e.g. adjoining the Village Green should also be accommodated within the road width. Visitor parking in private courtyards should be relocated to the public street. Amended plans should include plots and parking spaces.
5. Cycle storage should be located to the rear of each house where it is directly overlooked, and in secure locations for apartments. Cycle storage shown for mid-terraced houses is not acceptable (remote, behind parking spaces).
6. The cycle path should follow the shared street fronting the river / open space and link northwards entirely within the western green open space and avoiding the Village Green. The northern link through the village green to the railway line should be self-binding gravel rather than tarmac, if provided at all.

Buckinghamshire Council Heritage Officer - The proposal is a reserved matters application for 150 houses for an allocated site with outline planning permission.

Slate Meadow lies between Bourne End and Wooburn. The site is surrounded by residential on three sides. The south-western boundary of the site adjoins properties that front onto Cores End Road. Here the character is varied with some medium to high density housing from the 19C interspersed with more recent high density housing.

The former Heart in Hand PH on Cores End Road is Grade II listed building the grounds of which form a small part of the site boundary.

It is considered that the proposed development would have a neutral impact on the significance of the setting of this building. The proposal is therefore acceptable in heritage terms.

Buckinghamshire Council Lead Local Flood Authority – The reserved matters application does not seek to discharge condition 10 or 11 which relate to drainage matters. After reviewing the Drainage Strategy, there are opportunities to incorporate further sustainable drainage measures which should

be fully considered under the discharge of conditions submission. Full ground investigations should be included in DoC application. Further site specific detail will also be necessary.

Buckinghamshire Council Highways – Further Comments – Amended plans have been submitted demonstrating the provision of a pedestrian footway fronting plots 40-42 and 80-82 which would provide a pedestrian route through the site and connect with the pedestrian footway in the northern corner of the development which connects to the dismantled railway public footpaths. The shared surface serving Plots 43 – 47 & 83 – 87 would only serve 10(no) dwelling and it is unlikely that a significant number of vehicles or pedestrian would use this section of the estate's roads. I am satisfied that this development would now provide safe and suitable pedestrian access to all dwellings.

However, I do now have concerns regarding the cul-de-sac serving Plots 141 – 145. The cul-de-sac is shown to measure approximately 90m in length and does not feature a suitable turning facility. As a result, Plots 141 - 145 would be beyond the maximum reversing distances for refuse vehicles (i.e., 12m as recommended by BS 5906: 2005). Manual for Streets guidance states:

Reversing causes a disproportionately large number of moving vehicle accidents in the waste/recycling industry. Injuries to collection workers or members of the public by moving collection vehicles are invariably severe or fatal.

Furthermore, residents should not be required to carry waste more than 30m to the storage point, and waste collection vehicles should be able to get to within 25m of the storage point. The Refuse Strategy Plan shows that bins for Plots 144 & 145 would be left at the end of drive ways on bin collection days whilst Plots 141-143 would carry waste to a collection point. However, the collection point is located approximately 55m along the cul-de-sac. Therefore, waste collection vehicles would not be able to get within 25m of the collection point for Plots 141-143 without reversing in excess of the recommended maximum distance of 12m.

The proposed site plan does not accord with waste collection requirements and the residents of the dwellings located on this cul-de-sac would be required to carry waste more than the recommended distances or refuse vehicle would be required to turn into the cul-de-sac and reverse an inordinate distance.

In addition, the dwellings on this cul-de-sac are beyond the maximum reversing distances for fire tenders (i.e., 20m as recommended by Section 13 of The Building Regulation requirement B5 (2010)).

In accordance with guidance contained within Manual for Streets, cul-de-sacs longer than 20m should be provided with a turning area to cater for vehicles which will need to regularly enter the street. With the increased use and popularity of home shopping and delivery, it is currently more important than ever for residential developments to have safe and compliant turning facilities. In addition to fire, waste/recycling and removal vehicle access and turning requirements, it is prudent to ensure that larger wheelbase transit vans and 7.5 tonne delivery vehicles can also reach the most remote dwellings on a development without having to reverse over excessive distances and consequently compromise the safety of motorists and pedestrians.

By not placing turning facilities at the extent of the estate road spur terminating at Plot 141, the applicant has not demonstrated safe and satisfactory turning provision at this location. The resultant inordinate reversing distances generated by vehicles traversing between the extent of the cul-de-sac and the junction adjacent to Plot 146 would lead to conditions of danger and inconvenience for motorists and pedestrians.

To conclude, the applicant must amend the scheme to provide a larger (possible non-conventionally defined) area to allow for refuse vehicles, fire tenders and larger wheelbase transit vans to manoeuvre within the cul-de-sac serving Plots 141-145 to prevent excessive reversing distances. Tracking

information for a refuse vehicle with dimensions of 10.25m x 2.53m must also be provided to demonstrate the manoeuvres required for these vehicles to turn within the area provided.

Once in receipt of the information mentioned above, I will be in a position to provide further comments.

Buckinghamshire Council Highways – Further Comments - You will recall my previous comments for this application whereby in a response dated 6th August 2021, amended plans were requested to demonstrate the provision of a designated footway fronting plots 40-47 & 80-87 and the provision of flared on-street parallel parking bays should the applicant intend to offer the estate roads up for adoption under a Section 38 agreement with the Highway Authority.

Having reviewed the amended plans, it does not appear that the previously requested amendments have been made.

The Highway Authority's current policy on shared surfaces was formulated as a result of the temporary halt announced by the Department for Transport (DfT) in July 2018 and limits the use of shared surfaces serving larger developments of more than 25(no) units. The temporary guidance formulated by DfT was a result of concerns raised by some members of society, specifically those with visual impairments who rely on features such as the kerblines to navigate streets. Vulnerable pedestrians including many blind, partially sighted and disabled people may be adversely affected by the lack of features such as kerbs, road surface marking and designated crossing places.

As stated within previous comments, the streets serving Plots 24-31, 40-47 & 80-87 raise the greatest concern as these form Primary and Secondary Streets as defined on the Movements Plan contained within the Design and Access Statement. Until such a time that further guidance is published on the use of shared surfaces, the Highway Authority maintains that shared surface roads should not feature as part of the main estate roads on larger developments to ensure safe road environments for all users.

Flexibility of the policy was applied for the section of shared surface serving Plots 102-104, 118-125, 133-138 & 145-146 as this section of the estate does not form part of the Primary or Secondary Streets and would serve 20(no) dwellings and is below the 25(no) unit limit. Furthermore, there would be the provision of a pedestrian connection on the south side of the carriageway running parallel to the shared surface street.

Finally, there are some features within the estates carriageways that would result in the Highway Authority rejecting an offer to adopt the estates roads as public highway under a Section 38 agreement including the shared surface serving plots 102-104, 118-125, 133-138 & 145-146 which would measure 4.8m in width in oppose to the requisite 5.5m for an adoptable shared surface carriageways and the bay parking spaces which are shown not to feature flares to facilitate adequate access and egress. Given that these points were raised within the Highway Authority's previous comments, it is assumed that the applicant does not intend to offer the estate roads for adoption, and they will remain privately maintained.

To conclude, the section of the estates carriageway serving Plots 24-31, 40-47 & 80-87 must feature a defined 2m wide pedestrian footway which should not be level with the carriageway to ensure this section of the carriageway is safe for all members of the community when walking. I have included the insert below to demonstrate that section of footway required.

Once in receipt of the requisite amendments I will be able to supply my final comments on this application. However, failure to do so will likely result in a highway objection to these proposals.

Buckinghamshire Council Highways – Initial Comments

Access

The site access is located in a similar location to that shown on the Concept Masterplan 01 plan (drawing no: CARE170529 CMP-01 Rev H) submitted as part of the Outline application (i.e. on the western side of Stratford Drive approximately 90m from Stratford Drive's junction with Town Lane (A4094)). Plots 1 & 2 and 142-144 would also gain access directly from Stratford Drive.

Having reviewed the submissions in support of the application, all accesses onto Stratford Drive can achieve the requisite splays for an access located upon a road subject to a 30mph speed limit (i.e. 2.4m x 43m in both directions).

Pedestrian access would be taken via three locations on Stratford Drive as well as from Frank Lunnon Close and via the PROW to the north of the site. I note that the pedestrian access on Stratford Drive located closest to the junction with Town Lane would measure 3m in width and could be designed to act as an Emergency Vehicle Access (EVR) in the event that the main junction is impassable.

Layout

Within the site, the main spine road would measure 5.5m which is sufficient in accommodating a car and a larger vehicle to pass simultaneously. The main spine road would be flanked by footways on both sides of the carriageway until it bends 90° in a north easterly direction. From this point, the carriageway narrows to 4.8m in width and is flanked by a footway on the south eastern side of the carriageway.

Whilst the main spine road is flanked by footways, I am concerned that a number of the proposed dwellings located on Primary and Secondary Streets as defined on the Movement Plan contained within the Design and Access Statement are devoid of footways. Plots 24-31, 40-47 & 80-87 raise the greatest concern.

The absence of footways in these locations would lead to conditions of danger to pedestrians and is in contravention of the Council's policy (formulated as a result of the temporary halt announced by the Department for Transport in July 2018) on developments no larger than 25(no) units being served by a shared surface. A 2m wide pedestrian footway must flank the all the Primary and Secondary Streets to better provide pedestrian accessibility for all dwellings. This is likely to require the re-location of 6(no) visitor parking bays. I have attached an insert demonstrating the areas which are devoid of footways.

In addition, twenty plots (102-104, 118-125, 133-138 & 145-146) would also be served by a shared surface loop along the southern boundary of the site. In consideration that this section of the estate road does not form part of the Primary or Secondary Streets, the provision of a pedestrian connection on the south side of the carriageway running parallel to the shared surface street and that it is unlikely that drivers of vehicles who are not residents or visitors of the 20(no) units located on the shared surface would use this section of the estate, I am satisfied that these plots could be safely served by shared surface. The surface would measure 4.8m in width which is acceptable if it is to remain privately maintained. This section of the estate roads would not be adopted as highway maintained at public expense.

Trees are shown in potentially adoptable areas. If the estate roads are offered for adoption, the trees will be subject to a commuted sum of £500 each and meet minimal standards (e.g. planted in approved tree pits).

Refuse Collection

With regards to refuse collection, a vehicle tracking plan has been provided which sufficiently demonstrates that a refuse vehicle could turn into and out of the site via the junction with Stratford Drive and manoeuvre within the site.

Manual for Streets guidance states that residents should not be required to carry waste more than 30m to the storage point, and waste collection vehicles should be able to get to within 25m of the storage point. Having reviewed the Refuse Strategy Plan, I am satisfied that bin collection points are generally, suitably located.

Parking

The site is located within Zone B, as defined by the County Council's Buckinghamshire Countywide Parking Guidance (BCPG) policy document. A total of 376(no) parking spaces would feature within the development site of which 59 would be unallocated visitor spaces.

Having reviewed the habitable accommodation for each proposed housing type, it appears that dwellings requiring half-spaces have generally rounded-up the respective provision, so that dwellings requiring 1.5(no) spaces have 2(no) and those requiring 2.5(no) spaces feature 3(no). For the flats, it appears that 1(no) bedroom flats feature 1(no) parking spaces and 2(no) bedroom flats feature 2(no) spaces. The provision of allocated and unallocated parking spaces is in accordance with the BCPG.

The off-street allocated and unallocated bay spaces have the requisite dimensions of 2.8m x 5m whilst the garage dimensions appear to adhere to BCPG guidance, thus permitting a practical space to store a vehicle and allow adequate driver/passenger access/exit.

Finally, with regard to parking, it is noted that the majority of the sites un-allocated parking provision is provided through on-street parallel spaces which have dimension of 2.5m x 6m and have been designed in accordance with the Residential Design Guidance. These spaces do not feature flares to demonstrate how vehicles pass between the parking bays from the adjacent carriageway.

Whilst this would not necessarily draw an objection from the Highway Authority, the Highway Authority do not accept the offer to adopt estate roads that contain designated on-carriageway unallocated parking which are not flared to assist manoeuvring. Therefore, as it stands, I presume that the development's roads and footways will remain private. Should the applicant intend on applying for a Section 38 agreement to make the estate roads adopted at public expense, all parallel spaces would need to be within flared bays.

To conclude, whilst the proposals are largely acceptable from a highway perspective, the following issue must be addressed:

- The provision of a designated footway fronting plots 40-47 & 80-87 as shown on the insert below.
- The parallel spaces should be within flared bays to allow adequate access and egress to these spaces **OR** confirmation from the applicant that the estate will remain private and not offered for adoption as highway maintained at public expense.

Once in receipt of satisfactory information and submissions I will be in a position to supply the Highway Authority's final consultation response on these proposals.

Buckinghamshire Council Housing – I note the Design and Access Statement included with the application states the affordable housing to be in accordance with the S106 Agreement. I understand you have assessed the number of bedspaces and consider that the application proposal meets the 40% requirement.

I wish to draw your attention to the issues outlined below: -

- * I have not been able to identify the floor areas of the proposed 1 and 2 bedroom flats; I trust you will check these to ensure compliance with the nationally described space standards (NDSS).
- * The floor areas of the proposed 4 bedroom houses are indicated to be 107.6 sq. m. The minimum NDSS requirement for a two-storey 4 bedroom 7-person house is 115 sq. m. I shall be grateful if you will please look into this issue.
- * The mix of dwellings for rent shown in the application includes 11 x 3 bedroom houses. This is below the Council's policy mix and the housing service would like to see more 3 bedroom affordable houses for rent.

There is a need for affordable housing in the area and if the application proposal meets all of the planning requirements, the proposed affordable homes will help to meet the need.

Buckinghamshire Council Archaeology - We are not aware that the archaeological evaluation we recommended in our letter dated the 3rd July 2018 have been undertaken. The results of this work could inform the masterplan.

Thames Valley Police – Further Comments – Blocks A and B should be provided with vehicle gate. No trades buttons should be present. Unable to find details of amendments to cycle storage. Other points raised not addressed.

Thames Valley Police – Initial Comments - Do not object but some concerns:

- Large courtyards can attract crime and anti-social behaviour – surveillance of these areas needs to be maximised. Insufficient lighting to courtyards. Lighting bollards can be easily damaged.
- No visibility over parking for plot 89
- Bin stores should have fob access
- No provision for postal service in communal blocks
- Visitor parking should be located within the public realm rather than parking courtyard

Natural England – Further Response – Objection – Further information required to determine impacts on designated sites – development within 5.6km of Burnham Beeches SAC. Broadly supportive of the direction of HRA, however further detail required with regard to SANG and development requires contributions towards Little Marlow Lakes.

Natural England – Initial Response – Objection – Further information required to determine impacts on designated sites – development within 5.6km of Burnham Beeches SAC. Reference made to South Bucks SPD which is considered to be a material change in circumstances since the outline consent was granted.

Environment Agency – Further Response – Maintain objection – We appreciate that a FRA and baseline modelling has been submitted by the applicant which has been reviewed. However, we also need to review the post scheme modelling, to be able to determine any impacts the built development may have on flood risk, and whether the proposed development would result in a reduction in floodplain storage.

Biodiversity - It is not clear where it is proposed to displace any water voles that may be found here to as the river is quite urban both upstream and downstream of the site

The Water Vole is listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The proposed bank reprofiling work will have a detrimental effect on the species/population and its habitat along the River Wye. The application does not include adequate information about the measures proposed to protect the Water Vole in this location.

There is still a gravel path which extends well into the 10m buffer zone; this should be moved to the rear of the buffer zone adjacent to the road as per the 4th bullet point in the wording of Condition 30.

The seasonal wetlands should be designed to have multi benefits, with more variety in terms of planform, bank slope and levels through the base, including the creation of some areas within them that would hold water all year round.

Enhancements are now being proposed along the river channel itself, however, a more comprehensive scheme is required. Enhancements should be carried out along parts of both banks and rather than just cutting back into the bank to create marginal areas and regrade the bank, some works within the channel itself should be included to improve variation in flow types.

“Margin adjacent to river bank (minimum of 2m from top of bank) to be left uncut to provide cover throughout the year”. This should perhaps be subject to some occasional maintenance on a long rotation to ensure that this area does not succeed to scrub.

The proposed marginal shelf appears to be quite deep at 150 -200mm below water level; some variety in levels along and across any proposed shelf would provide greater biodiversity.

Currently there are open views across the river, through the site and across to the higher ground beyond; the proposals show trees and areas of native shrubs being planted along the northern river bank which may impact on these views as these mature.

Species should be ‘locally native species of UK genetic provenance’ as this wording is more specific and useful to implementers.

No River Condition Assessment appears to have been carried out as part of the BNG calculations. The Local Planning Authority should satisfy themselves as to whether this is required.

Environment Agency – Initial Response – Objection – compensation flood storage has not been justified or hydraulically modelled. Fetcher ponds as detailed will be ineffective. Justification for compensation required to show no net loss of floodplain storage and demonstrate connectivity to existing floodplain levels. Hydraulic flood modelling can be used. FFL’s are satisfactory, however there is an error on the plans. Changes within 10m buffer zone noted but no assurance levels will be not be raised, need details to confirm effect on floodplain storage and conveyance.

Biodiversity – the reserved matters application as submitted fails to meet several of the requirements of the outline permission with regard to protection and enhancement of the River Wye and its associated buffer zone.

Representations

Residents Groups

Hawks Hill Widmoor Residents Group CIC - There is no dedicated school drop off area as specified in the Development Brief para 2.5.4

- The 2.5 storey flats - 3 storey in reality, are unacceptable as they are out of keeping with the immediate surrounding area and as placed will obscure the views of the hillsides.

- There is no organised traffic scheme. With around 400 houses planned for the Hollands Farm/Jackson's Field site it is essential that there be an agreed plan to minimise the impact of traffic generated by both this development and Slate Meadow. As it stands, the current proposal for Slate Meadow is a recipe for chaos, particularly at peak periods and school drop off and collection times.
- This development was intended to be a "green model for future developments" yet there is no insistence on solar PV installations or rainwater catchment
- Though there are green spaces around the periphery of the development there are minimal such spaces within it, the houses are all crammed in back to back.
- It was the policy of Wycombe District Council, the forerunner of Bucks Council that all matters of infrastructure should be in place before any development takes place. These include Thames Water's ability to provide an adequate supply of water or to cope with the extra foul water/sewage disposal, the provision of sufficient school and medical facilities, and mitigation of traffic congestion in and around Bourne End. None of this has been achieved.
- It has not been demonstrated fully that a sustainable drainage system will be in place.

Because of the sensitive nature of this site and the inadequacies of the developer's proposals this application must be called in for the consideration of the full Planning Committee and rejected in its entirety.

Keep Bourne End Green – Objection

- Outline application was submitted and approved before the Wycombe District Local Plan was adopted which is a material change in circumstances.
- The TA carried out at outline only considered the effect of 150 residential units. The RM is unsupported by an up-to-date appraisal which consider the cumulative effects for growth of 800 additional dwellings in the locality. Forecast modelling is based on out of date data.
- Needs to be an holistic transport improvement plan to ensure the cumulative effects of the new development will not result in adverse effects upon junctions
- Distance to Bourne End will result in increased car journeys
- No mitigation at Stratford Drive/Brookbank junction
- Proposals fail to address vehicle parking arrangements for school drop off/pick up. This will fail to provide the solution required by the IDP and Development Brief and Policy BE.1
- Needs to be collaborative improvements to village green
- Bulk, scale and mass of flats do not respect character and appearance of the area. Overbearing urban design in greenfield setting.
- Design lacks meaningful green credentials or commitment to sustainable technology.
- Every parking space should have EV
- Inability of existing infrastructure to cope as confirmed by Thames Water comments to Hollands Farm
- Scheme omits detailed improvement measures to disused railway line, revised TA should consider an alternative scenario that disused railway is unavailable as a local footpath and cycleway
- Scheme does not provide on-site strategic open space, including MUGA and LEAP. Contrary to DM16.
- Removal of trees under condition 18 does not place the environment before economic considerations.

Individual Representations

17 representations have been received from local residents objecting to the application, relating to the following:

Design

- storey properties out of keeping
- Too many buildings will change character of semi-rural area
- Doesn't meet requirements of the development brief
- Insufficient areas of green within housing
- Who decides whether the village green enhancements are acceptable
- Open space should be provided sooner
- Not a green development
- Size and density out of keeping
- Loss of greenspace
- Requires more street planting and landscape mitigation to screen 3 storey buildings
- Must be indigenous planting to help development settle into landscape

Amenity

- Raised table will be noise hazard
- Loss of amenity
- Impact during construction

Highways

- Access onto Stratford Road will cause congestion
- Inadequate access
- Infrastructure will not support increase in traffic
- Increase in vehicle related incidents arising from traffic
- Risk of harm to children due to proximity to school
- Insufficient improvements to road layout to ensure safety of all users
- Improvements to highways must be made before development is approved
- Will cause traffic chaos
- Access to site needs to be rethought
- Junction too close to school
- Dangerous location of pedestrian crossing
- Existing problems at school drop off
- Impact from construction traffic
- Area is unsuitable to accommodate the cumulative impact of developments in the area

Flooding

- Increase in flooding at site and elsewhere
- Infrastructure to improve flooding must be done before the development is approved
- Hard landscaping in flood risk areas is undesirable

Biodiversity

- Village green should remain untouched and made a nature reserve
- Destruction of habitats
- Badgers use the village green
- Manmade wetlands should not replace existing
- 10m buffer needs to be fenced off
- A 20m buffer should be provided
- Will ruin green habitat
- Inadequate green infrastructure/wildlife corridors

- No uninterrupted link between village green and river
- Existing habitats/species need protection
- Conflict between recreation and ecological requirements
- Impact upon Burnham Beeches
- No surveys of effected area
- A corridor free of humans and dogs is required

Other

- Scheme does not deliver necessary infrastructure
- Inability of existing foul/water network to accommodate development
- Impact on quality of life, mental health and general wellbeing
- Increase in pollutants
- Application in 90's refused due to flooding and infrastructure
- Cumulative impact with Hollands Farm
- Application premature in advance of infrastructure
- Air quality in area fails to meet safety standards
- Housing targets taking precedence over public health and safety

1 neutral letter of representation:

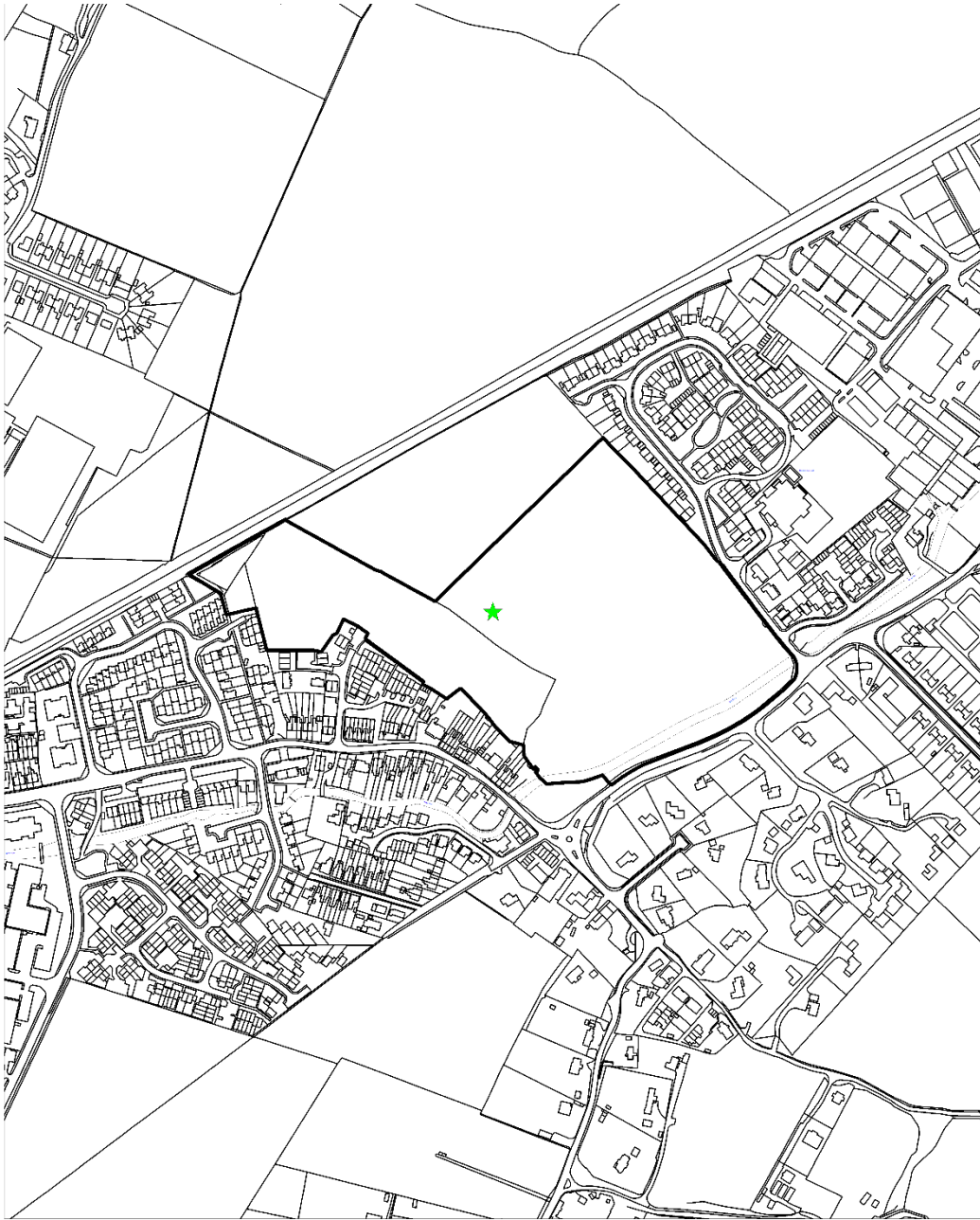
- River Wye catchment continually surfaced over increasing run-off into the river
- Increase in frequency of deluges due to climate change
- How will blockages no longer occur
- Access path to Frank Lunnon Close needs to be provided.
- Solar panels required for all properties
- Permanent surface on old railway line required
- Village Green must be protected as a wildspace
- Affordable housing should not fall below 40%

APPENDIX B: Site Location Plan



APPENDIX B: Site Location Plan

21/07006/REM
Scale 1/5000



Planning Committee
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Ordnance Survey 100062456



Report to West Area Planning Committee

Application Number:	20/07802/FUL
Proposal:	Erection of a retail unit for use as supermarket (Class E), and erection of restaurant/takeaway unit with drive thru (sui generis), with associated access, car parking and hard/soft landscaping
Site Location:	Site Of Former Park And Ride Facility Crest Road High Wycombe Buckinghamshire
Applicant:	Aldi Stores Limited
Case Officer:	Declan Cleary
Ward(s) affected:	Booker, Cressex & Castlefield
Parish-Town Council:	High Wycombe (Unparished)
Date valid application received:	23 rd November 2020
Statutory determination date:	22 nd February 2021
Recommendation:	Approve subject to conditions and completion of a memorandum of understanding between Council's Service Director of Property and Assets, and the Council's Service Director of Planning and Environment to secure payment to secure an off site net gain in biodiversity; RTPi upgrades to bus stops; and travel plan monitoring.

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application seeks the construction of 1801sqm retail unit for use as supermarket (Class E), and erection of 517sqm restaurant/takeaway unit with drive thru (sui generis), with associated access, car parking and hard/soft landscaping
- 1.2 The site is unallocated for any land use however the scheme proposes main town centre uses in an out of town location. The application has been supported by a sequential test and retail impact assessment, the scope of which are considered to be proportionate to the scale of the development proposed. Following independent critique of the submissions, the LPA is satisfied that the proposals satisfy these tests, and that the proposed uses are acceptable in this sustainable location. The proposed development is considered to be a compatible land use with surrounding developments, and would not cause harm to the character and appearance of the area, the amenity of sensitive users, or highway safety.

- 1.3 The scheme would fail to deliver a policy compliant level of canopy cover, however the under provision in this instance is not significant and is maximised, furthermore, it is considered that the under provision is outweighed by other environmental, social and economic benefits of the development when considered as a whole. The development would not achieve a net gain in biodiversity on site, however following the mitigation hierarchy an off site contribution in lieu is considered to be acceptable in this instance.
- 1.4 The land is currently owned by Buckinghamshire Council. The constitution confirms that a planning application which is submitted “by the Council”, ought to be determined by the relevant committee. While the application has not been submitted “by the Council”, the Council will retain significant interest in the land and as such, for transparency, the application ought to be determined by the relevant planning committee.
- 1.5 Consequently, the application is recommended for approval subject to conditions, and the completion of a memorandum of understanding to secure a financial contribution to deliver an off site net gain in biodiversity, monies towards Real Time Passenger Information improvements to bus stops on John Hall Way, and monies to secure Travel Plan monitoring for a period of 5 years.

2.0 Description of Proposed Development

- 2.1 The application site represents a vacant parcel of land measuring approximately 1ha in area. The site lies within the settlement boundary for High Wycombe, and is unallocated in the Development Plan for any specific land use. The site is adjoined by further vacant land to the west, residential properties to the north on the opposite side of John Hall Way, the Next retail shop to the west and other commercial, community and recreational facilities to the south on the opposite side of Crest Road. The surrounding area comprises a wide mix of uses.
- 2.2 The site is in part laid to hardstanding while large areas of the site is grassland. The hardstanding which is present on the site relates to the former park and ride use of the land. There are significant land level changes on the site and in relation to the public highways to the north and development to the east. There are a number of trees and shrubs on site, particularly along the site boundaries.
- 2.3 This is a full planning application for the construction of a retail unit to be used by a discount supermarket. The retail unit would have a gross floorspace of 1801sqm. The scheme also includes the erection of a restaurant/takeaway and drive through, which would measure 517sqm in gross floor area. The scheme includes the upgrading of the existing access from Crest Road to serve the development, along with areas of car parking, manoeuvring and servicing spaces to serve the units. Landscaping is proposed within the development and along the site boundaries and within the scheme.
- 2.4 The application is accompanied by:
 - a) Planning Statement (Including Sequential Test and Retail Assessment)
 - b) Drainage Strategy
 - c) Geological Insight Report
 - d) Store Travel Plan (McDonalds)
 - e) Arboricultural Impact Assessment
 - f) Construction Method Statement
 - g) Statement of Community Involvement
 - h) Transport Assessment

- i) Design and Access Statement
- j) Landscape Maintenance & Management Plan
- k) Flood Risk Assessment
- l) Ecological Assessment
- m) Addendum to Planning and Retail Statement
- n) Canopy Cover Calculator
- o) BNG Calculator

2.5 During the course of the application amendments to the scheme and supporting documentation were provided to address comments raised by the LPA and consultees.

Environmental Impact Assessment

2.6 The aim of the EIA Regulations is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.

2.7 The application proposals are Schedule 2 Development under 10b) Urban Extension projects, of the Town and Country Planning (EIA) Regulations 2017 (“EIA Regulations”) as the proposal exceeds 1ha.

2.8 Following receipt of the application, the LPA undertook to carry out a screening opinion pursuant to the EIA Regulations for a development of up to 47 dwellings. On 14th December 2020, the Council responded confirming that the proposal was not considered to give rise to significant effects on the environment in EIA terms. Therefore, the proposed did not comprise EIA development and an Environmental Statement was not required.

2.9 The Government’s National Planning Guidance states:

“An Environmental Impact Assessment is more likely to be required if the project affects the features for which the sensitive area was designated. However, it does not follow that every Schedule 2 development in (or affecting) these areas will automatically require an Environmental Impact Assessment. “

3.0 Relevant Planning History

3.1 21/05938/FUL - Application for commercial development for five buildings comprising 8 flexible use units for light industrial (Class E), general industrial (Class B2), and storage and distribution (Class B8) uses, with ancillary offices, associated car parking, and landscape planting together with the provision of a new vehicle access onto Crest Road - Approved. This application relates to the parcel of land to the west of the application site but is relevant to the determination of the application.

3.2 16/05216/FUL - Erection of warehouse club (Use Class Sui Generis), incorporating tyre installation, sales and associated facilities, together with associated accesses, parking and landscaping – Withdrawn – 09/01/18

3.3 13/07702/R9FUL - Temporary use of land as a park and ride facility, with a temporary surface providing up to 200 parking spaces and associated facilities, together with lighting and CCTV columns (regulation 3 application) – Approved – 31/01/14

3.4 13/06239/R9FUL - Temporary use of land as a park and ride facility, with a temporary surface providing up to 200 parking spaces and associated facilities, together with

lighting and creation of pedestrian access off John Hall Way (regulation 3 application)
– Withdrawn – 08/08/13

- 3.5 05/06923/R9FUL - Temporary use of land as a public car park, with a temporary surface providing 240 parking spaces, together with the erection of perimeter fencing. (the temporary parking will be adjacent to, and function as part of, the existing permanent public car park that supports the operation of the park and ride service) – Approved – 11/11/05

4.0 Policy Considerations and Evaluation

Principle and Location of Development

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development); CP2 (Overall Spatial Strategy); CP3 (Settlement Strategy); CP6 (Securing Vibrant and High Quality Town Centres); DM33 (Managing Carbon Emissions, Transport and Energy Generation)

Wycombe District Adopted Delivery and Site Allocations Plan (July 2013): DM1 (Presumption in favour of sustainable development); DM7 (Town Centre Boundaries); DM8 (The Primary Shopping Areas); DM10 (Thresholds for the Assessment of Schemes for Town Centre Impact)

- 4.1 The application site forms a vacant parcel of land which lies within the settlement boundary for High Wycombe as defined by the Local Plan Policies Map. The site was formerly used as a park and ride facility, and is considered to be previously developed land. The application proposes the construction of a retail unit (Class E) to be used as a supermarket, and a drive through restaurant (Sui-generis). The application site is not allocated for any specific land use within the Development Plan and is surrounded by a mix of commercial and residential uses.
- 4.2 Wycombe District Local Plan (LP) Policy CP3 identifies High Wycombe as being a Tier 1 settlement and which is the prime focus for housing and new economic development within its urban area, through the redevelopment of suitable previously developed sites. LP Policy CP6 seeks to direct proposals for town centre uses to town and district centres. Policy DM7 of the Wycombe District Delivery and Site Allocations Plan (DSA) states that proposals for main town centre uses outside of the designated town centres will only be permitted where they satisfy national planning policy tests, including the sequential test. Policy DM10 of the DSA states that any retail proposals which are not in a designated centre will require an impact assessment above an identified threshold. Development proposals with a gross floorspace of more than 1000sqm will require an assessment of the impact on High Wycombe Town Centre.
- 4.3 Paragraph 87 of the NPPF (2021) states that applications for main town centre uses which are neither in an existing centre, nor in accordance with an up to date plan should be subject to a sequential test. Paragraph 88 states that when considering edge and out of centre locations preference should be given to accessible sites which are well connected to the town centre. Paragraph 90 states that local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold.
- 4.4 The application site is located outside of the designated town centre for High Wycombe, and is not located within an alternative designated centre. The retail element of the proposals is more than 1000sqm in gross retail floorspace and as such it is necessary for both a sequential test and impact assessment to be carried out in regard to this element of the scheme. The proposal also includes a drive through

restaurant which is also an identified main town centre use, as confirmed by the NPPF, which would require a sequential test.

- 4.5 The application has been supported by a Planning and Retail Statement which includes a sequential assessment, and retail impact assessment. In light of the specialist nature of retail planning considerations and for impartiality, the LPA has sought an independent Retail critique of the information presented.

Sequential Assessment

- 4.6 Planning practice guidance states that the application of the test will need to be proportionate and appropriate for the given proposal. Paragraph 88 of the NPPF requires LPAs to demonstrate flexibility on issues such as format and scale, while the PPG confirms that it is not necessary to demonstrate that a site can accommodate precisely the scale and form of development proposed. In this instance, as advised by the independent review, it is considered that opportunities that can accommodate a foodstore and a restaurant/takeaway with drive through in general should be considered rather than specifically an Aldi or McDonalds restaurant/takeaway with drive through.
- 4.7 A number of High Wycombe town centre sites have been identified within the submitted sequential test, the scope of the sites selected is considered to be a proportionate and appropriate in the context of the scheme proposed. Sites within other town centres would not serve the same catchment as the application proposals. A review of the identified sites is considered below.

HWTC10 – Swan Frontage

- 4.8 This site appears to be large enough to accommodate the application proposals in their entirety. However, the site is currently in active use and there is an extant permission for alternative uses on part of the site. Policy HWTC10 references the fire station potentially staying in situ, the site would not be large enough for the proposed development if retained. Therefore, the site does not appear to be available within a reasonable time.

HWTC12 – Chilterns Shopping Centre and Frogmore East

- 4.9 The available vacant units within the shopping centre are not large enough or suitable to accommodate the proposed food store and/or a restaurant/takeaway with drive through. The site would not be suitable. The site is within multiple ownership and has a recent extant permission on part of the site. The site would not be available within a reasonable time.

HWTC13 – Lilys Walk

- 4.10 This site is currently being developed for a residential led scheme and includes commercial space of 1,472sqm. The commercial element is within four separate blocks. The site is unsuitable for a discount food store of a similar size to that proposed or a restaurant/takeaway with drive through.

HWTC14 – Buckingham House and Castle House

- 4.11 This site would be large enough to accommodate the application proposals in their entirety. However, there is an extant permission for alternative uses being implemented and at an advanced stage of construction. The site is not available.

HWTC15 – Collins House and corner of Bridge Street/Desborough Road

4.12 While availability of this site is unclear, the size and configuration of this site is not suitable to accommodate the proposed development.

HWTC16 – Oxford Road Roundabout

4.13 This site appears to be large enough to accommodate the application proposals in their entirety if part of a comprehensive redevelopment. The site is largely within active use and there is multiple land ownership. Therefore, the site does not appear to be available within reasonable timeframe.

HWTC17 – Bridge Street

4.14 This site appears to be large enough to accommodate the application proposals in their entirety. However, the site is currently in active use, contains multiple owners, and as such would not be available within a reasonable period. In the context of the delivery of the application proposals, it is unlikely that this site can be assembled and made available for construction within a reasonable time period.

4.15 The redevelopment of the site would require a comprehensive development to be delivered including links through the site.

HWTC19 – Rapid House

4.16 This site appears to be large enough to accommodate the application proposals in their entirety. However, the site is currently in active use and there is no evidence to suggest that the site would be available within a reasonable period.

Disaggregation

4.17 Consideration has been had to disaggregation in terms of whether the town centre elements can be separated and accommodated on more than one site in a sequentially preferred location. It is noted that there is no policy requirement within local or national policy to disaggregate the uses which is confirmed by case law.

4.18 Comment has been raised by third parties with regard to the requirement to apply disaggregation to the application proposals citing recent appeal decisions. The independent critique has considered this point further. In the Altrincham appeal decision, highlighted by the Tesco objection letter, the inspector concluded that the co-location of the two retailers (Lidl and Homebase) would be beneficial from a trading perspective, but there was no reliance or functional relationship that would mean discounting disaggregation in that case. This inspector's decision confirms that disaggregation is not a requirement of the sequential test and that disaggregation is a matter of planning to be addressed on a case by case basis. In that case the functional link focused on reducing the lease liability for Homebase and the inspector concluded there was no functional connection between Lidl and Homebase.

4.19 Lichfields state that there may be a beneficial trading synergy between the food store and restaurant/takeaway in terms of shared trade. However, the functional connection, as in the Altrincham case, is less clear. The restaurant/takeaway is relatively small and arguably serves a localised need, as well as supporting the food store e.g. serving the customers to other retail and leisure uses in the local area.

4.20 Lichfields' recognise that flexibility needs to be applied and that the requirement for car parking, landscaping and access roads through the site can be reduced in town centre locations, due to existing car parks and greater accessibility. With appropriate flexibility a smaller regular shaped site could accommodate the development.

However the sequential analysis must take account of the commercial realities. The other non-deep discount operators generally are not opening stores of the size proposed and the commercial reality is Aldi and Lidl are likely to be the only food store operators who would consider a store of this size in High Wycombe.

- 4.21 The proposed restaurant/takeaway is a drive through format that require vehicle access and car parking. If disaggregated this use would need a site area of about 0.2ha. Most vacant premises within town centres are unlikely to be suitable for this trading format.

Sequential Test Conclusions

- 4.22 The LPA’s independent analysis has confirmed that there are a number of sites within High Wycombe town centre that are large enough to accommodate the discount foodstore and a restaurant/takeaway with drive through, together or disaggregated. However, these sites are either occupied by a number of existing uses, where they would not be available within a reasonable timeframe, or the sites have development proposals for alternative uses. Any alternative site needs to be available within a similar timeframe to the proposed development and it is not considered that sites would or could be assembled in the same timeframe as the application. The independent critique confirms that the sequential test has been addressed and satisfied.
- 4.23 The extent and scope of the sequential test has been proportionate in the context of the scale of the scheme proposed. In the absence of information to the contrary, the LPA would therefore concur with this view.
- 4.24 The site is in a wholly accessible location which is accessible to a local community by means of foot, cycle and public transport, and has good connections to the town centre.

Retail Impact Assessment (RIA)

- 4.25 Following concerns raised through representations, an updated Town Centre Health check was carried out by the applicants in December 2021. A summary of the position is outlined below:

Category	Number of Units in High Wycombe	High Wycombe (%)	UK Average (%)
Comparison	109	26.01	27.06
Convenience	25	5.96	9.20
Retail Service	51	12.17	15.64
Other Retail	0	0	0.07
Leisure Services	99	23.62	24.69
Financial & Business Services	42	10.02	9.08
Vacant	93	22.19	14.12

- 4.26 With regard to multiples this accounts for 45% of the units accommodated which is above the national average of 40.98%. There remains a good balance between multiple occupiers and independents.
- 4.27 December 2021 health check identifies that there are a total of 22.19% of units within the town centre are vacant which is above the national average of 14.12%. A number of these vacancies are located within the Chilterns Shopping Centre which is proposed to be regenerated as part of a comprehensive redevelopment of the site. In addition, the level of floorspace which is identified as being vacant is 15.11% which is marginally above the national average of 13.91%.

- 4.28 The implications of the Covid-19 pandemic have been considered and there would be a spike in vacancy rates within the town centre regardless of whether the application proposals were implemented or not (as identified above). Furthermore, Lichfields have advised that the evidence suggests that the convenience sector have not been significantly impacted as a result of the lockdowns.
- 4.29 It is acknowledged that there has been no updated householder survey carried out which has been raised as a concern by representations received, however, in the context of proportionality, given the scale of the scheme it is not considered that updated surveys are necessary in this instance. The LPA's independent advisor is satisfied in this regard.
- 4.30 The LPA's independent critique, prepared by Lichfields, of the submitted RIA identified some areas of concern with regard to the methodology carried out, however they have reanalysed the situation with regard to price base, population and expenditure, projected actual convenience goods turnover levels, and benchmark turnover. Based on the updated analysis Lichfields projected convenience facilities are expected to be trading satisfactorily in 2024.
- 4.31 The RIA identifies that 80% of net floorspace would be food and grocery goods, while the remaining 20% would be comparison goods. These levels are realistic for the size of the store proposed and comparative with Lichfields experience of such stores. Lichfields consider that the sales density figures are also reasonable for the scale of the store proposed and comparative to other retailers who would occupy a store of this size. Asda and Waitrose are unlikely to occupy the proposed store as they have units close by, while Tesco and Morrisons due to scale and gross floorspace ratio. The turnover of the site is unlikely to significantly increase if an alternative retailer occupied the store.
- 4.32 The projected trade diversion of the proposed Aldi store is summarised below:
- Asda, Holmers Farm £3.25 million (25%)
 - Waitrose, Handy Cross £1.62 million (12.5%)
 - Morrisons, Temple End £1.30 million (10%)
 - Sainsbury's, Oxford Road £1.30 million (10%)
 - Tesco, town centre £1.30 million (10%)
 - Aldi, Baker Street £1.30 million (10%)
 - Aldi, Tannery Road £0.97 million (7.5%)
 - Lidl, Richardson Street £0.65 million (5%)
 - Marks & Spencer, Eden Centre £0.26 million (2%)
 - Marks & Spencer, Wycombe RP £0.13 million (1%)
 - Iceland town centre £0.13 million (1%)
 - Other town centre £0.26 million (2%)
 - Other High Wycombe £0.52 million (4%)

The trade diversion set out within the RIA have not been underestimated and appear to be reasonable. Those stores closest to the site would see most diversion.

- 4.33 With regard to the drive thru takeaway trade diversion is likely to be from existing sites within High Wycombe. It is unlikely that trade would be diverted from the town centre given the nature of the proposal, however even if it was then the maximum impact in diversion would be less than -5% according to Lichfields.

- 4.34 In terms of implications on the town centre, the main store impacted by the development would be the Aldi at Baker Street (-10.73%), while other town centre stores would experience impacts of between -2.09% and -4.31% of resultant turnover. These impacts are considered to be reasonable assumptions.
- 4.35 The proposed Aldi is expected to divert £4.55m from the High Wycombe Town Centre. This would represent an average impact of -3.6%. Lichfields' sensitivity figures suggest convenience goods facilities within the town centre may trade on average -11.6% below benchmark in 2024, and the Aldi proposal will increase under performance to -14.8%.
- 4.36 The 2013 Household Survey identified that convenience goods retailing within the town centre was trading at about -13% below the 2013 benchmark, with Sainsburys and Tescos trading below the benchmark. Lichfields have advised from their experience that town centre Tesco's and Sainsburys typically trade at 20% or more below their company average. The available evidence suggests that these stores will continue to trade viably and would not experience difficulties should the application proposals be implemented.
- 4.37 With regard to the proposed restaurant/takeaway with drive through, if all trade we diverted from the town centre (which is unlikely) then the maximum impact on the food and beverage sector would be less than -5%. The impact on other destinations is likely to be much less.
- 4.38 Lichfields' have advised that the indirect trade diversion (through loss of linked trips to other town centre units) would result in a loss of £1.4m which represents a -0.3% trade diversion of comparison goods, which is considered to be insignificant.
- 4.39 The direct and indirect impacts on the town centre arising from the proposed development are not considered to be significant.

Retail Impact Conclusions

- 4.40 It is considered that the proposed development is unlikely to result in significant adverse impacts on High Wycombe town centre and that the retail impact assessment test has been passed.

Overall Conclusions

- 4.41 The LPA is satisfied that there are no more sequentially preferable sites to the application site, allowing for flexibility and scale. Furthermore, while it is acknowledged that there are some differences in opinion with regard to the impact that the development would have on designated centres, your officers are satisfied that the proposals would not have a significant adverse impact on the vitality and viability of centres which have been independently reviewed. The assessments which have been carried out are considered to be proportionate for the scale of the proposed development. Therefore, it is considered that the relevant tests are passed and the proposed development is acceptable in this location, subject to compliance with other policies.

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)

Wycombe District Adopted Delivery and Site Allocations Plan (July 2013): DM2 (Transport requirements of development site)

Access and Highway Safety

- 4.42 Access to the site would be via an upgraded access from Crest Road. BC Highways have reviewed the proposed point of access and are satisfied, following amendments, that the access can be provided in this location which would be suitable and not give rise to highway safety issues.
- 4.43 The amended proposals demonstrate that all vehicles, including HGVs, can enter and exit the site in a forward gear and as such would ensure that no vehicle is required to reverse onto the public highway. Additionally, such servicing vehicles can now manoeuvre within the site without the need to pass over parking spaces. Servicing of both the retail unit and drive through restaurant will be internally within the site requiring servicing vehicles manoeuvring within publically accessible areas. Amended proposals have been provided which minimise the potential conflict between HGV's and pedestrians. It has been highlighted that two servicing vehicles will visit the Aldi each day, while the arrangements for the restaurant/takeaway with drive through minimise movements within the site. BC Highways are satisfied that the amendments minimise the potential conflict between servicing vehicles and the public and recommend a condition be attached to any permission requiring the submission of a servicing management plan. The concerns of the Urban Design Officer with regard to internal conflict are noted, however in the absence of concern by the Highway Authority the proposals are deemed to be acceptable in this regard.
- 4.44 Consideration has been given to the impact that the development would have on the local highway network, including the cumulative impacts with the recently approved commercial development to the west. BC Highways are satisfied that the proposed developments would not materially impact the signalised John Hall Way/Crest Road junction, and that the junction can accommodate the additional traffic movements.
- 4.45 Due to the proximity of the site to junction 4 of the M40, consideration has been given to the impact on the Strategic Road Network (SRN). Highways England have reviewed the submitted information and have confirmed that they are satisfied that the development is unlikely to have significant impact to the safe and efficient operation of the SRN, in this case the M40 motorway.
- 4.46 The scheme includes the upgrading of the existing pedestrian crossing on John Hall Way which will allow for better connectivity between the site and the residential area to the north of John Hall Way. The crossing will require dropped kerbs and tactile paving and its delivery can be secured by condition.
- 4.47 The application proposals will also require the continuation of a pavement on the northern side of Crest Road to ensure that the pavement connects with that to be delivered under the adjacent employment development scheme. The delivery of which can also be secured by condition.
- 4.48 The proposed development can therefore be satisfactorily provided through the provision of safe and convenient access, and the impacts of traffic movements from the development would not cause harm to the operation or effectiveness of the Local or Strategic Road Networks.

Proposed Parking Provision

- 4.49 The application proposes a total of 126 parking spaces to serve the development. The Highway Authority have reviewed the parking provision and are content that the level

of provision to serve the development is satisfactory. It is observed that the size of the proposed parking spaces is below that of the size set out in the county wide parking standard. However the Highway Authority is content that the necessity to provide a satisfactory level of parking, on site, without the excess parking on the highway is an acceptable compromise in this instance.

Connectivity/Travel Plan

- 4.50 The application site is located within a mixed use area with a residential community which is within close proximity to the site. It is likely that the development would serve residents at the southern side of High Wycombe. The site is accessible by means of foot, cycle and public transport with bus stops located on John Hall Way adjacent to the site. Pedestrian connectivity is proposed from John Hall Way to provide direct access to the site.
- 4.51 The application has been supported by a Travel Plan which has been reviewed by the Highways Authority who consider that its scope ought to be widened to all persons accessing the site. An updated Travel Plan can be secured by condition while money for its monitoring by the Council can be secured via a memorandum of understanding.
- 4.52 In addition, to support the Travel Plan objectives the Highways Authority have recommended that a contribution be sought to improve the bus stop provision on John Hall Way to provide Real Time Passenger Information at the nearest bus stops. This contribution would amount to £16,000.00 which would necessitate enhanced connectivity and attractiveness of public transport as a viable alternative.

Raising the quality of place making and design – including landscape considerations

Wycombe District Local Plan (August 2019): CP9 (Sense of place); DM30 (Chilterns Area of Outstanding Natural Beauty); DM34 (Delivering Green Infrastructure and Biodiversity in Development); DM35 (Placemaking and Design Quality)

Wycombe District Adopted Delivery and Site Allocations Plan (July 2013): DM11 (Green networks and infrastructure)

- 4.53 The application proposes the construction of a detached supermarket building which would be sited towards the northern end of the site. The building would be a total of 65m in length at its widest, 35m in maximum depth and includes a lean-to roof with maximum height of 8.3m. Due to land level changes between the site and John Hall Way, the proposed retail unit would site at a lower land level than the public highway to the north.
- 4.54 The proposed restaurant/takeaway with drive through would be sited at the southern end of the site and would have a maximum length of 31m, maximum depth of 14m and maximum height of 8.1m. The building would be part two storey and part single storey with flat roofs.
- 4.55 The development proposes a mix of facing materials to the elevations, which includes a mixture of cladding materials, green wall and glazing. It is considered that a mixed palette of materials would help to break up the mass of the buildings and provide some interest, as such the materials are important to the success of the scheme from a design perspective. Material details can be secured through condition
- 4.56 The site in its entirety would be accessed from Crest Road. Internally the scheme includes an access road, and parking, manoeuvring and servicing areas to facilitate the units. Due to land level changes, the scheme includes an element of cut and fill to level

parts of the site, this would require the provision of and retention of the retaining wall to the east. The Landscaping would be provided predominantly around the perimeter of the site with some landscaping provided internally to help to break up the expanse of car parking.

- 4.57 The surrounding area is characterised by buildings of various forms and scales with no prevailing uniformity which is indicative of the mixed nature of uses in the area. The Next building to the east and ASDA to southwest are large buildings and the scale of the proposed buildings would be comparable to these existing buildings. Planning permission has recently been granted for commercial development to the west of the site and the proposals would be compatible with the design of these units. Given the mixed character of the area it is not considered that the development would cause undue harm to the character and appearance of the area or adjacent building.
- 4.58 The scheme proposes the delivery of landscaping along the northern and southern boundaries of the site which help to screen the extent of the proposals. The scheme includes appropriate levels of landscaping around the development to achieve this desired screening effect. Furthermore, John Hall Way is identified as a Corridor Opportunity Area as detailed by DM11 of the DSA. The scheme proposes landscape enhancements along this route which satisfies the requirements of this policy.
- 4.59 The application site is not located within a designated landscape area, however views of the site from the AONB would be available from the south on the opposite side of the M40. The development would be sited within an urban setting within the context of large commercial buildings within the immediate area. Furthermore, the lighting of the site would appear in the context of an urban area and is unlikely to be a prominent addition to the townscape in this respect. The proposals therefore would not have a detrimental impact on the setting of the AONB.
- 4.60 In summary, the proposed development is considered to be policy compliant in respect of design, subject to conditions.

Amenity of existing and future residents, and Environmental Issues

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality); CP7 (Delivering the infrastructure to support growth); DM20 (Matters to be determined in accordance with the NPPF)

- 4.61 The site layout, and proximity to nearby residential properties is such that the development is unlikely to result in any adverse amenity issues for nearby residential properties through loss of daylight, privacy, overshadowing or overbearing.
- 4.62 The main consideration would be the impact that the development would have on noise sensitive uses from noise and disturbance arising from the proposed development. The application has been supported by a noise report which has been reviewed by BC Housing & Regulatory Services. The proposed development would result in potential noise and disturbance considerations arising from the comings and goings associated with the proposed development. The impact on residential amenity would be acceptable subject to imposing conditions on the development to restrict the opening hours of the Aldi, and conditions restricting the timings of any servicing of the site.
- 4.63 The proposed restaurant/takeaway with drive through would be sited on the southern side of the site, further away from the residential properties on the northern side of John Hall Way. Noise and disturbance arising from the restaurant/takeaway with drive

through element of the scheme is deemed to be acceptable and would not have an adverse impact on the amenity of residents.

- 4.64 It will be necessary to ensure that the light of the site would not result in any unacceptable light spillage, while also ensuring that lighting provides a safe and secure environment, particularly with regard to the pedestrian access from John Hall Way. A lighting scheme could be conditioned.
- 4.65 The submitted ground investigation reports have been reviewed by BC Housing & Regulatory Services, who have no objections subject to a further condition relating to unexpected contamination.

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)

- 4.66 The site lies within Flood Zone 1, part of the site is identified as being susceptible to surface water flooding. No concerns have been raised with regard to the impact on the development from the risk of flooding. However, the site has been identified as being susceptible from surface water flood risk, in such circumstances, and in accordance with Policy DM39 and the NPPF it would be necessary to carry out a sequential test to explore whether there are any reasonably available alternative sites which are at a lower risk of flooding.
- 4.67 A sequential test has now been carried out by the applicants to explore whether any alternative sites within the catchment of the development are reasonably available. This has primarily focussed on allocated sites located within the Local Plan (Sites HWTC10, HWTC12 – 17, and HWTC19). The scope of sites identified is considered to be pragmatic and reasonable.
- 4.68 The sequential test identifies the relevant sources of potential flooding for the sites identified using evidence from the Environment Agency flood mapping, surface water mapping, reservoir flooding mapping, and evidence from the Councils Strategic Flood Risk Assessment. It is considered that the extent of the sequential test in identifying sources of flooding is appropriate.
- 4.69 The application site is located in Flood Zone 1, and identifies that there are no other sites which are of lesser fluvial or tidal risk. Only two of the identified sites (HWTC 13 and 14) lie entirely within Flood Zone 1. All other sites contain land which lies within Flood Zone 2 or 3. Both HWTC 13 and 14 are at high risk from surface water flooding and have identified critical drainage issues within them. Furthermore, both sites are at risk from groundwater flooding, sewer flooding and may be at risk from overland flows. Other sites identified confirm that they are subject to a mix of these alternative sources of flooding.
- 4.70 It is concluded that the other sites identified are more at risk from various sources of flooding than the application site.
- 4.71 While the test differs from that with regard to retail sequential test, it should be considered in the context of the outcomes of that sequential test whereby it was identified that there were no sequentially preferable sites on retail grounds either.
- 4.72 In addition, the land to the west of the application site off Crest Road is of sufficient size to accommodate the development and is less prone to surface water flooding than

the application site and as such is more preferable in this respect. Notwithstanding that, the land has recently received planning permission for its redevelopment and is unavailable for the proposed development.

- 4.73 The LPA is satisfied that this is a sequentially preferable site for the development in terms of flood risk and the sequential test has passed. Given that the use is for a less vulnerable land use, when applying the Flood risk vulnerability criteria, and is a compatible land use for the site. Therefore, there is no requirement to carry out an exception test.
- 4.74 The application has, been supported by a Drainage Strategy which considered the options for incorporating a Sustainable Urban Drainage System within the development. The LLFA have reviewed the submitted information and, subject to the imposition of conditions, are satisfied that the site an appropriate drainage scheme can be achieved on the site.

Green networks and infrastructure

Wycombe District Local Plan (August 2019): CP7 (Delivering the Infrastructure to Support Growth); CP9 (Sense of Place); CP10 (Green Infrastructure and the Natural Environment); CP12 (Climate Change); DM34 (Delivering Green Infrastructure and Biodiversity in Development); HW8 (Land off Amersham Road including Tralee Farm, Hazlemere)

Wycombe District Adopted Delivery and Site Allocations Plan (July 2013): DM11 (Green Network and Infrastructure); DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance); DM14 (Biodiversity in development)

- 4.75 Policy DM34 confirms that all development is required to protect and enhance both biodiversity and green infrastructure features and networks both on and off site. Development is required to achieve a future canopy cover of 25% on sites of the scale of the application site.
- 4.76 The application proposes a future canopy cover provision of 20% which falls below the standard set out in Policy.
- 4.77 There has been consideration of the use of green roofs but, in this instance, this has been discounted by the applicants due to the expense of the development and changes to the scheme which would be needed to facilitate such features. The scheme includes significant landscaped boundaries which are essential to help to screen the development which is a significant benefit of the scheme, while opportunities have been provided within the site to provide for some green infrastructure within the development. Furthermore, the development would deliver landscaping along the Corridor Opportunity route which in itself is a benefit. Given the nature of the use, much of the land within the development will be dedicated to manoeuvring space, parking and internal routes which limits the space available for additional planting (unlike a housing scheme which may have areas of private or communal amenity space which could provide additional cover).
- 4.78 The applicants have explored the use of other Green Infrastructure elements within the scheme and have included a green wall which would be provided on the eastern elevation. However, the extent to which this contributes towards canopy cover is limited.
- 4.79 Insisting on additional canopy cover within the development, in this instance, is likely to compromise the delivery of the scheme and resulting in other technical issues, relating to parking standards. The LPA is satisfied that canopy cover on this site has

been maximised and therefore, on balance, when weighed against the economic benefits, the structural screening proposed and the contribution towards the Corridor Opportunity area it is considered that the slight under provision is acceptable in this instance.

Ecology

Wycombe District Local Plan (August 2019): CP10 (Green Infrastructure and the Natural Environment); CP12 (Climate Change); DM34 (Delivering Green Infrastructure and Biodiversity in Development)

Wycombe District Adopted Delivery and Site Allocations Plan (July 2013): DM11 (Green Network and Infrastructure); DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance); DM14 (Biodiversity in development)

4.80 With regard to biodiversity implications, Policy DM34 requires that developments should deliver measurable net gains within the development. The existing site comprises areas of hardstanding, while large areas of greenspace is existing which contribute towards the existing habitat value of the site.

4.81 A Biodiversity Impact Assessment has been carried out which demonstrates that the development would not deliver a net gain of biodiversity on site with the extent of biodiversity habitat loss being 0.8 units (using the Warwickshire metric). It is the applicant's intention to compensate for the loss of biodiversity value through a financial contribution to deliver net gains off site. It should be confirmed, that Policy DM34 allows for development proposals to compensate for any harm to biodiversity and this can be secured off site through financial contributions.

4.82 It is regrettable that net gain cannot be delivered on site, however, given the economic, social and other environmental benefits that the development would bring, the nature of the site and its context, it is considered in this instance that a financial contribution towards off site compensation in lieu, together with a net gain, is appropriate in this instance.

4.83 The submitted PEA and species surveys do not identify that the development would have an adverse impact upon protected species or their habitats. A Construction Environment Management Plan (CEMP) and Landscape and Ecology Management Plan (LEMP) will can be secured by condition.

Infrastructure and Developer Contributions

Wycombe District Local Plan (August 2019): CP7 (Delivering the Infrastructure to Support Growth)

Planning Obligations SPD (POSPD)

4.84 As detailed in the above sections it will be necessary for the development to compensate for the loss of habitat on site, which can be secured through a financial contribution towards off site delivery of habitat enhancement.

4.85 With regard to transport matters, £16,000 will be necessary to upgrade nearby bus stops to deliver Real Time Passenger Information. Travel Plan monitoring, at £1000/year for five years will also need to be secured. As the Council will retain an interest in the land, the Council cannot enter into a Legal Agreement with itself, therefore any financial payment will need to be secured by way of a Memorandum of Understanding between the Council's Service Director of Property and Assets, and the Council's Service Director of Planning and Environment.

4.86 A third party representation has questioned whether a Memorandum of Understanding is an appropriate mechanism to deliver the financial obligations. The LPA is more than satisfied that this is the appropriate mechanism to ensure that the obligations are delivered in such circumstances.

5.0 Weighing and balancing of issues / Overall Assessment

5.1 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

5.2 As set out above, after satisfying the sequential test and retail impact test, it is considered that the proposed development is acceptable and would represent a sustainable land use in the settlement of High Wycombe. As conditioned, it is considered that the proposed design, impact on residential amenity and impact on highway safety are all acceptable. There is concern that the development would not provide 25 % canopy cover, however this is outweighed by other factors in this instance. Furthermore, the development would fail to deliver a net gain in biodiversity on site and it is proposed to compensate for this loss through a financial contribution towards off site compensation. As above, the conflict with policy in this regard is also outweighed by the economic, social, and other environmental benefits of the development and as such the contribution proposed is acceptable.

5.3 The proposed development is in accordance with the Development Plan when taken as a whole, and national guidance contained within the NPPF, and represents sustainable development.

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 (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:

- pre-application advice has been given;

- the applicant/agent was informed of issues arising with the development during the application process and given the opportunity to address the concerns raised;
- Following addressing the issues, the application was determined without delay.

7.0 Recommendation

7.1 The application is recommended for approval subject to entering into a memorandum of understanding agreement to secure:

- A financial contribution towards biodiversity net gain by compensating for the loss of 0.8units, as calculated by the Warwickshire metric (plus a net gain);
- A financial contribution of £16,000 towards Real Time Passenger Information upgrades to bus stops;
- Travel Plan monitoring fees for a period of 5 years

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).

2. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers:

180997-1100 – Rev P1 – Location Plan

180997-1150 – Rev P2 – Existing Site Plan

180997-1200 – Rev P2 – Existing Site Sections

180997-1400 – Rev P11 – Site Plan as Proposed

180997-1401 – Rev P2 – Floor Plan as Proposed Aldi

180997-1402 – Rev P3 – Ground/First Floor & Roof Plan McDonalds

180997-1403 – Rev P1 – Roof Plan as Proposed Aldi

180997-1500 – Rev P2 – Proposed Site Sections

180997-1501 – Rev P4 – Proposed Elevations Aldi

180997-1502 – Rev P3 – Proposed Elevations McDonalds

180997-1503 – Rev P1 – Proposed Streetscenes

1377-01 Rev K – Soft Landscape Proposals

Unless amended pursuant to the requirements of any condition attached, or otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby approved shall be constructed in strict accordance with the elevation materials and specifications as detailed on the approved plans, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development in the interest of visual amenity.

4. All hard surfacing materials shall be carried out in strict accordance with the details hereby approved, unless otherwise first agreed in writing by the Local Planning Authority. All hardsurfacing shall be provided prior to first occupation of the development hereby approved, and shall thereafter be retained.

Reason: To ensure the satisfactory appearance of the development in the interest of visual amenity.

5. All planting, seeding or turfing comprised in the landscaping scheme, shall be provided in full accordance with the details hereby approved, and shall be implemented and maintained in accordance with the details set out in the LEMP to be approved pursuant to condition 9.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping, and to ensure that tree planting becomes established.
6. Notwithstanding the proposed site level details hereby approved, before the development is commenced (with the exception of site clearance), full details of the proposed levels, including detailed sections, shall be submitted to the Local Planning Authority for approval. The details shall include the development shall be carried out in strict accordance with the approved details.
Reason: To ensure that the development is appropriately screened, and that the proposed development maximises canopy cover in the interest of the character and appearance of the area.
7. With the exception of site clearance, before the development hereby approved is commenced, full details of all means of enclosure (including ancillary structures), boundary fencing and retaining walls, including their heights, materials and colour finish, shall be submitted to the Local Planning Authority for approval. The development shall be carried out in strict accordance with the approved details which shall be provided prior to first occupation of the development hereby approved, and thereafter retained.
Reason: To ensure the satisfactory appearance of the development in the interest of visual amenity.
8. No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall be informed by the recommendations and conclusions detailed within the Ecological Assessment (dated 13th July 2021). The CEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.
Reason: To ensure the protection of wildlife and supporting habitat.
9. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to commencement of the development hereby approved. 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).
 - 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 approved plan will be implemented in accordance with the approved details.

Reason: To ensure appropriate protection and enhancement of biodiversity, to make appropriate provision for natural habitat and landscaping within the approved development and to provide a reliable process for implementation and aftercare.

10. Prior to the commencement of any works, details of tree pit design shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the tree pits shall be constructed in accordance with the approved details.

Details to include:

- where/how the required soil volume will be provided, where underground infrastructure is to be located to avoid clashes,
- details of monitoring and supervision of the tree planting process including provision to take photographs of each tree pit/soil volume space, prior to filling with soil,
- details of how the tree planting is to be phased across the development so that planting takes place in line with the occupation of the development,
- details of maintenance and management (and replacement procedure if necessary) of trees for at least 5 years after planting.

Reason: To ensure satisfactory landscaping of the site in the interests of amenity to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development.

11. Prior to first occupation of the development hereby approved, the upgraded site access shall be altered in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway".

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

12. The scheme for parking and manoeuvring and the loading and unloading of vehicles shown on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

13. No part of the development shall be occupied until a full Travel Plan for the site has been submitted to and approved by the Planning Authority. The plan shall set out measures to reduce single occupancy journeys by the private car and indicate how such measures will be implemented and controlled. The Travel Plan shall include a full analysis of the modal split at existing sites and indicate targets for modal shift in the forthcoming year. The Travel Plan shall be subject to annual review thereafter. For the avoidance of doubt the Travel Plan will require the appointment of a Travel Plan Co-ordinator.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with national and local transport policy.

14. Prior to the commencement of any works on the site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of a banksman, on-site loading/unloading arrangements and parking of site operatives vehicles) shall be submitted and approved in writing by the Planning Authority in consultation with the Highway 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.

15. Prior to first occupation of the site the upgraded informal crossing point shall be provided on John Hall Way.

Reason: To provide a safe and suitable crossing facility on to enable access to the site.

16. Prior to the first occupation of the development hereby approved, a servicing management plan shall be submitted to the Local Planning Authority for approval. The site shall thereafter operate in accordance with the approved details.

Reason: To minimise conflict between servicing vehicles and users of the site.

17. Prior to first occupation of the development, the proposed pedestrian/cycle route through the site from John Hall Way shall be provided and made available for use, and shall thereafter be retained for the lifetime of the development.

Reason: In the interest of connectivity and sustainable travel.

18. Prior to the commencement of any above ground development 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 subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- 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.

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

19. Prior to the occupation of the development a whole-life maintenance plan for the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long term maintenance of the drainage system as required under Paragraph 165 of the NPPF.

20. The supermarket shall not be open to the public outside the hours of 08:00 to 22:00 Monday to Saturday and 10:00 to 18:00 on Sundays and Bank Holidays.

Reason: In the interest of the amenity of nearby residential properties.

21. The rating level of noise emitted by all fixed plant on the site shall not exceed 49 dB(A) between 0700 and 2300 hours and 43 dB(A) between 2300 and 0700 hours. The noise levels shall be determined by measurement or calculation in connection with a noise sensitive premises. The measurements and assessment shall be made according to BS4142:2014+A1:2019.

Reason: To protect the occupants of nearby residential properties from noise disturbance.

22. No deliveries or the collections shall take place in connection with the supermarket between 23:00 and 07:00.

Reason: To protect the occupants of nearby residential properties from noise disturbance.

23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and approved conclusions shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall not be implemented otherwise than in accordance with the approved remediation scheme.

Reason: To ensure that the potential contamination of this site is properly investigated and its implication for the development approved fully taken into account.

24. Prior to the occupation of the development hereby permitted, a scheme for the delivery of Electric Vehicle charging points shall be submitted to the Local Planning Authority for approval. The scheme shall include details of the specification of the proposed EV charging points and the phasing of their delivery. EV charging shall be carried out in accordance with the approved scheme and thereafter be retained.

Reason: To comply with the air quality SPD and, to reduce the carbon emissions and the impact on the health of Nitrogen Dioxide emissions from the development.

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:

- pre-application advice has been given;
- the applicant/agent was informed of issues arising with the development during the application process and given the opportunity to address the concerns raised;
- Following addressing the issues, the application was determined without delay.

2. The permission is subject to a memorandum of understanding to secure the delivery of financial contributions towards achieving a net gain in biodiversity; RTPI upgrades to bus stops; and Travel Plan monitoring.
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 Services Division of the Council.
4. The applicant is advised that a licence 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 period of 28 days must be allowed for the issuing of the licence, please contact Transport for Buckinghamshire at the following address for information.

Transport for Buckinghamshire (Streetworks)
10th Floor,
Walton Street Offices
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
Tel: 01296 382416

5. The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works 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 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Highways Development Management at the following address for information:-

Highway Development Management (Delivery)
Buckinghamshire Council
6th Floor, Walton Street Offices
Walton Street,
Aylesbury
Buckinghamshire
HP20 1UY

6. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

None received

Parish/Town Council Comments

N/A

Consultation Responses

Buckinghamshire Council Arboricultural Officer – Further Comments - Canopy cover calculations are incomplete, but indicate that the development falls short of the requirements set out in policy DM34. Please refer to ecology comments to see how this could be addressed through green roof and/or other green infrastructure.

It will be essential to demonstrate that the tree planting is feasible and that it will be able to reach its full potential and match the aspirations of the design. Tree pit design will need to ensure sufficient good quality soil and will likely require below ground support to create soil vaults. Given the complexity coupled with the shortfall in canopy cover, it may be advisable to request these details ahead of a decision. (15/09/2021)

Buckinghamshire Council Arboricultural Officer - Initial Comments - It is acknowledged that removal of category C trees will be necessary in order to develop the land. The loss of trees could be mitigated through landscape proposals. However, the site is larger than 0.5 hectares, so will need to demonstrate that 25% canopy cover (and associated soil volume) can be achieved in order to satisfy policy DM34

It is recommended that canopy calculations are submitted ahead of a decision. (14/12/20)

Buckinghamshire Council Ecology Officer – Further Comments 2 - I am satisfied with the updated surveys.

There is some confusion over the extent of biodiversity loss. The image of the Amended Biodiversity Impact Assessment and the table on p18 of the Ecological Assessment show a loss of 0.73, however the image of the Biodiversity Impact Assessment shows the loss as 0.77. A copy of the spreadsheet is needed so that the detail can be checked.

It is clear that there will be a net loss in Biodiversity, however there is lots of potential to incorporate green roofs on the buildings. Incorporating green roofs will likely make a significant difference to the biodiversity calculations and will likely result in a net gain. Incorporating Green roofs will also help meet the canopy cover requirements where there is currently a significant shortfall.

Green Roofs could also contribute towards SuDS requirements if appropriately designed.

The landscaping does not show much ecological consideration. For instance the inclusion of the non-native Photinia Red robin to the rear of the store is inappropriate and the seeding/turf claims to be species rich, but no details are given of what species will be included. It is unclear what habitats are to be created and what condition they are expected to achieve.

No obvious consideration has been given to the Green Infrastructure corridor as identified in policy DM11.

RECOMMENDATIONS:

The proposals do not contain sufficient information about ecological proposals to make full judgements on the accuracy of biodiversity accounting claims. However, from what has been submitted it is clear that biodiversity net gain requirements will not be reached and nor will canopy cover targets. The Green Infrastructure opportunity corridor has not been given consideration and it appears that little attempt has been made to maximise the ecological value of the site. The proposed enhancements are ok but they only make a small part of the picture and do not contribute to biodiversity accounting.

Therefore, the proposals need to either be quite significantly amended, or it would be appropriate to include failure to meet requirements of DM34 and DM11 as part of reasons for refusal. (03/08/2021)

Buckinghamshire Council Ecology Officer – Initial Comments – The Ecological Assessment includes information from a Phase 1 Habitat survey which was undertaken about a month before the start of the survey season. Therefore, the fact that only limited species were found in the grass land does not give an accurate indication of their quality.

The report concludes that the habitat is of negligible value and does not need compensating for. However, this is clearly wrong as there is possibility that reptiles use the site, stag beetles have been found on site and there is bird nesting habitat too.

Reptile surveys need to be undertaken to understand the impact the proposals might have on this protected species.

The headline figures from the Biodiversity Impact Assessment (BIA) have shown that there would be a net loss. However, the calculator itself has not been submitted so that the detail can be checked.

The site has a Green Infrastructure Opportunity Area running across the north edge of the site (which is highlighted in policy DM11). This needs to be taken into account in the design of the proposals.

It has already been mentioned in the Tree Officer's comments that there is a requirement for 25% Canopy Cover from DM34. This should have come in at validation stage, the fact it didn't is not the end of the world but it is needed before decision as I think it's likely that a significant redesign will be needed to accommodate that and Biodiversity Net Gain.

RECOMMENDATION(S)

The Extended Phase 1 Habitat Survey needs to be redone, in the survey season (likely starting beginning of April, but weather dependent).

We need the Spreadsheet for the Biodiversity Impact Assessment, so it can be checked (but this will need updating following the Phase 1 resurvey).

The Green Infrastructure Opportunity Area needs accommodating as per DM11.

Canopy Cover details need to be submitted as per the table on page 16 of the Canopy Cover SPD.

Once the above details have been submitted, further conversations can be had over the design and layout of the site, following the mitigation hierarchy. (14/12/20)

Buckinghamshire Council Landscape Officer – Further Comments - In landscape terms there is little change from the previous submission. Previously I highlighted that:

"The 2 x Pyrus Chanticleer and 3 x Carpinus betulus shown on the western boundary seem to be located in a very constricted area between the boundary and the parking. As with the 5 trees on

the eastern boundary where there is currently a high retaining wall. More detail is needed to understand what conditions these tree will be planted into. The site sections do not detail this enough to see if there is room or what the levels are. Further information and/or a layout revision may be required to ensure these trees can be planted with the necessary soil volume and space to thrive”.

The technical aspects of this would be better dealt with by our tree officer, so I defer to them as to whether these trees can be successfully accommodated. From a landscape point of view, their inclusion is preferred as they will soften the impact of the built form and provide green relief between this and neighbouring developments. I see our ecologist commented that they would prefer to see more native species included within the soft landscape proposals and I have no objection to this. (04/08/2021)

Buckinghamshire Council Landscape Officer - Initial Comments - The height of the development is limited enough to remove concerns about visual impact on the AONB to the south. Lighting will be designed in line with ILE guidance and a condition should be applied to any permission requiring it to take account of views from the AONB.

As the tree officer notes, existing trees of importance have been retained and protected. There are ample opportunities within the layout to provide further tree planting, as the Soft Landscape Scheme demonstrates. However, the 2 x Pyrus Chanticleer and 3 x Carpinus betulus shown on the western boundary seem to be located in a very constricted area between the boundary and the parking. As with the 5 trees on the eastern boundary where there is currently a high retaining wall. More detail is needed to understand what conditions these tree will be planted into. The site sections do not detail this enough to see if there is room or what the levels are. Further information and/or a layout revision may be required to ensure these trees can be planted with the necessary soil volume and space to thrive.

The inclusion of native tree and hedgerow species is welcomed as it will provide ecological as well as visual benefits. (27/01/21)

Buckinghamshire Council Urban Design Officer – Further Comments 2 – Pedestrian/Cycle access - The path proposed at the western side of the site is not wide enough for safe shared access; it incorporates sharp angular turns rather than a curved layout; and it leads from John Hall Way to the centre of the car park but does connect to Crest Road.

Furthermore, pedestrian movement through the site is poorly served in general, especially to the ALDI store. There is no safe and convenient direct access to the front door of the ALDI store, instead requiring a circuitous route through the car park; pedestrians are likely to walk directly through the car park along unprotected routes. Service areas to both ALDI and McDonalds require vehicles to reverse across pedestrian crossings, where this also comes into conflict with vehicles using the McDonalds drive-thru and car park.

Resolution: provision of pedestrian and cycles routes that are simple, direct and safe, with sufficient width (minimum 3.0 metres) for shared use where required. Two potential approaches to this are indicated on the attached sketch plans: the first is broadly a modification of the current arrangement, while the second proposed an alternative footpath/cycleway route along the eastern boundary instead, which would substantially simplify matters.

Crest Road FP - None is proposed. This must be provided for continuity along Crest Road.

Pedestrian/Vehicle Conflict - Proposed arrangements are unsatisfactory. Tracking should be included on drawings to indicate how service vehicles intend to enter and leave the currently proposed service location for McDonalds.

The attached sketch plans indicate suggested alternative arrangements. A shared footpath / cycleway to the eastern boundary (rather than the west) would help remove pedestrian conflicts with all of these arrangements.

Elevation Details - There is little change since the original submission, though a green wall has been added to the east-facing façade near Joh Hall Way. Further breakdown of the long north-facing façade is needed, most probably with contrasting materials as previously suggested.

Canopy Cover - Rationalising pedestrian (and cycle) movements through the site as suggested above would free up more space for tree planting within the car park.

Soft Landscaping - Item 5 above addresses planting within the car park.

Regarding site margins, it is noted that a long narrow strip of land lies outside the proposed red line boundary at the eastern boundary, adjoining the retaining wall to the NEXT building / car park. While it is outside the red line boundary, it is proposed to reduce the levels here (as indicated on the proposed sections). However, no planting is proposed and it seems likely this area will go unmanaged. Views from the car park of the retaining wall and unmanaged landscape will have an adverse visual impact.

This area should be included within the red line boundary and proposed for planting and maintenance. This could contribute significantly to achieving the canopy cover target of 25%. It could also usefully incorporate the footpath and cycleway needed between John Hall Way and Crest Road, as discussed in Point 1 above.

Green Walls - A small green wall has been added to the eastern elevation. This is a minor addition to canopy cover calculations.

Service Diversions - The Soft Landscape Proposals drawing indicates existing services to be diverted along the site's western boundary. In the northerly part of the site, this shows what appears to be a wayleave crossing into the adjacent site to the west - this is not acceptable, as it interferes with the boundary fencing and adjacent soft landscape, and must be accommodated within the site itself.

Parking Standards - It is noted that proposed parking spaces are 5.0 x 2.5 metres, falling short of the Buckinghamshire Parking Standards that apply in this area. Unless this has already been agreed with the Case Officer, perhaps as part of pre-application discussions, the Buckinghamshire Standards should be applied.

McDonalds Fence - This is not needed, as a paladin fence runs along the site boundary. If a timber finish is sought, this can be applied to the face of the paladin fence as already proposed for the fence where it faces the ALDI store / car park.

Aldi Signage - This appears to conflict with retained tree T9, where the sign should be moved unless visibility to users approaching from the east is not required. The high-level signage to the north-eastern corner of the building is noted, which is likely to be visible from the east.

Substation - The masterplan drawings indicate a service vehicle parking bay on John Hall Way. This is not included within the red line boundary. Safe and convenient provision must be made for pedestrians (and cyclists if applicable) travelling along John Hall Way. (06/08/2021)

Buckinghamshire Council Urban Design Officer – Initial Comments:

SITE LAYOUT

Space for the required 10m landscape strip along John Hall way has been provided. An electricity sub-station has been indicated within this area, but the visual impact of this could be mitigated by landscape treatment.

Servicing has been tucked to the sides of buildings.

The layout fails to provide pedestrian or cyclist accommodation through the site to Crest Road, or through the car park to Aldi, for those traveling from the residential area or bus stops on or north of John Hall Way. The need for this was raised at the planning advice stage.

The layout fails to continue the pavements along the Crest Road frontage.

It isn't clear how deliveries to McDonalds deliveries will take place, or how they relate to the drive-through and use of McDonalds or Aldi car park. Para 4.2.2 of the Transport Assessment indicates that deliveries take place during normal operational hours, while Figure 4.2 only provides swept path for HGVs exiting the car park, not entering it, and indicates that the HGV will rely upon 8 customer parking spaces being empty and available for use by the HGV. It appears likely that deliveries will have an impact on customer access to McDonalds and Aldi. I defer to Highways DM on this point.

RESPONSE

In terms of pedestrian and cyclist access, and possibly deliveries to McDonalds, the layout does not currently comply with the requirements of DM35, and there does not appear to be scope for this to be addressed by condition. If the applicant wished to amend their proposal to comply with policy, I recommend:

Safe and convenient pedestrian and cyclist provision should be made through the site from John Hall Way to Crest Road, and a pavement continued along Crest Road. Safe pedestrian provision should also be made through the car park to the main entrance of the Aldi store.

An HGV parking area for McDonalds could more conveniently be provided to the north of the drive through pick up window for the McDonalds store, within the Aldi car park (subject to Aldi parking requirements, and advice from Highways DM)

DESIGN

The proposal would lack a good quality active frontage facing the car park and Crest Road; the active frontage instead faces the flank of Next, with only high level windows along the elevation facing the car park and Crest Road. This is however the standard design, as highlighted at the Planning Advice Stage, and is a design and relationship that has been accepted on other sites including at Baker Street High Wycombe.

In contrast with Next, the Aldi elevation along John Hall Way is the purely functional approach for the back of their standard design. Planning advice recommended that greater consideration be given to this prominent elevation.

Elevational drawings indicate Kingspan KS1000MR metallic silver cladding RAL 9006. This appears to be the same cladding used on the Baker Street store, and appears suitably matt in finish, minimising wider landscape impacts.

RESPONSE

The elevation facing John Hall Way is not of sufficient quality to comply with policy DM 35 for this highly visible location. At a minimum, creation of bay rhythm and interest could be achieved by condition through materials, as per the southern elevation.

Inclusion of high level windows would further improve the elevation, but would require amendment of plans.

Finally, soft landscape planting would be beneficial to improve the appearance of the development from John Hall way, and could be secured by condition.

LANDSCAPE

The proposal does not illustrate the level of soft landscape which is expected to deliver good quality placemaking, or required by policy DM34.

The site lies outside the town centre, and the area is 1.034 ha. Policy requirements of DM 34 therefore apply in respect to the need to provide 25% canopy cover on the site. This need has been highlighted in both Arboricultural and Ecological comments, and will also be important from a landscape impact urban design placemaking point of view.

The Canopy Cover SPD includes guidance on how canopy cover can be achieved on site, and on page 16 sets out the supporting documentation required to demonstrate that the requirements can be delivered. Although much of the required supporting documentation has not been submitted with this application, para 7.32 of the Planning and Retail Statement acknowledges that the proposal will not meet the 25% canopy cover requirement as currently designed, but that canopy cover has been maximised.

Insufficient information has been provided to support the claim that canopy cover has been maximised on this site. Furthermore, if 25% canopy cover has not been achieved on site, the policy requires the shortfall to be made up with other Green Infrastructure elements (green roofs and green walls) and the SPD sets out how this may be done. Such elements have not been provided.

Tree and soft landscape planting required by policy DM34 would also meet the requirements of the Concept Statement, and significantly improve the placemaking quality of the proposal. Green Infrastructure elements such as a green wall could be used to address concerns about the northern elevation of the Aldi store, facing John Hall Way.

RESPONSE(S)

Tree planting will need to be demonstrably maximised, and any shortfall met through provision of other GI elements, including green walls or green roofs. The proposal may need to be redesigned to deliver these requirements, in particular any necessary GI elements. I note that green walls may also resolve concerns regarding the poor quality of the northern elevation.

The SPD sets out that a number of documents which are required to demonstrate that the policy requirements can be met. They should not be required by condition, as there may not be scope or flexibility to meet the policy requirement once the site layout and building design are approved.

ADDITIONAL INFORMATION REQUESTED

The Canopy Cover SPD includes guidance on how canopy cover can be achieved on site, and on page 16 sets out the supporting documentation required to demonstrate that the requirements can be delivered, prior to determination. (14/01/21)

Buckinghamshire Council Lead Local Flood Authority – No objection subject to conditions relating to the submission of a SUD's scheme and maintenance. (11/12/2020)

Buckinghamshire Council Highways – Further Comments – No objection subject to conditions and legal agreement.

Parking spaces remain of a size that is below that of the county wide parking standard, however given the considerations of the compromise between the need to achieve a suitable level of parking and prevent a situation of excess parking taking place on the local highway.

The revisions present in the parking arrangement have also overcome concerns relating to the movement of pedestrians through the car park, with particular reference to children and those with

disabilities that may lead to greater hazard being present should an HGV be present within the car park. The amendments to the layout also ensure that the requirement for an HGV is minimised to a level that must be considered to be the minimum practical within the constraints of the site. HGV's are also able to circulate through the car park without needing to pass over parking spaces preventing a situation of a vehicle becoming stranded within the car park.

Servicing management are found to be acceptable for minimising the risk of interaction between the public and HGV's across the site, with a maximum of one delivery taking place during normal operating hours of the store. In addition it has been discussed that those parking spaces within the store area of the car park will be used for overnight delivery vehicles for the drive-thru restaurant element to minimise manoeuvring within the site.

With respect to the footway amendments at the access point I can confirm that the revisions at the access are acceptable and create a safe and suitable access. However I do note that these drawings do not show a continuous footway along the whole frontage of the site.

satisfied that this application does not exceed the traffic generation and impact that has previously been mitigated by the scheme to deliver traffic signals at the junction of Crest Road and John Hall Way.

It should be secured by condition that the John Hall Way crossing point is improved to present dropped kerbs and appropriate tactile paving to ensure that any persons seeking to use this facility can do so safely, as it is reasonable to expect that this will now become a desirable location to cross John Hall Way.

Recommend Travel Plan widened and its monitoring secured by s.106. To support the TP objectives it is recommended that a contribution be sought to improve the bus stop provision on John Hall Way to provide RTP1 at the nearest bus stops. This contribution would amount to £16,000.00. (22/09/21)

Buckinghamshire Council Highways - Initial Comments - The Highway Authority requires the following information before support can be given. The principle of this access is acceptable however the Swept Path Analysis shows that HGVs are not able to negotiate this entrance without using both sides of Crest Road and the site access. This represents a highway safety concern for all users of the highway, including pedestrians on the south side of the road. Therefore it is required that the geometry of the access be reviewed to ensure that access can be achieved in a safe manner.

It appears that not all of the information has been provided within the TA for the AM peak periods. Therefore it is requested that the full data is presented for the distributions and it be confirmed that the modelling has been checked comprehensively by the applicants before the Highway Authority carries out an assessment of this aspect of the application documents.

Concerns regarding the proposal to use each of the parking elements to supplement parking for the opposing site uses given the proposed layout. This proposal has the potential to cause circling of vehicles and additional manoeuvres within the site that have the potential to cause congestion and confusion that would then lead to delays at the junction of Crest Road and the site.

That the parking spaces proposed are at a size of 2.4m X 4.8m, these spaces are of inadequate size

Swept path analysis of the internal movements of HGV's indicates that a delivery vehicle cannot complete the requirements of the delivery manoeuvres without striking parking spaces. It is also designed in such away as to require reversing past parent and child parking spaces. Given that deliveries are proposed within operating hours of the site, this arrangement is not considered acceptable. Servicing of the drive thru deliveries present similar issues and will require the effective closure of the site to allow for HGV manoeuvres. (01/02/21)

Buckinghamshire Council Environmental Health – Further Comments – Environmental Noise. Noise from customer activity to supermarket is unlikely to have an impact on local amenity. The liberation from noise from plant, including substation can be adequately controlled by way of condition. A condition restricting night time deliveries is necessary. Impact from noise from McDonalds is modest and do not recommend any additional specific controls.

Contaminated Land. Support the conclusions of the Environmental Assessments subject to imposition of condition relating to unidentified contamination. (08/04/21)

Buckinghamshire Council Environmental Health – Initial Comments –Air Quality SPD requires 10% EV charging points to be delivered with a minimum rating of 32amp prior to occupation. As there are 126 spaces proposed 13 Ev charging points shall be installed. (25/11/20)

Environment Agency – No comment (03/12/20)

Highways England – No objection (10/12/20)

Thames Valley Police (Crime Prevention Design) – Footpath entering site lack suitable surveillance. Appropriate lighting should be provided. Footpath exacerbates the potential for antisocial behaviour. Landscaping should maximise surveillance and CCTV plan should cover this area (15/12/20)

Thames Water – No objection with regard to foul water. No objection to surface water drainage subject to following sequential approach and consultation with LLFA on use of SUD's. public sewer close or crossing site, applicant is advised to follow guidance on diversion or works close to pipes. (10/12/20)

Representations

41 letters received in general support on following grounds:

- Aldi needed on this side of town
- Will enhance look of area
- Will be great for area
- Turn derelict land into something useful
- Will tidy up site
- Great for community
- Handy for those who cannot travel/accessibility
- Will create jobs
- Land an eyesore
- Good place to build
- Competition will be good for retail
- Support but needs careful traffic management
- Happy for Aldi, nit sure about another McDonalds

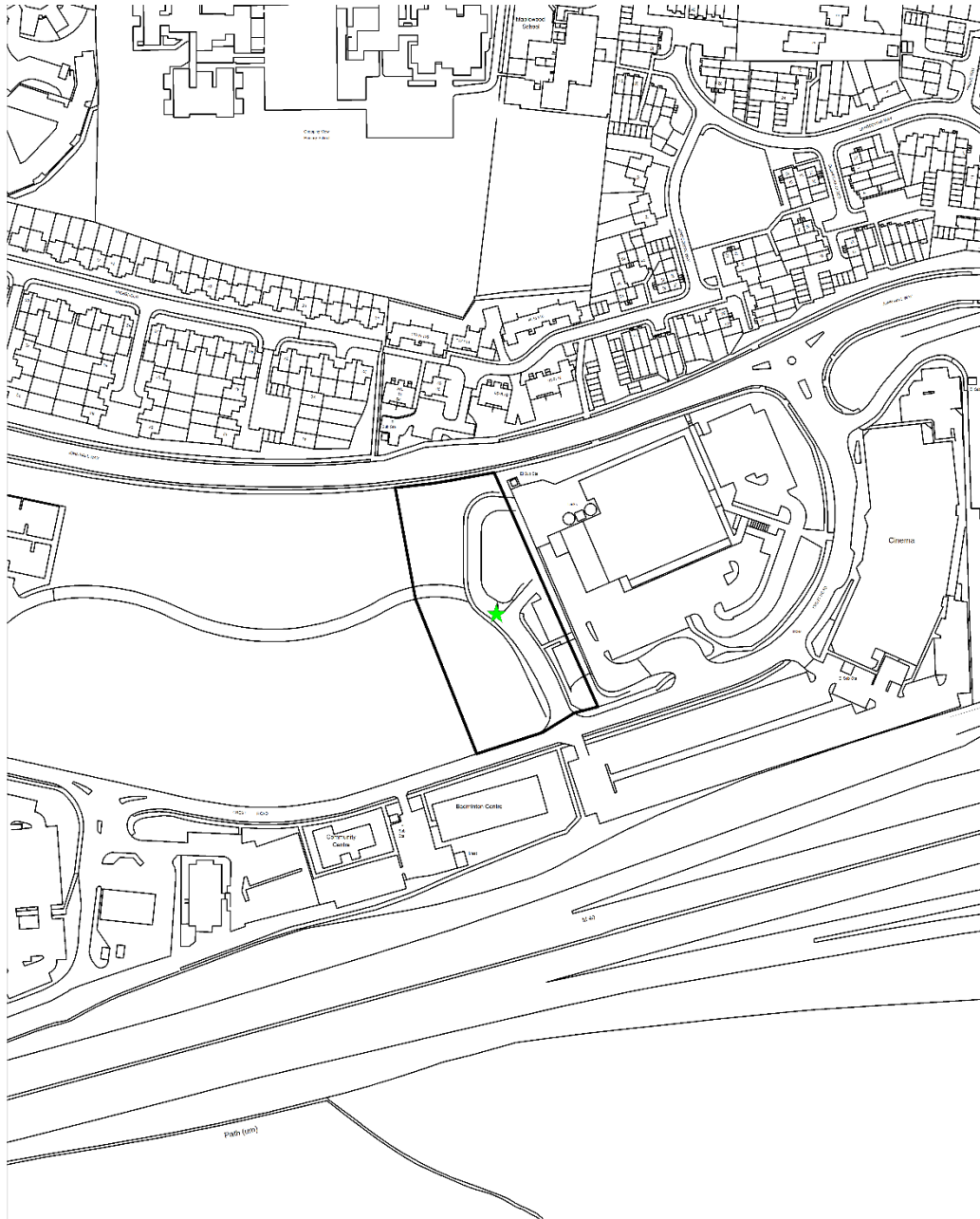
7 representations of objection received on the following grounds:

- Increased traffic throughout day
- Also occasional increase in traffic from Adams Park home games and John Lewis events

- Drive through will increase unsocial activity
- Increased litter
- Lorry traffic and noise/pollution issues
- It is a residential area
- Impact on property prices
- Too much junk food in area
- Based on the information provided, do not consider there is sufficient information to provide an informed assessment of the impact of the proposed development
- There has been a change in philosophy towards that of a traditional supermarket, with turnover more akin to traditional foodstore operators
- Foodstore could ultimately be occupied by any food retailer
- Need to be satisfied with the use of land as retail space, not just specific retailer
- A sensitivity test would be required to give clear impact on other centres in area
- A further scenario for a retailer with higher sales density required
- Assessments have not taken into account impact of Covid as centres may have been weakened and more vulnerable to out of centre impacts
- Difficult to predict how pandemic has affected vitality and viability of centres and that the Council can conclude the development would not have a significant adverse effect on vitality and viability of any centre
- Morrisons and wider town centre are vulnerable to trade diversion
- Could be significant adverse impacts as a result of an alternative town centre destination
- Health of Chiltern Shopping Centre has declined and has high vacancies
- Resolution to grant permission for retail warehouse club does not set a precedent for retail development on site
- Deliver of new retail floorspace under CP6 is for town centre sites, not capacity for sites elsewhere
- The 2013 household survey is old and doesn't include more recent developments, and not a robust evidence base
- Convenience split for Sainsburys and Tesco is too low – should be 65% convenience floorspace
- Trade diversions from the out of centre stores has been over estimated. 12.5% diversion from Waitrose is too high given space in market they operate. Which is reflected in 2% trade diversion from town centre M&S
- Trade diversion from Tannery Road Aldi, at 7.5%, is too high as they serve different catchments, while town centre Aldi only 2.5% diversion
- The applicant's sequential assessment is inappropriately limited in scope and only town centre opportunity sites in an ageing Local Plan document have been reviewed
- Relevant case law on the sequential approach has been misapplied and the advice issued by the Council's retail advisor lacks necessary rigour
- The uncertainties in the applicant's assessment of the impact of the proposal on the town centre: The health check of High Wycombe town centre is significantly out-of-date and a new household survey of shopping patterns should be commissioned due to the age of existing data in order to accurately capture existing shopping patterns.
- Site is not well connected, other better connected sites need to be considered
- Reliance on an ageing local plan document is not robust review of sites
- Bridge Street site solely reflects proximity to existing Aldi
- Disaggregation has not been applied

- No good reason why drive-thru cannot be sited in edge of centre or more accessible site elsewhere
- Lichfields' review is not sufficiently robust
- Health check is well out of date
- Financial contributions can't be secured by memorandum of understanding
- Sequential test required due to site being susceptible to flooding
- No EIA screening opinion has been carried out
- Loss of biodiversity not acknowledged in report contrary to DM34
- Sequential test flawed, reliance on permissions which are not extant, and lack of analysis for HWTC16
- Inappropriate basis for determining the suitability and availability of sequential opportunities
- Rejection of the disaggregation concept, so limiting the search for sequential opportunities
- The inappropriate identifier of our client's objections as a "competitor"

20/07802/FUL
Scale 1/2500



Planning Committee
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Report to West Area Planning Committee

Application Number:	21/06803/FUL
Proposal:	Construction of two storey extension with link to Griffin House School including demolition of existing building.
Site Location:	Griffin House Preparatory School Station Road Little Kimble Buckinghamshire HP17 0XP
Applicant:	Griffin House School Ltd
Case Officer:	Jenny Ion
Ward(s) affected:	Ridgeway East
Parish-Town Council:	Gt & Little Kimble Cum Marsh P Council
Date valid application received:	24th June 2021
Statutory determination date:	19th August 2021
Recommendation	Conditional Permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The proposal is for the removal of portable buildings used for early years provision and the construction of a two storey building to provide replacement early years provision and additional classrooms in connection with the existing school. The new building would be linked to the existing building by a corridor link.
- 1.2 Cllr Harriss requested that the application be considered by the Planning Committee following contact from neighbours raising concerns about the proposals.
- 1.3 The application is recommended for approval subject to conditions.

2.0 Description of Proposed Development

- 2.1 The site is occupied by a preparatory day school providing education for children of primary school age. The site is a linear site of around 1.89ha, situated adjacent to the A4010, in Little Kimble. The main school building is sited at the north west end of the site, accessed via a long driveway from the entrance at the south east end of the site. The school grounds, including playing field and tennis court are to the south west side of the drive. There are two areas of parking, one to the front and side of the main school building, the other to the north of the access drive near the main site entrance.
- 2.2 The proposed development would replace the existing portacabins which house the early years provision with a new two storey building. These are situated behind the

main building, towards the north west edge of the site, which is bounded by a stream. The development would provide four replacement early years rooms plus an additional five classrooms and staff room. The school has an existing capacity of 195 places. The additional classrooms would each have a capacity of 17, and this, together with the improved pre-school provision, would increase the school capacity by 104 places. Five additional staff would be required. The school currently has 38 staff, of whom 16 are part time.

- 2.3 The proposed building has been designed as a stand-alone building, separate from the main school building, linked only by a corridor. The proposed building, which measures approximately 19 x 14.4 metres in footprint, would be 6.6 metres high. Externally it would be clad in vertical Western Red Cedar timber boarding, grey cladding, with grey external joinery, and a flat sedum roof.
- 2.4 The application is accompanied by:
 - a) Planning Statement
 - b) Tree report
 - c) Ecology report
 - d) Flood Risk Assessment
 - e) Transport Appraisal
- 2.5 The application has been amended. Amended plans were submitted to change the external appearance of the building to give the building more articulation and visual interest. Further amended plans were submitted to show the provision of coach parking within the site and a pedestrian path link through to the main road.

3.0 Relevant Planning History

- 3.1 The site has been in use as a private day school since permission was granted in 1948 (ref. WR/214/48).
- 3.2 A series of temporary permissions from the 1960s onwards related to the provision of temporary buildings to provide classrooms, the most recent of which was in 2009, ref. 09/07428/FUL.
- 3.3 In 2002 a proposed two storey extension, to replace the portacabins, was refused permission, ref. 02/07932/FUL. Permission was refused on grounds of the impact on the Green Belt, poor design in relation to the existing building and harm to the AONB, impact on neighbouring properties and the absence of provision for accommodating large vehicles on the site.

4.0 Policy Considerations and Evaluation

Principle and Location of Development

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP3 (Settlement Strategy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM42 (Managing Development in the Green Belt)
DSA: DM1 (Presumption in favour of sustainable development),
GLKcMNP: KIM4 (Schools)

- 4.1 The site is an existing school site and the proposal is designed to provide improved facilities for the existing early years provision alongside additional classrooms to expand the capacity of the school. There is no record of any extensions to the school in the planning history, and the existing footprint for the school is the same as shown

on pre-1948 historic maps. The only additions have been the detached portable buildings which are proposed to be replaced.

- 4.2 Policy DM42 of the Local Plan states that development in the Green Belt is inappropriate unless it falls within a list of exceptions. This includes development that the National Planning Policy Framework (NPPF) classifies as not inappropriate.
- 4.3 Paragraph 149 of the NPPF sets out the types of development which are not inappropriate. These include the extension or alterations of a building, provided that it does not result in disproportionate additions over and above the side of the original building. It also includes the replacement of existing buildings where the new building is in the same use and not materially larger than the one it replaces.
- 4.4 In this instance, therefore, the proposed development, to extend the existing building, is not inappropriate provided the new development is not disproportionate compared to the original building. The NPPF does not define disproportionate, nor does the Local Plan in relation to non-residential buildings.
- 4.5 The planning statement has included some figures for the existing buildings, including the portacabins to be removed, and the proposed building. The amendments to the plans have changed these figures slightly. From this information it has been extrapolated that the original building has a volume of 3526 cubic metres. The proposed building, including the link corridor, is approximately 1907 cubic metres, increasing the volume of the building by 54%. It is considered that this is acceptable in terms of its proportionality to the original building.
- 4.6 In terms of the impact on the openness of the Green Belt, development can have both a spatial and visual impact. The site is relatively well screened and the development makes use of the changing levels on the site, and as such it is concluded that the development will not have an adverse impact on the openness of the Green Belt in spatial and visual terms.
- 4.7 The Neighbourhood Plan is also supportive of improvements to schools within the Parish, provided they comply with relevant local and national policies.

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)

- 4.8 The application site is located on the A4010, which is a busy main road from Aylesbury to High Wycombe via Princes Risborough. It is close to Little Kimble Station and to existing bus stops on the main road. There are two access points to the school site, and the school currently operates a voluntary one way system with vehicles entering at the southern entrance, and leaving via the northern exit.
- 4.9 The proposal has the potential to increase trips to and from the site. The school currently has a capacity of 195 places for students, which would increase by 104 as a result of the development. Staff numbers would increase by 5 from the existing 38 (including 16 part time staff).
- 4.10 The applicant has provided additional information to show that there are at least 33 spaces currently available within the school grounds. Amended plans have also been provided to show space for a coach to park within the site, and that it would be able to turn and leave in forward gear, albeit through the existing entrance.

- 4.11 A draft travel plan has also been submitted. This would include measures to encourage the use of car sharing to reduce trips to the site, for staff and pupils, to promote the use of the school minibus for collection and drop off, and the use of public transport.
- 4.12 The highway officer is satisfied that an increase in trips would not be detrimental to the operation of the highway network, and that there is adequate visibility from both the main exit, and the current entrance. They are satisfied, having made reference to the accident history in the vicinity of the site, that the proposals will not be detrimental to highway safety. Further, that the level of parking provision within the site is sufficient and would not result in displaced parking outside the site onto the highway.
- 4.13 Following the amendment of the plans to show the provision of coach parking within the site the highway officer is satisfied that the proposed arrangements are acceptable. Although the proposal would require coaches to leave the site through the main vehicular entrance of the site (as there is insufficient space for larger vehicles to manoeuvre and leave via the main exit) this arrangement is judged to be acceptable, as set out in the detailed highway comments.

Raising the quality of place making and design

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM30 (The Chilterns Area of Outstanding Natural Beauty), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

DSA: DM11 (Green networks and infrastructure)

GLKcMNP: KIM2 (Design Principles)

Chilterns Building Design Guide SPD

- 4.14 The main school building is an attractive, Victorian building, originally a house, designed by the architect George Devey, who was best known for his Domestic Revival style architecture. This can be seen in the form of the existing building, which has steeply pitched roofs and features including bay windows, dormers, decorative chimney stacks, tile hanging and decorative brickwork. There is a fine view of the façade in the approach down the main driveway.
- 4.15 The proposed development would be at the rear of the building, where the ground levels fall away from the building down to the stream on the boundary. The development would not be visible from the front of the building.
- 4.16 It is proposed to remove the existing portacabins which are not particularly attractive and have been in situ for many years. The proposed building takes a contrasting, contemporary, approach to design, to create a flat roofed two storey, modular structure, with a flat, green roof. This would be linked to the main building by an elevated walkway, providing level access between the ground floor of the main building and the first floor of the extension. The corridor would be just over 7 metres long, creating a degree of separation between the parent building and the new building, and would be just 1.8 metres wide.
- 4.17 This approach requires minimal intervention into the existing building, allowing its original form to be clearly seen and read. By using the levels, to set the new building at a significantly lower level, it would allow much of the rear of the main building, particularly the complicated roof form, to be seen in wider views.
- 4.18 The plans have been the subject of amendment during the course of the application. As originally submitted the plans showed a largely straight side building with no detailing, clad in a single material. The plans have been amended to include recessed

areas along the elevation and built out areas around the windows, and the use of contrasting timber and grey cladding. The amendments have significantly improved the character and appearance of the proposed building by giving articulation to the built form.

- 4.19 The site is located in the Chilterns AONB where development is expected to be of a high standard in terms of its design and appearance. The Chilterns Building Design Guide does allow for the use of contemporary, one off, designs, and as such a modern design is not necessarily inappropriate. In this instance, the use of timber materials refers to traditional local materials.
- 4.20 It is considered that in this instance, the minimal intervention with the existing building, the set down, and the contrasting architectural style, allows the original building to be seen and read, without competing with it, and as such is an acceptable approach.
- 4.21 It is noted that a previous scheme for rear extensions was refused in 2002. That scheme was significantly different to this proposal. It was a poorly thought out design with wide spans and a shallower, pitched roof form which did not complement the steeply pitched roofs of the original building and was set closer to the rear elevation and on a higher ground level. As such it detracted from the character and appearance of the main building. This notably different approach is considered to have addressed those concerns.

Amenity of existing and future residents

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality)

- 4.22 The nearest neighbouring properties to the site are those sited immediately to the north of the site boundary, the access to which is adjacent to the exit from the school site. In the context of the existing use of the exit, and the traffic using the main road, it is considered that the proposal would not result in additional noise and disturbance which would cause demonstrable harm to the amenities of the nearby properties.
- 4.23 The proposed on-site coach parking is designed to alleviate issues currently experienced with coaches parking across the shared crossover at the exit from the site.
- 4.24 The proposed building would include first floor windows facing towards the north west boundary of the site however they would not have a direct window to window relationship with the nearest dwelling, which is over 35 metres distant. As such the proposed building would not result in an unacceptable loss of privacy. There is some existing tree and hedge screening along the boundary, and the applicant has indicated that more could be planted to provide additional screening if required. It is therefore concluded that, given orientation and separation, the development would not result in an unacceptable loss of light or privacy to the nearby dwellings, nor would it appear overbearing or result in an unacceptable degree of enclosure.

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)

- 4.25 The site has the potential to generate additional traffic movements which could have an impact on air quality. As set out above, the applicant is willing to provide a travel plan, including the provision of electric charging points within the site, and as such there is not an objection to the proposal on these grounds.

Flooding and drainage

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

- 4.26 The site is not in an area at risk from fluvial flooding, but the very north corner of the site (outside the proposed development area) is in a critical drainage area.
- 4.27 The proposal will increase the footprint of built development on the site and therefore has the potential to increase surface water run-off. It is proposed that surface water will be managed by incorporating a green roof into the development, with any further run-off draining to a soakaway.
- 4.28 At this stage winter ground water monitoring has not been completed to demonstrate that infiltration is viable on the site. If, however, infiltration is not viable, the alternative would be storage of surface water within the site and controlled discharge at as close to greenfield rate as possible to the adjacent watercourse.
- 4.29 The Lead Local Flood Authority is therefore satisfied that there is a viable solution to disposal of surface water and as such the proposal would not result in an increased risk of flooding from surface water. A condition can secure the submission, agreement and implementation of a suitable SuDS scheme.

Landscape and visual Impact

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM30 (Chilterns Area of Outstanding Natural Beauty) DM32 (Landscape character and Settlement Patterns)

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM30 (Chilterns Area of Outstanding Natural Beauty) DM32 (Landscape character and Settlement Patterns)

- 4.30 The application site is generally well screened from the main road by existing trees and hedging. Main views of the development from public vantage points would be through the vehicular exit from the site at the north west end of the site and the roadside boundary.
- 4.31 The proposed development would be set on sloping ground set at a lower level than the main building. By utilising the levels of the site in this way, together with the flat roofed design which reduces the potential height of the building, the visual impact of the development is minimised, and it would not, therefore, appear obtrusive in the wider landscape and would not harm the Chilterns AONB landscape.

Green networks and infrastructure

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development)

DSA: DM11 (Green networks and infrastructure), DM15 (Protection and enhancement of river and stream corridors)

- 4.32 The proposal will result in the removal of some existing trees and shrubs in the immediate vicinity of the building proposed. A tree survey has been submitted with the application which identifies the trees and shrubs to be removed as Category C, low quality trees, or are recommended for removal for reasons such as fungus infestation or weaknesses in their structure.
- 4.33 The trees identified for removal make a limited contribution to the wider visual amenities of the site. There is no objection to their removal in arboricultural or landscape terms, as confirmed by the Council's Arboricultural Officer, and replacement

planting could be secured by condition to mitigate for their loss and to help assimilate the development into the site.

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)

GLKcMNP: KIM8 (Protecting International Habitats)

4.34 The application was accompanied by an Ecological report. This has not identified the presence of any protected species within the area of the proposed development. Nor has it identified any other adverse ecological impacts arising from the development.

4.35 The Council's Natural Environment Officer is satisfied that there are no objections to the proposal on ecology grounds and that measures to provide ecological enhancements can be secured by way of a condition.

Building sustainability

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

4.36 It will be necessary to impose a condition to secure water efficiency given that the development includes provision of toilet facilities as well as sinks within the classrooms.

Infrastructure and Developer Contributions

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

DSA: DM19 (Infrastructure and delivery)

GLKcMNP: KIM9 (S106 Agreements)

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

4.38 It is considered that there would not be other types of infrastructure that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure. As the proposal is not for residential development policy KIM9 of the Neighbourhood Plan does not apply.

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 (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 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 visit,
- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- The application was determined in accordance with the timescale agreed with the agent.
- 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 Insert the officer recommendation here along with suggested conditions, reasons and informatives.

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 1316 SAP V2 01 DR A 10110 SO Rev 1, 1316 SAP V2 02 DR A 10111 SO Rev 01, 1316 SAP V2 GF DR A 1011550 Rev 2, 1316 SAP V2 RP DR A 10112 SO Rev 01, 1316 SAP V2 XXX DR A 30310 SO Rev 03, 1316 SAP V2 XX DR A 30311 SO Rev 03, 1316 SAP V2 XX DR A 30312 SO Rev 03, 1316 SAP V2 XX DR A 30312 SO Rev 02, 1316 SAP XX 00 DR A 00000 SO Rev 05, 1316 SAP XX 00 DR A 00001 Rev 05, 1316 SAP XX 00 DR A 10002 SO Rev 01, 1316 SAP XX 00 DR A 10001 SO Rev 08. 1316 SAP XX 00 DR A 10002 SO Rev 04, 1316 SAP XX 00 DR A 10004 SO Rev 01, 1316 SAP XX 00 DR A 10005 SO Rev 01, 1316 SAP XX 00 DR A 10006 SO Rev 01, 1316 SAP XX 00 DR A 10007 SO Rev 01, 19930-TOPO, 23058-01B, 1316 SAP V2 XX VS A 90000 SO Rev 01, 1316 SAP V2 XX VS A 90001 SO Rev 01 and 1316 SAP V2 XX VS A 90000 SO Rev 01 and 1316 SAP V2 XX VS A 90002 SO Rev 01 unless the Local Planning Authority otherwise first agrees in writing.

Reason: In the interest of proper planning and to ensure a satisfactory development of the site.

3. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To secure a satisfactory external appearance.
4. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To secure a satisfactory appearance.
5. The scheme for parking and manoeuvring of cars and coaches and the embarkment and disembarkment of vehicles shown on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.
Reason: To enable vehicles to draw off, park and turn clear of the highway and to allow for passengers to embark/alight from a vehicle clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.
6. The development hereby approved shall not be occupied until a Bronze STARS School Travel Plan has been submitted to and approved in writing by the Planning Authority. The plan shall include a full analysis of the existing modal split for staff and pupils at the school, reasons for the modal choice and detailed proposals for future transport provision with the aim of securing no increase in car trips generated to and from the site. The School Travel Plan shall thereafter be implemented as approved before the development is brought into use, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: In order to promote sustainable methods of travel and to minimise danger, obstruction and inconvenience to users of the highway.
7. Other than the removal of the existing portacabins, development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - 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
 - Ground investigations including:
 - Groundwater level monitoring during the winter period (November to March)
 - Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 080 of the Planning Practice Guidance.
 - Existing and proposed discharge rates and volumes

- Drainage layout detailing the connectivity between the proposed building and the drainage components, showing pipe numbers, gradients and 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.
- Construction details of all SuDS and drainage components
- Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 167 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

8. The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard equivalent to 'excellent' under the BREEAM rating with a maximum number of water credits.

Reason: In the interests of water efficiency as required by Policy DM41 of the adopted Wycombe District Local Plan (2019).

9. The development shall not be brought into use before a fully detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the retention of important trees and shrubs and the provision for:

- screen planting along the north west boundary of the site to protect visual amenities of neighbouring properties;
- screen planting to soften the appearance of the proposed development in public views; in particular views from the A4010
- native planting to reflect the rural context of the application site;
- tree planting to provide replacement planting for trees to be removed and to provide additional canopy cover within the site.

The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

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

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

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

11. No development, including demolition and site clearance, shall take place before protective fencing and/or other protective measures have been erected around each tree and hedge to be retained in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority (i.e. an Arboricultural Method Statement and Tree Protection Plan to British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations). The trees and hedges to be protected shall include any within the site adjacent to the access routes used by construction vehicles, as well as the area immediately surrounding the site of the proposed extension.

The scheme shall show the type, height and position of protective fencing to be erected around each tree(s) or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall be in accordance with clause 6.2 "Barriers and ground protection" of the British Standard 5837:2012.

The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in these areas:

1. there shall be no changes in ground levels,
2. no materials or plant shall be stored,
3. no buildings or temporary buildings shall be erected or stationed,
4. no materials or waste shall be burnt; and,
5. no drain runs, trenches or other excavation shall be dug or otherwise created, without the prior written approval of the Local Planning Authority.

Reason: To ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity.

12. Prior to any development above damp proof course details of the proposed ecological enhancement shall be submitted to and approved in writing by the Local Planning Authority. These measures should include:

- the provision of bat boxes within the site
- provision of bird boxes within the site
- details of the sedum roof
- planting which is beneficial to wildlife.

These measures shall be installed prior to the development being brought into use in accordance with the approved details and shall thereafter be retained as such unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that ecological enhancements are provided to secure a net gain in biodiversity in accordance with Policy DM34 (Delivering Green Infrastructure and Biodiversity in Development) of the adopted Wycombe District Local Plan (2019).

13. Prior to the development being brought into use three electric vehicle charging points shall be installed in the parking area serving the development, or in another suitable alternative location which has first been agreed in writing by the Local Planning Authority. The charging points shall thereafter be retained as such, in working order.

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 (Climate Change) and DM33 (Managing Carbon Emissions, Transport and Energy Generation) in the adopted Wycombe District Local Plan (2019).

Informative(s)

1. In accordance with paragraph 38 of the NPPF Buckinghamshire 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. Buckinghamshire 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 was advised of issues after the site visit and offered the opportunity to address issues. Thereafter the application was agreed in accordance with the timescale agreed with the applicant.
2. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
3. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
4. 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 Health Section of the Environment Service on 01494 421737 at the Council Offices.
5. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to:
 - take, kill or injure any wild bird,
 - take, damage or destroy the nest of any wild birds while the nest is in use or being built,
 - take or destroy the egg of any wild bird.

Birds most frequently nest between 1st March and 31st August inclusive, therefore removal of scrub, dense bushes, ivy, trees or parts of trees (or other location where birds are likely to nest) during this period could lead to an offence under the Act. Likely nesting habitat must not be removed during the nesting period unless a survey has been undertaken by a competent ecologist, immediately prior to the works commencing and it has been established that bird nesting is not taking place.

The Wildlife and Countryside Act 1981 also protects other animals and plants. For example all native reptiles are protected and so if they are found, advice from an ecologist should be sought.

Furthermore the applicant is reminded that, if at any time during the course of the development, a species (which include bats and great crested newt) that is protected under the Conservation of Habitats and Species Regulations 2017, is discovered, all site work shall cease until the situation has been assessed by Natural England and either a license to disturb the protected species has been granted by Natural England or they have provided written confirmation that a licence is not required.

Trees should be inspected prior to works commencing and if the presence of bats is suspected advice will need to be sought from Natural England via the Bat Line on 0845

1300228. Further advice on bats is available from The Bat Conservation Trust (020 7627 2629).

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

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Harriss:

I have been contacted by the local residents regarding the above development and asked to call the application into committee if minded to approve.

Parish/Town Council Comments

Great and Little Kimble cum Marsh Parish Council

Original Plans

None received

First amendments (design)

Great and Little Kimble cum Marsh Parish Council is supportive of these amended plans

Second amendments (coach parking):

In respect of the latest information submitted we raise a number of concerns that should be considered in relation to highways and dealt with prior to determination of the application:

1. Are the increased traffic movements associated with this proposal acceptable in safety terms for all users (cars/cyclists/pedestrians) to enter and leave the site without a detrimental impact on the safety of the A4010?
2. Is it safe given the speed of vehicles on the A4010 for relatively slow moving/accelerating buses to use the main entrance for entry AND exit? Our principle concern is with buses leaving the site.
3. The footpaths on the A4010 to and from the train station and bus stops are overgrown and in poor condition these need to be improved to a good standard BC or the applicant asked to make appropriate contributions to these costs.

Consultation Responses

Highways Officer –

Station Road is an A-class road subject to a speed restriction of 40mph, parking and waiting restrictions are not in place. The road benefits from pedestrian footways to both sides of the carriageway at the primary site entrance and to the opposite side of the carriageway at the secondary site egress. The road does not benefit from street lighting.

The application proposes the demolition of the existing building, and construction of a replacement two storey extension with link to Griffin House School. The proposals will replace 4(no) existing classrooms and create 5(no) additional classrooms.

Trip Generation and Site Access

In terms of trip generation, there is limited survey data on the TRICS database for primary schools which are in a comparable location to Griffin House Preparatory School, away from built-up areas. However, the increase in the capacity of the school from 195(no) to 280(no) pupils as well as 5(no) additional teachers would be expected to significantly increase the number of vehicular movements associated with the site. It is estimated in the Transport Appraisal submitted in support of the application that the existing 195(no) pupils result in approximately 140(no) vehicle trips in the morning and afternoon. It is estimated that the additional 85(no) pupils would result in approximately 61(no) additional vehicular trips associated with the site in both the morning and

afternoon. In addition, it is estimated that the 5(no) additional teachers would be expected to generate 6(no) additional two-way vehicular movements per day.

The vehicular trips associated with the pick-up and drop-off of children at school often form part of linked trips with parents/guardians picking-up and dropping off as part of a commuter trip. Therefore, not all the additional vehicle trips associated with the development will be new trips onto the network.

However, given the significant increase in the number of vehicle trips associated with the site following the development, the access arrangements must be assessed to determine their suitability to accommodate the additional vehicular movements.

Each access benefits from visibility splays of at least 2.4 x 82 metres commensurate with the *Manual for Streets 2* guidance for vehicular speeds of 40mph. The access to the south west of the site which is use for vehicles to enter the site benefits from a ghost island right turn lane on the A4010 to help ensure that vehicles turning into the site do not obstruct the free flow of traffic. The width of the accesses is sufficient in consideration of the one-way system in place.

Pick-up and drop-off arrangements

The sites internal access road follows a one-way system whereby vehicles entre via the access located to the south-east of the site and exit via the access to the north-west. Beyond the initial short section of the access which bends sharply in a north-eastern direction, the access road has a carriageway width of approximately 7.5m for approximately 100m which would allow for vehicles to pull over to the side whilst pupils access/egress a vehicle whilst still allowing for a larger vehicle to pass.

It is stated that the majority of pupils arrive by car. However, the proposed development would increase class and year group sizes. Therefore, the need for large minibuses and coaches to transport children to and from the site for school trips could increase following the development.

I note that the Highway Authority previously objected to a similar application in 2002 (Ref: 02/07932/FUL) on the grounds that the ability of the site to safely accommodate coaches within the site had not been demonstrated, with the existing situation instead requiring coaches to be parked upon the local publicly maintained highway.

The Highway Authority requires additional information to demonstrate that coaches and large minibuses could traverse through the site using the one-way system in force with a suitable area being demonstrated for those vehicles to wait within the site whilst pupils embark/disembark without causing an obstruction which would disrupt other vehicles traversing through the site.

This is to ensure that pupils are not required to embark/disembark minibuses and coaches on the public highway and that a suitable location is identified for them to wait without obstructing the sites access road which could result in a back-up of traffic onto the A4010. The A4010 is designated by Transport for Buckinghamshire as one of several Strategic Inter Urban Routes throughout Buckinghamshire, the main purpose of which is to carry high-volume traffic movements throughout the county. The Highway Authority could not support an application which could result in additional stationing of vehicle on this section of highway.

Site Parking

When assessed using the Buckinghamshire Countywide Parking Guidance policy document, primary schools should provide 1(no) parking space for every full-time member of staff. Whilst the total site parking requirement following the development would be 46(no) spaces, the proposed development is only required to mitigate the increase in parking requirement resulting from the

proposals. It is confirmed in the application form that the proposals would increase the number of full-time staff by five.

Whilst it was stated in the Transport Appraisal that the proposals would not increase the sites parking provision of 30(no) spaces, the amended plans now demonstrate that 33(no) spaces would be accommodated within the site.

Furthermore, it is likely that the existing site is capable of accommodating more than the 33(no) parking spaces stated. For example, the site access road is of a sufficient width that displaced parking is capable of being accommodated without obstructing the use of the internal road. I consider this to be more likely than parking being displaced onto the publicly maintained highway, due to the speed restriction of 40mph and the risk to safety resulting from parking upon Station Road.

Sustainability and Travel Plan

Despite being located in a relatively rural location, the school is well located for public transport options. Bus stops located on Aylesbury Road, located within 200m of the site are served by the 300 MAX and 130 services providing frequent buses to High Wycombe and Aylesbury. Little Kimble Train Station is also located within a 200m walking distance from the site providing services between Aylesbury and Princes Risborough and London Marylebone railway stations. Whilst it is stated that measures will be implemented to promote travel to the school by non-car modes of transport, I am concerned that the site does not benefit from a segregated pedestrian access or pedestrian footways flanking the access roads into and out of the site. This poses as a risk to pedestrians arriving and departing the site by foot and may serve as a barrier to increase travel to the site by sustainable modes. Given the significant increase in the capacity of the school, the Highway Authority require that improvements to the pedestrian access to the site feature as part of the application.

Whilst I am aware that a travel plan has been submitted as part of the application, a S.T.A.R.S. school transport plan should be secured by way of condition, in order to mitigate the potential impacts of the development. The travel plan will be required to be monitored and annually reviewed in collaboration with Buckinghamshire Council.

Recommendation

Mindful of the above, the Highway Authority requests the following information:

- Amended plans demonstrating improvements to the sites pedestrian access
- A Swept-path analysis demonstrating that a coach could enter the site, travers through the site using the one-way system and exit the site in a forward gear and identify a suitable location for coaches to wait whilst pupils embark/disembark

Amended plans

Pedestrian Access

The application now features a segregated pedestrian access into the site from Station Road. The proposed footway connects well with the existing pedestrian infrastructure on Station Road and provides a safer route for people accessing the site on foot and by public transport.

Coach access

The applicant confirms that coaches would have to enter and exit the site via the access located to the south east of the site, which is generally restricted to allow vehicles to enter the site only, due

to the constraints of the site. A turning facility would be provided within the site approximately 20m from the centre of the sites access junction with Station Road.

A swept-path analysis for a coach has been provided which demonstrates that coaches could turn into the site, manoeuvre, and exit the site via the south-eastern access in a forward gear.

It is confirmed that coaches only attend the site once a week to transport pupils to swimming lessons and 2 or 3 times a term to transport pupils on school trips. Given the increase in the number of pupils attending the school, it is likely that coaches would be required to attend the school more frequently.

It is confirmed that the coach movements take place during the day outside of school drop off and pick up times and therefore, the potential for conflict is reduced. In addition, the tracking information provided demonstrates the access at its junction with Station Road is sufficient in width to allow for a coach exiting the site and a car entering the site to occupy the space. It therefore appears unlikely that drivers would be forced to reverse back onto the highway. It is also noted that this is the existing situation so the potential for coaches exiting via this access already exists.

Mindful of the above, and in consideration of previous comments for the application, the Highway Authority raises no objections to this application, subject to conditions to secure provision of parking and manoeuvring and submission and approval of a travel plan.

Lead Local Flood Authority (LLFA) (SuDs),

The LLFA initially objected to the application on the grounds of insufficient information. Following further discussions with the applicant the LLFA have provided updated comments, summarised below.

The LLFA has no objection to the proposed development subject to the following planning condition listed below being placed on any planning approval.

The applicant is proposing to manage surface water generated on site via infiltration using soakaways and permeable paving via a sedum roof. The LLFA is pleased by the inclusion of a green roof within the scheme as this will provide water quality, ecological and amenity benefits as well. The applicant has provided details of infiltration rate testing that indicates infiltration will be viable. The LLFA still require information relating to groundwater monitoring, further information can be seen below.

The site is noted to have groundwater levels to be within 3m of the ground surface according to groundwater mapping data. There must be a minimum distance of 1m between the base of the infiltration component and the groundwater table. As groundwater fluctuates seasonally and ground water recharge is highest over the winter period (from November until March); ground investigations must take place over the winter period to demonstrate peak seasonal highs.

Should the results of groundwater monitoring show infiltration to not be viable, an alternative scheme with discharge to a watercourse will be proposed. It should be noted that the discharge rate should be as close as reasonably practicable to the greenfield run off rate as per Paragraph S3 of the Nonstatutory technical standards for sustainable drainage systems.

Condition 1

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

- 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
- Ground investigations including:
 - Groundwater level monitoring during the winter period (November to March)
- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 080 of the Planning Practice Guidance.
- Existing and proposed discharge rates and volumes
- Drainage layout detailing the connectivity between the proposed building and the drainage components, showing pipe numbers, gradients and 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.
- Construction details of all SuDS and drainage components
- Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction Reason The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 167 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

Tree Officer,

No objection in principle. Some tree losses will occur. These are T4 Ash leaf maple (Cat C), T5 & T6 Purple plum (cat U) T10 Ash (Cat C) T12 Spruce (Cat B) G13 Yews (Cat C) for reasons of development and tree condition.

However the losses of canopy should be mitigated with new suitable replacement trees by way of a condition if minded to approve.

Natural Environment Officer

The proposals will essentially replace some existing buildings. The Protected Species Survey Report has demonstrated that there is limited ecological interest in the buildings to be demolished and so there is no identified need to mitigate or compensate for protected species.

However recommendations are made in relation to the very slim chance that protected species could be impacted.

The Protected Species Survey Report makes recommendations for ecological enhancements through the installation of bird and bat boxes.

The proposed roof plan shows that the new building will have a sedum roof, this will have ecological enhancement benefits especially for invertebrates.

The proposals will result in ecological enhancements due to the inclusion of the sedum roof. Conditions can be applied to ensure some additional ecological enhancements are included (bat and

bird boxes) and informatives can be applied in relation to the negligible chance of finding protected species during demolition.

Environmental Services

No objection

Representations

Amenity Societies/Residents Associations

Other Representations

1 comment has been received supporting the proposal:

- In keeping with surroundings and won't spoil the aesthetics of the school
- Makes efficient use of the grounds
- Will provide improved facilities

8 comments have been received objecting to the proposal:

- Object to design and size of extensions
- Not in keeping with the AONB
- Potential loss of privacy to properties opposite the exit and Ladymede Coach House.
- Two storey extension will dominate the surroundings
- Could be located elsewhere in the grounds
- Griffin House should be considered as part of a group with Ladymede Lodge, Ladymede Coach House and The Stables and the proposals would have an adverse impact on that grouping
- Scheme is little different to that refused in 2002
- Has not overcome previous reasons for refusal
- Loss of trees
- Impact on wildlife
- Potential increase in water draining into the stream giving rise to flooding concerns
- As an independent school the proposals are of little benefit to the local community
- Concern over increased traffic
- Concern about impact on highway safety on a busy main road
- This stretch of road is an accident hotspot
- Concern over impact of additional traffic leaving the site on the adjacent access to residential properties
- Problems of school buses parking across the school exit will be exacerbated
- Concern over impact of construction traffic

Comments on amended design proposals

1 letter received representing 15 individual from 5 properties

- Continued objection to design which is out of keeping with existing building
- Large windows result in overlooking
- Suggest the wood should be painted green as has been advised at residential properties
- Concern over location of the soakaway and the impact on the scheme
- Concern over potential drainage and flooding issues
- Parapet has increased in height
- Travel plan does not address parental parking for school events

- Continued concern over highway safety
- Lack of provision for buses / coaches which park on the shared crossover at the school exit
- Lack of footpath linking the site to the station
- Continued objection to loss of trees / vegetation

Comments on amended coach parking and footpath plans

1 letter received representing 19 individual from 6 properties

- Re-iterate previous objections
- If proposed development goes ahead the speed limit on the A4010 should be reduced to 20mph and a traffic light controlled crossing installed, along with signage warning of the presence of the school.
- Believe that the applicant has underestimated the number of cars which currently access the school site, and which already results in queues on the main road, with cars trying to access the site from three directions. This would be made worse by the increase in numbers.
- The school has underestimated the number of coaches it uses. A coach parks across the shared crossover at the exit at least once a week. Often coaches park in the layby opposite before turning to park across the exit. The increase in pupils would increase the number and frequency of coaches.
- Proposal for coaches to leave via the entrance is dangerous due to the location on a hazardous stretch of road and potential conflict with other vehicles entering in the site, given that arrivals are not restricted to the beginning and end of the school day. The entrance is not wide enough to allow two vehicles to pass.
- There is not a continuous footway along the road on the school side to link the pedestrian path proposed to the station. Encouraging bus use would necessitate crossing the road which is not safe due to the nature of the road.
- Using the new pedestrian path would require children to cross the entrance drive which would not be safe, and it would be necessary to alter the fence which currently separates this path from the driveway. The proposal would also result in the loss of a yew tree.

APPENDIX B: Site Location Plan

21/06803/FUL
Scale 1/2500



Planning Committee
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Report to West Area Planning Committee

Application Number:	21/08547/VCDN
Proposal:	Variation of condition 2 (plan numbers) attached to pp 21/06577/FUL (Demolition of existing dwelling and erection of replacement dwelling with parking and amenity space) to allow for alterations to approved design
Site Location:	Silver Birches Hawks Hill Bourne End Buckinghamshire SL8 5JQ
Applicant:	Mr and Mrs J and P Drayton
Case Officer:	Heather Smith
Ward(s) affected:	The Wooburns, Bourne End & Hedsor
Parish-Town Council:	Wooburn And Bourne End Parish Council
Date valid application received:	2nd December 2021
Statutory determination date:	27th January 2022
Recommendation	Application Refused

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application is made under S73 of the Town and Country Planning Act 1990 (as amended) Act for a variation of condition 2 (plan numbers) attached to pp 21/06577/FUL (Demolition of existing dwelling and erection of replacement dwelling with parking and amenity space) to allow for alterations to approved design.
- 1.2 The principle of erecting a replacement dwelling has been established under the previous planning permission,
- 1.3 This proposal will have no adverse effect upon the amenities of adjacent residents or the character of the surrounding area.
- 1.4 This application has been referred to the Planning Committee, as the applicant is Cllr Penelope Drayton – Ward Councillor for The Wooburns, Bourne End and Hedsor.

2.0 Description of Proposed Development

- 2.1 This application is made under S73 to vary the condition specifying the approved plans. Permission was granted on 13th October 2021 (21/06577/FUL) for the demolition of the existing dwelling and erection of replacement dwelling with parking and amenity space.

- 2.2 It is now proposed to vary planning permission 21/06577/FUL as follows:
- a) North Elevation - Alterations to first floor fenestration
 - b) East Elevation – Glazed screens either side of main entrance door(s) widened ∅
Windows to kitchen reduced to a single opening
 - c) South Elevation – Additional window in ground floor to double office
 - d) South Elevation – principal window serving the office amended to a floor-ceiling height window
- 2.3 Amended plans have been received which show that the windows in the first floor western elevation, previously proposed have been omitted from this scheme.
- 2.4 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.
- 2.5 The merits of the condition(s) must be assessed against an up to date development plan. As any permission granted would in effect be a free standing planning permission all conditions to which the planning permission should adhere must be reattached. 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.
- 2.6 The application is accompanied by:
- a) Covering letter

3.0 Relevant Planning History

3.1

Reference	Development	Decision	Decision Date
21/05002/FUL	Demolition of existing dwelling and construction of replacement dwelling with	WDN	11 February 2021

retaining wall, alterations to existing driveway and turning point

21/06577/FUL	Demolition of existing dwelling and erection of replacement dwelling with parking and amenity space	PER	13 October 2021
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4.0 Policy Considerations and Evaluation

Principle and Location of Development

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 The principle of this development has been assessed under the previous approved application. Therefore it is only the changes that need to be assessed. The proposal does not have any implications in terms of affordable housing, transport issues, ecology/biodiversity, the environment, flooding or building sustainability.
- 4.2 The only matters for consideration include a) the impact of this development on the character and appearance of the surrounding area and b) the impact of this development on the amenities of adjacent residents.

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.

- 4.3 The revised proposals involve alterations to the design and position of individual windows for the replacement dwelling.
- 4.4 The windows now proposed are considered to be in keeping with the style of the approved development and will not detract from the character and appearance of the host structure.
- 4.5 With regard the character of the surrounding area, the proposed alterations will have no adverse effect.

Amenity of existing and future residents

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

Housing intensification SPD

- 4.6 This application, as originally submitted, proposed to add first floor habitable room windows in the west elevation of the new dwelling. However, these new windows would have overlooked the private amenity space and habitable room windows to both the adjacent properties at The Chalet and Samarra, resulting in an unacceptable loss of privacy to the adjacent residents.
- 4.7 Following objections from an adjacent resident, the applicant agreed to amend the application by omitting the first floor windows from the scheme. The scheme now

proposed will have no adverse effect upon the privacy or any other amenity enjoyed by neighbouring residents.

- 4.8 Concerns have been raised regarding an inadequate access, increased noise and disturbance and surface water drainage. However, these matters were addressed under the previous application and do not apply to this current application.

Infrastructure and Developer Contributions

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

Consideration of Previously Imposed Conditions

- 4.10 Condition 1 – Time Limit: A new time limit condition specifying development to be begun by 13.10.2024 is appropriate – a S73 application cannot extend the time period for implementation beyond that of the original permission
- 4.11 Condition 2 – Plans – a new condition is required
- 4.12 Condition 3 – Surfacing materials – to be re-imposed
- 4.13 Condition 4 – Building materials – to be re-imposed
- 4.14 Condition 5 – Surface water Drainage – to be re-imposed
- 4.15 Condition 6 – Electric car charging points – to be re-imposed
- 4.16 Condition 7 – Water Efficiency – to be re-imposed
- 4.17 Condition 8 – Ecology – to be re-imposed
- 4.18 Condition 9 – Levels – to be re-imposed
- 4.19 Condition 10 – Removal of permitted development rights – to be re-imposed
- 4.20 Informative 1 – Working with the applicant/agent – to be varied to reflect current application.

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.

- 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].
- 5.5 The Human Rights Act 1998 Article 1 the protection of property and the peaceful enjoyment of possessions and Article 8 the right to respect for private and family life, have been taken into account in considering any impact of the development on residential amenity and the measures to avoid and mitigate impacts. It is not considered that the development would infringe these rights.

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 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 visit and was requested to remove the first floor windows in the west elevation of the proposed dwelling due to a loss of privacy with neighbouring residents. The applicant/agent complied and the application was referred to the Planning Committee with a recommendation for approval.

7.0 Recommendation

7.1 Grant Planning Permission, subject to the following conditions and reasons:-

1. The development hereby permitted shall be begun before the expiration of 13th October 2024.
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; P100; 21-9164-001-00-ELE-REV and 21/9164-001-GF01-DT1-REV E; 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 run-off within the site and either re-use it or release it into the ground through infiltration. Where the additional run-off 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 in writing 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. Approval is required prior to commencement because if works start, this could prejudice the ability to achieve the required enhancements.
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 37.21 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 NPPF2 Buckinghamshire 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. Buckinghamshire 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 visit and was requested to remove the first floor windows in the west elevation of the proposed dwelling due to a loss of privacy with neighbouring residents. The applicant/agent complied and the application was referred to the Planning Committee with a recommendation for approval.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

None received

Parish/Town Council Comments

Comments: No objection.

Consultation Responses

Environmental Health Officer:

Comments: No objection.

Highway Authority:

Comments: No Objection

Representations

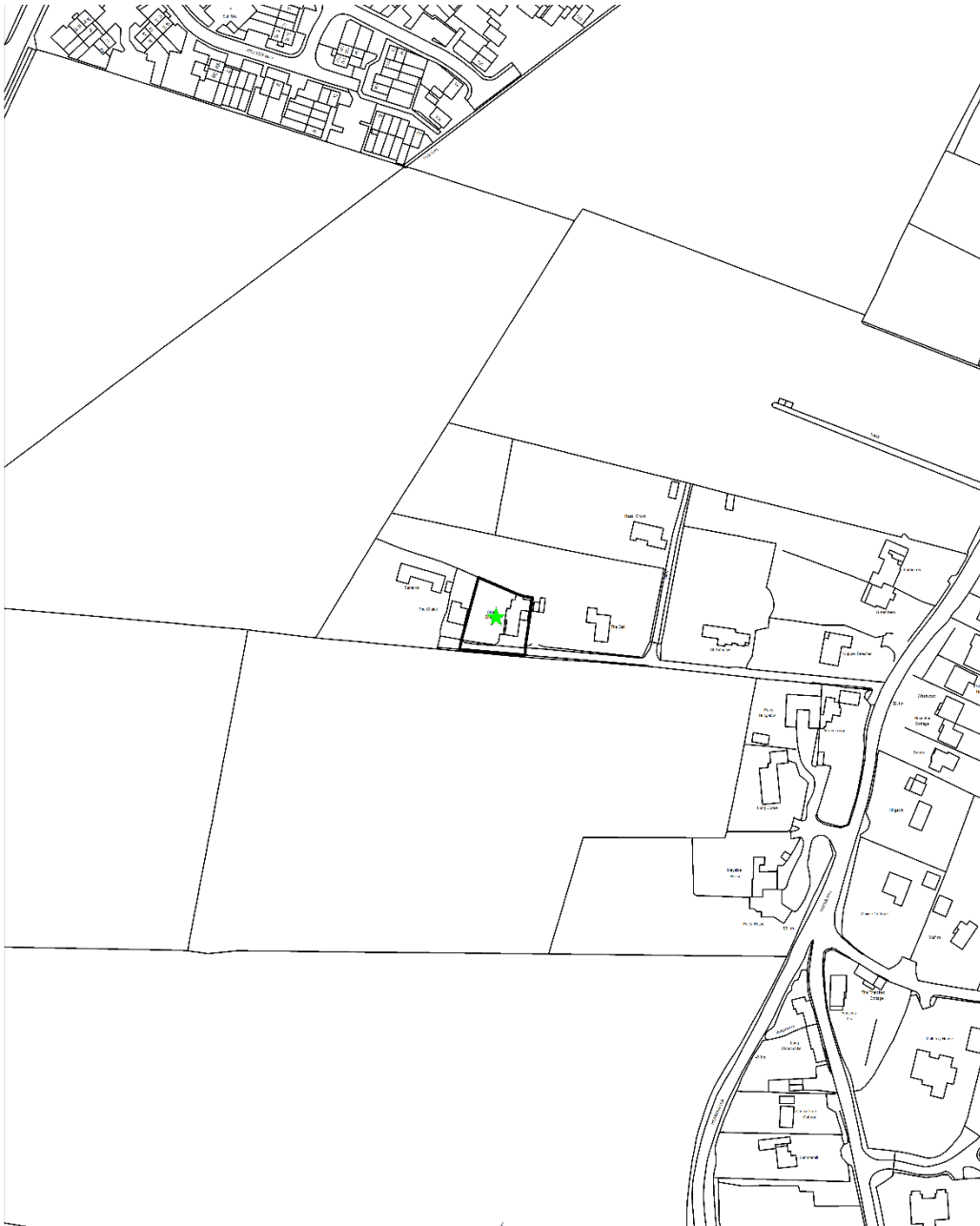
Objections have been received from an adjacent resident. The grounds of objection include:

- Loss of privacy from first floor windows in west elevation
- Inadequate access
- Increased noise and disturbance
- Problems with surface water drainage

APPENDIX B: Site Location Plan

21/08547/VCDN

Scale 1/2500



Planning Committee
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Report to West Area Planning Committee

Application Number:	22/05527/FUL
Proposal:	Redevelopment of existing car park comprising construction of 2 x pairs of 3-bed semi-detached houses and apartment block comprising 4 x 2-bed flats, landscaping and parking
Site Location:	Car Park Old Kiln Road Flackwell Heath Buckinghamshire
Applicant:	Mr S Britnell (Revere Developments (Flackwell Heath) Ltd)
Case Officer:	Heather Smith
Ward(s) affected:	Flackwell Heath, Little Marlow & SE
Parish-Town Council:	Chepping Wycombe Parish Council
Date valid application received:	28th February 2022
Statutory determination date:	25th April 2022
Recommendation	Application Permitted

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Full planning permission is sought for the redevelopment of existing car park comprising construction of 2 x pairs of 3-bed semi-detached houses and an apartment block comprising 4 x 2-bed flats, landscaping and parking at Car Park, Old Kiln Road, Flackwell Heath.
- 1.2 This proposal will have no adverse effect upon the character of the surrounding area or the visual amenity of the street scene.
- 1.3 This proposal will have no adverse effect upon highway safety or the level of car parking within Flackwell Heath.
- 1.4 This proposal will have no adverse effect upon the amenities of adjacent residents or the amenities of future residents.
- 1.5 This proposal will have no adverse effect upon the environment and ecology and will not increase the risk of flooding in this location.
- 1.6 This proposal complies with the policies of the Development Plan and is recommended for approval.

- 1.7 Cllr Johncock has requested that this application be considered by the Planning Committee on the grounds that there remains serious local concern about development on this site and Enforcement is currently reviewing its position on the possible enforcement of an existing planning condition.

2.0 Description of Proposed Development

- 2.1 The application site comprises a car park, which is situated on the western side of Old Kiln Road in Flackwell Heath. The site forms the centre of an incomplete perimeter block surrounded by residential properties. The trees surrounding the site are subject to an area Tree Preservation Order, reference 07/2019.
- 2.2 To the north east of the site lies Aries House, a mixed use development from the early 1970's fronting Straight Bit, which forms part of the Flackwell Heath District Centre.
- 2.3 Aries House consists of retail units, including the former Budgens superstore, office accommodation and residential accommodation above. The use of the application site is linked to the use of those units via a condition.
- 2.4 The proposed block of flats would be located to the east of the site, fronting onto Old Kiln Road, with the proposed new dwellings located behind, in the form of two pairs of semis, running parallel with the existing dwellings to the north west and south east.
- 2.5 A similar scheme was considered by the West Area Planning Committee in July 2021 (Reference 20/05797/FUL). It was determined that the Committee were minded to refuse the previous application, due to its effect upon a) the character of the surrounding area, b) the living conditions of the occupiers of No's 2 and 4 Old Kiln Road, with particular regard to outlook and c) highway safety with particular regard to parking provision.
- 2.6 A subsequent appeal was dismissed by the Planning Inspectorate on the grounds that the proposal would have an adverse effect upon the character and appearance of the surrounding area. In particular, the Planning Inspector concluded that:

"Both the block of flats and the semi-detached dwellings proposed would have a height noticeably greater than that of the corresponding dwellings around the perimeter. The difference would lead to an overly prominent and thus incongruous development within an otherwise lower-level context, accordingly reducing the traditional qualities of the existing built form.

Even accounting for the block of flats third storey being inset from the elevations of its lower floors, owing to its flat roof, the additional storey would encompass the majority of the footprint of the building, thereby appearing excessive and bulky. This would further exacerbate the prominence and incongruity attributed to its height. Moreover the flat roof would jar with the prevailing pattern of development of traditional pitched roofs which typify properties along this stretch of the road."
- 2.7 However, the other reasons were not accepted by the Inspector.
- 2.8 The current scheme, the subject of this application proposes to erect two pairs of semi-detached properties and a block of 4 flats on a similar footprint as previously proposed. However, the height of the proposed semi-detached properties has been reduced from 8.3m to 6.5m in height. The proposed block of flats has been reduced from 8.7m to 7.6m. In addition, the block of flats would be erected with a crown roof, incorporating a small hipped roof formation on all sides.

- 2.9 The application is accompanied by:
- a) Planning Statement
 - b) Ecological Impact Assessment
 - c) SuDS Scheme
 - d) Arboricultural Impact Assessment and additional tree details
 - e) Ecology and Trees Checklist
 - f) Planning Enforcement Conclusion.

3.0 Relevant Planning History

3.1 Insert relevant planning history for the site:

Reference	Development	Decision	Decision Date
20/05797/FUL	Redevelopment of the existing car park to include the construction of four semi-detached houses and five flats, landscaping and parking	NDAPP	6 July 2021

3.2 The following planning history is also of relevance to the current development proposal:

3.3 WR/855/71: Erection of 1 no. Superstore with storage and offices over, 5 no. shop with maisonette over and ancillary car parks for 90 cars and 5 no. garages with service area paving and landscaping. Permitted 6th August 1971.

3.4 19/07850/FUL former Budgens Store; Aries House) Change of use of a two storey building to a mixed use comprising class A1 (shops) and B1 (office) use on ground floor, and B1 (office) and C3 (residential) use (3 residential units) on first floor including fenestration and internal alterations and provision of an external staircase/bin store. The provision of new car parking spaces and the re-arrangement of the rear service yard for car parking including the demolition of a garage block. Permitted 11th March 2020.

3.5 19/07062/FUL Creation of new access to forecourt of retail units and 2 parking spaces. Refused 17th January 2020 – on the grounds the introduction of vehicles into an expansive pedestrianised area would be intrusive and visually harmful within the street scene. Furthermore it raises safety concerns associated with the potential conflict between the operation of the bus stop, vehicles entering and exiting the site and pedestrians. This would significantly reduce the amenity value of the area for pedestrian users of the space. These issues and concerns are considered to outweigh the perceived benefits associated with the provision of the small number of off street parking spaces proposed.

4.0 Policy Considerations and Evaluation

Principle and Location of Development

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

- 4.1 The site is located within the Flackwell Heath Settlement boundary, a Tier 3 area wherein limited development within the settlement boundaries is permissible, subject to compliance with the Development Framework and all other material planning considerations.

Affordable Housing and Housing Mix

Wycombe District Local Plan (August 2019): DM22 (Housing Mix), DM24 (Affordable Housing), DM41 (Optional Technical Standards for Building Regulations Approval) Planning Obligations Supplementary Planning Document (POSPD)

- 4.2 The proposed development falls below the threshold for an affordable housing contribution in this area.

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) Buckinghamshire Countywide Parking Guidance (BCPG).

Loss of the existing car park.

- 4.3 To the north east of the site lies the former Budgens retail superstore, office accommodation and shops, fronting Straight Bit. The use of this site as a car park is linked to the use of those units via a condition. The superstore was closed circa 2012 and the car park was subsequently blocked off through the siting of concrete barriers around 2018.
- 4.4 Planning permission was granted for the car park as part of reference WR/855/71 for ‘Erection of 1 no. Superstore with storage and offices over, 5 no. shop with maisonette over and ancillary car parks for 90 cars and 5 no. garages with service area paving and landscaping’. This permission was subject to a number of conditions. Condition 7 of WR/855/71 states that: the car park shall be made available for use, concurrently with the occupation of the buildings.
- 4.5 The issue of the loss of the existing car park was considered and addressed by the appeal Planning Inspector in relation to the previous planning application 20/05797/FUL, in December 2021.
- 4.6 In his deliberations, the Planning Inspector noted that the use of the car park was historically tied to Aries House by way of a planning condition. However he also noted from the results of a parking survey commissioned by the Council that
- “there was some parking pressure within the locality, at certain times of the day. This pressure coincided squarely with the drop-off and pick-up times for the local school. Outside of these hours, no tangible evidence has been presented to demonstrate that the local road network cannot adequately accommodate parking demand. This suggests that any parking pressures in the locality primarily stem from demand from parents/carers of school children during drop-off/pick-up.”
- 4.7 The Planning Inspector goes on to state:
- “As private land, the car park was not intended to serve the general parking needs of drivers in and around Flackwell Heath, Consequently, the parking pressure identified in the survey data which arises during peak drop-off/pick-up times should not be attributed to the closure of the appeal site car park, nor should the car park be retained solely to reduce parking pressure during these times. Its purpose was to accommodate the parking needs of the approved development only.

Although, some of the parade of shops remain unoccupied, the largest retail unit is vacant, which appears to have been the case for a significant period of time. Whilst this unit remains vacant, the demand for parking by customers would undoubtedly have been reduced.”

- 4.8 The Planning Inspector supports his argument by citing the recent grant of planning permission in 2020, at Aries House. He states:

“Whilst not yet implemented, this permission would reconfigure the parking area immediately to the rear of Aries House. As part of the assessment of this application, this parking area alone was considered sufficient to meet the general parking demand in connection with the redeveloped site, without any reliance on the appeal site.

Given the length of time that the anchor store within Aries House has remained vacant, it is likely that the 2020 planning permission has been sought to secure the long-term viability of the parade. On this basis, the likelihood of the primary retail store re-opening pursuant to the Original Aries House Permission is remote. It follows therefore that the prospect of the appeal site car park being needed to accommodate a greater level of parking demand in conjunction with Aries House is similarly unlikely.”

- 4.9 The Planning Inspector concludes this issue by stating:

“Pulling these factors together, the use of the appeal site is specifically tied to the use of Aries House. It is not there to serve the general parking needs of the local community. As such, the appeal site should not be retained solely for the purpose of reducing parking pressures within the locality during school drop-off and pick-up times. Moreover, the granting of the 2020 planning permission suggests that the parking need for users of Aries House could now be accommodated by the land immediately to its rear, without any reliance on the appeal site,”

- 4.10 For the reasons set out above, the Planning Inspector concluded that the loss of the existing car park would not result in an unacceptable demand for parking in the locality which could result in on-street capacity issues and thus highway safety problems.

- 4.11 Concern has been raised by a local resident that the Planning Inspector has erred in his judgement regarding the use of the car park; its ties with Aries House and the consideration that it is not provided to serve the wider community. A concern has also been raised that the Planning Inspector has only skimmed through the documents submitted to him and therefore has missed some integral points.

- 4.12 However, the Planning Inspector’s judgement is final and could only be challenged at a judicial review – not through the consideration of a planning application. The time period for this has passed.

- 4.13 Concern has also been that the Local Planning Authority have erred in their previous judgement regarding the enforceability of the historic condition 7 of planning permission W/855/71. This condition stated:

“The parking and surface areas indicated on the deposited plans shall be constructed, surfaced and laid out and made available for use, concurrently with the occupation of the buildings, and these areas shall thereafter be maintained to the satisfaction of the Local Planning Authority. As regards the large car park, this shall be separated from the surrounding footpath and amenity strips on the north west, south west and south east sides by a kerb with an exposed face, 6 inches deep, and the car parking spaces numbered on the plan 20, 21, 22, 55, 56 and 57 shall be omitted.”

4.14 A local resident has commissioned the advice of an independent Counsel from Essex Chambers to provide a view with regard to the enforceability of Condition 7. In the judgement of Mr Richard Harwood QC, Condition 7 remains in force and could be enforced as a matter of law. However, just because a planning condition could be lawfully enforced, does not mean that it is expedient to do so.

4.15 The Councils Head of Planning Policy and Compliance has provided the following comment.

Notwithstanding its somewhat ambiguous wording, I am, on balance, satisfied that a breach of condition 7 could be enforced, however, there is still potential for this to be challenged and the Council would have to determine whether it was expedient and in the public interest to do so.

However, it remains my opinion that the breach is not expedient to pursue formal action against. This is because, when applying the planning merits in a test of expediency, there is no planning harm. This is supported but the recent appeal decision, where the Inspector found there is no parking deficiency save during school drop off and pick up times. This decision is a material consideration to which significant weight should be given, having been based upon parking survey results, as well as observations of the likely need now that the superstore is unoccupied. Further, such findings are consistent with the case officers position when the 2A Aries House development was permitted, that sufficient on-site parking can be provided without the need to reopen the larger car park area.

The decision not to enforce is made in accordance with our Local Enforcement and Monitoring Plan which states at 7.1.6 "Formal Enforcement Action. Almost all formal enforcement action is based on planning merits and can therefore only be taken where the development fails to meet the aims of the National and Local Plan Policies."

4.16 In addition, the judgement of the Planning Inspector, at the recent appeal must be considered. It is evident that the Planning Inspector has concluded that the need for the car park has been surpassed by time and events. Therefore, the Local Planning Authority would be unreasonable to pursue the compliance of Condition and could be open to an award of costs if such action were to be taken.

Trip Generation

4.17 In relation to the traffic generation resulting from the site, the Highway Authority would expect a residential house in this location to generate approximately 6 daily vehicular movements (two-way) and a residential flat to generate approximately 4 daily vehicular movements (two-way). Therefore, in terms of trip generation from the site, the four houses and four flats would have the potential to generate approximately 40 daily vehicular movements (two-way).

4.18 The proposed development will result in fewer daily vehicle movements to and from the site than its current lawful use as a car park. Therefore, the proposals will result in a decrease in pressure on the highway network and will not have a material impact on the capacity of the local highway network.

Access

4.19 The two existing access points onto the highway are proposed to be retained to serve the development. Having reviewed the submissions in support of the application, both

access points can achieve the requisite splays for an access located upon a road subject to a 30mph speed limit (i.e. 2.4m x 43m in both directions).

- 4.20 The access to the south of the site would provide access to 2(no) parking spaces whilst the access to the north of the site would provide access to the main parking area. This access would be a 4.8m wide shared surface which is suitable to serve a development of this size. The access should be upgraded in accordance with accordance with Buckinghamshire County Council's guide note 'Commercial Access Within Highway Limits' 2013 and this can be secured by way of condition given the increase in larger delivery and service vehicle using the access.

Parking Provision

- 4.21 The application site is located in Residential Zone B as set out in the Buckinghamshire Countywide Parking Guidance policy document. The application proposes the provision of 15(no) parking spaces.
- 4.22 Having assessed the proposed development using the BCPG, each of the proposed houses require 2(no) parking spaces and each of the flats require 1(no) space when taking into account the level of habitable accommodation featured. Therefore, the 8(no) residential units have a parking requirement on 12(no) parking spaces. The development would offer a level of parking beyond the optimum standard.
- 4.23 In accordance with the BCPG, bay parking spaces should be 2.8m x 5m whilst parallel spaces should have dimensions of 3m x 6m. The spaces shown on the submitted plans are of adequate dimensions.
- 4.24 The parking arrangement for the main parking area would allow for vehicles to park, turn and leave the site in a forward gear. Vehicles accessing parking spaces 14 and 15 would be required to reverse onto or off the highway. Given the residential, unclassified nature of Old Kiln Road, the Highway Authority does not consider this likely to result in a detrimental impact upon the public highway. Additionally, similar access and parking arrangements are not uncommon within the vicinity of the site.

Sustainability

- 4.25 Proposals for residential development generally need to be well connected to non-car modes of travel in order to meet the overarching sustainable development principles set out in the National Planning Policy Framework. Flackwell Heath benefits from bus services to High Wycombe and Bourne End providing an option for sustainable travel. Additionally, all necessary local amenities are located within close proximity of the site.
- 4.26 In light of the above, the Highway Authority raises no objections to this application, subject to conditions regarding access and parking provision being included on any planning consent that may be granted.

Raising the quality of place making and design

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM32 (Landscape character and Settlement Patterns), DM35 (Placemaking and Design Quality)

Housing Intensification SPD

Adopted Residential Design Guidance

- 4.27 Policy DM35 states that development is required to improve the character of the area and the way it functions and that development is required to create positive and attractive places.

- 4.28 As discussed above the site is, in effect, part of an unfinished perimeter block, surrounded by 2-storey pitched roofed, terraced dwellings to the south east, south west, and north west. To the north east, on the opposite side of Old Kiln Road, lies the three storey flat roofed complex of Aries House. Aries house is comprised of residential, retail and commercial units.
- 4.29 The impact of a similar residential development, for semi-detached dwellings and a block of flats, upon the character and appearance of the area was considered at the recent appeal in 2021.
- 4.30 In his considerations, the Planning Inspector noted that the appeal site was within a horseshoe arrangement of two storey terraced dwellings, with a height, scale and design which exuded a traditional uniformity that contributes positively to the character and appearance of the area. Although other dwellings run along the outer perimeter of the horseshoe, which vary in terms of their design, they are predominantly bungalows and other modest two storey dwellings and as such are commensurate in scale with the other dwellings in the horseshoe.
- 4.31 The Planning Inspector raised no objection to the proposed siting of the previously proposed dwellings and flats, but considered that their height would be *“noticeably greater than that of the corresponding dwellings around the perimeter. The difference would lead to an overly prominent and this incongruous development within an otherwise lower-level context, accordingly reducing the traditional qualities of the existing built form”*.
- 4.32 The applicant has taken the views of the Planning Inspector into account in the design of the current scheme. Although, the siting of the proposed structures remains the same, both the proposed semi-detached properties and the block of 4 flats has been reduced in height to 6.5m and 7.6m respectively.
- 4.33 Furthermore, the proposed semis would be constructed with a dual pitched roof which incorporates small gable features on the front and rear roof slope. The proposed block of flats would be constructed with a crown roof and a small pitched roof around all sides.
- 4.34 It is considered that the provision of a lower roof height will enable the development now proposed to blend in with the existing traditional scale of development in the surrounding area. The provision of a crown roof is not a traditional feature and would not normally be encouraged. However, in this instance, the crown will not be overly prominent in the street scene and will give a contemporary twist to the proposed apartment block – thereby distinguishing this form of development from the more traditional single dwellings.
- 4.35 It is considered that the proposed layout would respect the character of the area while acknowledging that this proposal represents a new chapter of development. Similarly, it is considered that the scale of the new buildings would be appropriate for their location; drawing influence the terraced dwellings making up the remainder of the perimeter block, semi-detached dwellings within the wider area, and the larger Aries House development.

Amenity of existing and future residents

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM40 (Internal space standards), DM40 (Internal space standards)
Adopted Residential Design Guidance

- 4.36 The submitted plans show that the proposed development would provide a good standard of development for future occupiers, with sufficient private amenity space for all residents and sufficient off street car parking.
- 4.37 With regard to the amenities of adjacent residents, concern has been expressed regarding the retention of the existing right of way that provides access to the rear of dwellings in Old Kiln Lane. However, the applicant has previously confirmed that no changes are proposed to this situation as the right of way is outside of the application site, on land in separate ownership, over which the applicant has no control. It is probable that landscaping features could be planted adjacent to the existing right of way, which would be managed by either the future residents or by a separate management company.
- 4.38 Concern has also been expressed that the new dwellings will overlook the gardens of the existing properties and will result in a loss of light and overshadowing. However, the proposed development would comply with the Council's back to back separation distance guidelines, in relation to the semi-detached dwellings. Concerns have been raised with regards to the proximity of the new flats, however, the Council does not have specific back to side guidelines as the nature of the relationship is different.
- 4.39 Having regards to the separation distances involved and the orientation of the new buildings, the proposal would not be considered to have a significant impact upon the light levels to the neighbouring dwellings.
- 4.40 The Planning Inspector at appeal considered that the then proposed development would have no adverse impact upon the amenities of No.s 2 and 4 Old Kiln Road on the neighbouring residents in No's 2 and 4 Old Kiln Road.
- 4.41 On the basis of the above, the proposal would not therefore be considered to have a detrimental impact upon the residential amenities of the neighbouring properties.

Environmental issues

Wycombe District Local Plan (August 2019): DM20 (Matters to be determined in accordance with the NPPF)

- 4.42 The application site is located close to a former landfill site. Environmental Health has been consulted and has raised no objections, subject to the inclusion of the suggested informative.
- 4.43 In accordance with the Council's air quality SPD, eight electric vehicle charging points (one per dwelling) with a minimum rating of 32 amps must be provided prior to the occupation of the development. This can be secured by means of a condition

Flooding and drainage

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

- 4.44 The applicant site is not situated within a Flood Risk Zone 2 or 3 and no watercourse crosses the site.
- 4.45 The applicant has submitted a surface water drainage scheme in support of this application. Having reviewed this application, the Local Lead Flood Authority have not agreed the current scheme and have requested further information, regarding infiltration rates; possible discharge into highway drainage network instead of foul network and confirmation from Thames water that the surface water drainage can be accommodated within the foul network.

- 4.46 However, the form and footprint of development now proposed is similar to that previously considered under reference 20/05797/FUL. The LLFA accepted that a surface water drainage scheme could be achieved for the previous development and requested the imposition of a planning condition requiring a more detailed scheme to be submitted and approved prior to the commencement of development.
- 4.47 Given the similarities between the two developments, it would be unreasonable for the Local Planning Authority to request further information under this application when the provision of a surface water scheme has previously been accepted.
- 4.48 It is therefore reasonable to impose the same pre-start planning condition, (previously proposed for 20/05797/FUL) requiring that a detailed surface water drainage scheme be approved before development commences.

Trees and Ecology

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

Trees

- 4.49 The development now proposed has the same relationship to the protected trees on site as that of the previous application 20/05797/FUL. No objection was raised regarding the impact of the development on the trees, at this time.
- 4.50 Although a small incursion into the RPA will occur, this has been reduced a 3.9% and 3.6% incursion into the RPA of T7 and T10 respectively. This has previously been deemed to be acceptable.
- 4.51 As a result, the relationship between the proposed building and retained trees on the eastern boundary is probably more sustainable, however issues relating to foundations details, location of services, and soil improvements within the RPA are still outstanding. The Council's Arboricultural Officer has considered the proposals and confirmed that the outstanding details could be addressed via a pre-commencement condition.
- 4.52 The arboricultural documents refer to removal of two 'low value trees' (T16 Rowan & T17 Birch, which are category B & C respectively). Removal of these trees may be acceptable, subject to suitable replacement planting as part of any landscape conditions. The soil in soft landscape areas will be heavily compacted. The design of the tree pits for these areas will be crucial to ensure that sufficient, good quality soil is available to enable the trees to reach maturity. The detailed tree pit design should also form part of the detailed landscaping scheme.
- 4.53 The arboricultural report is missing key information with regards to where the proposed site office, contractors parking, delivery/storage of material mixing of materials or other potentially harmful activities will be located/carried out.
- 4.54 This detail could be sought alongside a more comprehensive method of ground protection as part of an amended Arboricultural Method Statement to be agreed by means of a pre-commencement condition.
- 4.55 The current proposal includes several parking spaces within the RPA of protected trees. Further information has been submitted by the agent in an attempt to demonstrate that these parking bays can be created without the need for levels changes. On the basis of the indicative information put forward officers are satisfied that this element of the proposal can be agreed as part of the amended Arboricultural Method Statement referred to above.

- 4.56 The scheme raises significant concerns regarding the limited distance between trees and the proposed buildings and the potential pressures for future pruning in the relation to light levels, vermin, perceived risk and future structural damage.
- 4.57 Although the Council will retain a degree of control through the TPO application process, officers are concerned that it may be difficult to defend the refusal of inappropriate works if they are necessary in order to make the properties liveable. London plane may cause respiratory irritation to those living in close proximity to them, or be subject to diseases which can lead to the loss of moderate size branches within the crown. Such issues may be source of concern for residents living/parking beneath the trees.
- 4.58 The applicant's arboriculturist has commented on this concern by stating:
London Planes are very-large growing trees, but they tolerate all levels of pruning (from limb reductions, to crown reductions to pollarding) and most trees growing within the streets of London are heavily pruned on a regular basis to ensure they do not outgrow their location. There is absolutely no reason why these trees cannot also be pruned on a regular basis to ensure there is adequate clearance between them and the proposed houses. Because the trees are protected, the Council has complete control over the level of pruning that can be carried out – and has every right to refuse excessive pruning.
- 4.59 Furthermore, with regard to the issue of the proposed replacement car parking surface, trial pits have demonstrated that there is a deep sub-base with tarmac wearing course (see supporting diagrams). There is therefore adequate existing depth to replace this with a new 'no-dig', permeable surface.
- 4.60 With regard to the proposed path between T3 & T4, issues may arise with levels if a no-dig surface is used, and therefore, the applicant's arboriculturist would recommend that paving slabs could be laid within the turf layer. This would cause no damage to tree roots and would not raise levels.
- 4.61 Subject to the submission of a fully detailed Arboricultural Method Statement, and a fully detailed landscaping scheme addressing the points above, on balance, it is considered that the impact upon the health and vitality of the trees and the subsequent impact of the trees upon the living conditions of the future occupiers, would not be so significant as to warrant the refusal of the application.

Ecology

- 4.62 Policy DM34 requires all development to protect and enhance both biodiversity and green infrastructure features and networks both on and off site for the lifetime of the development. No assessment has been provided with this proposal so it falls to the Local Planning Authority to consider what would be proportionate for the development proposed.
- 4.63 In this case the proposal relates to the redevelopment of a hard surfaced car park to create a new residential development with associated garden areas and landscaping.
- 4.64 Although the site is dominated by car park, the edges of the area are dominated by trees and other vegetation. There is a chance that protected or priority species could be using the site and there is likely to be some other general ecological value on site.

- 4.65 It is necessary to ensure that the mitigation hierarchy is followed and for a net gain in biodiversity to be achieved. None of the policy requirements can be assured without a starting point of an appropriate assessment.
- 4.66 An Ecological Impact Assessment undertaken by Ecology By Design in June 2021, has identified the site as having negligible ecological value and limited potential for protected species. The report includes recommendations to minimise and/or mitigate for; the damage or destruction of active bird nests, the destruction of a potential bat roost on tree T10, and the potential harm to badgers and other wild mammals. In addition, the report also includes recommendations to enhance habitats and increase opportunities for roosting bats and nesting birds within the site.
- 4.67 Subject to the development being carried out in accordance with the recommendations contained within the Ecological Impact Assessment, it is considered that the proposal could be carried out without adversely affecting local wildlife and ecology. Furthermore, once fully implemented, in accordance with a landscaping scheme incorporating the plant species identified within the report, the proposal would be considered to achieve a net gain in biodiversity.

Building sustainability

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

- 4.68 It is considered necessary to condition water efficiency in accordance with Policy DM41
- 4.69 The proposed flats would incorporate level access externally and a central staircase and lift to the upper floor.

Other

- 4.70 Whilst the development as currently proposed may be acceptable, given the particular issues in respect of trees, parking, relationships with neighbouring buildings etc, it is considered appropriate in this instance to impose a condition removing the permitted development rights for all development falling within Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) as amended.

Infrastructure and Developer Contributions

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

DSA: DM19 (Infrastructure and delivery)

- 4.71 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.
- 5.4 The Human Rights Act 1998 Article 1 the protection of property and the peaceful enjoyment of possessions and Article 8 the right to respect for private and family life, have been taken into account in considering any impact of the development on residential amenity and the measures to avoid and mitigate impacts. It is not considered that the development would infringe these rights.

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 applications/agents of any issues that may arise in the processing of their application.
- 6.3 In this instance the application was acceptable as submitted and no further assistance was required.

7.0 Recommendation

- 7.1 Grant planning permission subject to the following conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers BC1; PL-01D; PL-02C; PL-03C; PL-05; PL-06; PL-400C; PL-401C and PL-402A; unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 3 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To secure a satisfactory external appearance.

- 4 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To secure a satisfactory appearance.
- 5 No other part of the development shall be occupied until the existing means of access has been altered in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway".
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development
- 6 The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter 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
- 7 Unless otherwise first agreed in writing by the Local Planning Authority, eight 32amp electric vehicle charging points shall be installed (one per dwelling) and made available prior to the initial occupation of the development hereby approved. The electric vehicle charging points shall thereafter be retained for the life of the development.
Reason: To comply with the air quality SPD and, to reduce the carbon emissions and the impact on the health of Nitrogen Dioxide emissions from the development
- 8 Prior to the commencement of any development on the site, a fully detailed landscaping scheme shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details, with any variation first agreed in writing. The measures contained within the approved scheme shall thereafter be retained on site unless otherwise approved in writing by the Local Planning Authority.
The landscaping scheme shall include:
- Details of all soft landscaping, incorporating some plant species identified within the recommendations of the Ecological Impact Assessment,
 - Details of all hard landscaping,
 - Details of tree planting, including species, size, planting methodology and soil volume (as informed by the Canopy Cover SPD),
 - The location, height, type and proposed material of any boundary features or means of enclosure
- Reason: The reason for this pre-commencement condition is to ensure a satisfactory form of landscaping can be implemented, to ensure a satisfactory form of development, in the interest biodiversity and to ensure that the canopy cover of the site is maximised, in line with the requirements of Policy DM34.

- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.
- 10 Unless otherwise first agreed in writing by the Local Planning authority, the development hereby approved shall only be carried out in accordance with the recommendations contained within the Ecological Impact Assessment undertaken by Ecology By Design in June 2021. The mitigation and enhancement measures shall thereafter be retained on site, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure that the development safeguards protected wildlife and achieves a measurable net gain in biodiversity in line with the requirements of Policy DM34.
- 11 No works shall take place until a revised fully detailed Arboricultural Method Statement (AMS) has been submitted to and approved in writing. Thereafter the development shall not take place other than in accordance with the approved details. The revised AMS shall include the following detail:
- location for site office, contractors parking, delivery and storage of materials, mixing of materials and other potentially harmful activities to be carried out,
 - ground protection details,
 - building foundations details,
 - location and method of installation of services,
 - existing and proposed site levels of the site, with particular attention to those either inside the RPA of the protected trees or within 3 metres of the RPA,
 - alternative details for a path between T3 & T4
 - soil improvements within the RPA
- Reason: The reason for this pre-commencement condition is to ensure that the proposed development will be carried out in a manner which will avoid any harm to the trees which are to be retained, in the interests of the health and vitality of the trees themselves, as well as the visual amenities of the surrounding area.
- 12 Details of facilities to be provided for the storage of bicycles and refuse bins for the new houses shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course take place. The facilities for bin and cycle storage for the whole development shall be provided in accordance with the approved details before the development that they relate to is first occupied and thereafter the facilities shall be permanently retained.
Reason: To ensure a satisfactory appearance and in the interests of the amenities of the future occupiers.

- 13 The development hereby approved shall not be occupied until such time as the associated balconies/amenity areas have been laid out, any associated fencing or privacy screening installed and the areas made available for use by the future occupiers, in accordance with the approved details. The amenity areas shall thereafter be permanently retained.
Reason: To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents.
- 14 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.
- 15 No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- 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
 - Detailed assessment of the viability of including additional above ground SuDS components within the scheme, components may include, but are not limited to, tree pits, rain gardens, green roofs and active rainwater harvesting. Justification for exclusion must be provided where necessary
 - Ground investigations including:
 - Infiltration rate testing in the form of either constant head tests or falling head tests, completed at the effective depth and location of the proposed component. Borehole logs and locations must be provided
 - Demonstration of the buffer distance required between the deep borehole soakaway and all buildings and structures, informed by a suitably qualified geotechnical engineer
 - Proposed discharge rate limited to 1l/s
 - Drainage layout detailing the connectivity between the dwellings and the drainage components, showing pipe numbers, gradients and 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.
 - Construction details of all SuDS and drainage components, including cover levels and invert levels along with details of materials.
 - Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance
 - Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction

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

- 16 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 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 NPPF2 Buckinghamshire 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. Buckinghamshire 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 application was acceptable as submitted and no further assistance was required

- 2 The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works 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 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Highways Development Management at the following address for information:-

Highway Development Management (Delivery)
Buckinghamshire Council
6th Floor, Walton Street Offices
Walton Street,
Aylesbury
Buckinghamshire
HP20 1UY

- 3 It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system

- 4 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site
- 5 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980
6. Any deep borehole soakaway associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted.
7. Any deep borehole soakaway associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Alexander Barron:

1. This car park has been in existence for over 45 years, and was provided as a civic amenity for the benefit of all of Flackwell Heath and visitors to the shopping areas. The statement that the car park has not been used since 2014 is due to the owners sealing the car park from use by concrete structures denying entrance and exit to the car park. It was not because of dis-use!
2. The proposal to build a pair of semi-detached houses and a block of flats is out of character for this estate. The estate comprises Terrace, Bungalows, and Detached houses.
3. The planned roof height of the block of flats exceeds the standard for the original development, and due to the proximity with the road will dominate the street scene. Whilst noting that the inspector considered that the block of flats would not harm the character of the area, it is worth noting that the inspector does not live in Buckinghamshire and was not familiar with the area or parking issues in particular for Flackwell Heath.
4. The site plan (a contract with planning department - for approval) shows hedges and trees being planted in land not owned by the developer, and will impede the access of the terraced houses to their back gardens.
5. This development, if approved, will remove a further six to eight parking places from the centre of the village resulting in further congestion to other sites in Old Kiln Road.

Cllr David Johncock.

There remains serious local concern about development on this site and Enforcement is currently reviewing its position on the possible enforcement of an existing planning condition. Pending the results of this review and given that Members have to request call-ins within 14 days of validation, I would therefore wish to provisionally request that, if officers are minded to approve this application, that it be referred to the local Planning committee for determination.

Parish/Town Council Comments

CWPC notes the positive efforts on the part of the applicants to reflect the comments of the appeal inspector but we nonetheless still strongly object to this application for three main reasons. Firstly, we now know that the car park was originally intended to be used as a public carpark generally and was not solely for the retail outlets in Aries House. The condition in the original planning permissions to provide the car park should therefore be robustly enforced by the planning authority. The fact is that the parking survey that was undertaken by the Council for the original application was totally inadequate and didn't reflect the general situation on parking in the village. There is a desperate shortage of parking particularly in the village centre and this planned development will undermine the vitality and viability of Flackwell Heath forever. Secondly, and as we mentioned in our comments on the original application, we are concerned with the proposal to plant trees on the footpath that provides access to the original houses that back onto the proposed development. The residents need to be able to access their back gardens from the footpath and we would question whether this land falls within the redline development area. These trees therefore need to be located on the land owned by the developers and planted in such a location that the roots dont undermine that footpath over the course of time. Thirdly, although the proposal for the flats now include a pitched roof to help make it fit in with the general design of houses in Old Kiln Road, we nonetheless still consider that the ridge height is still too high and that, as a result, the block of flats are out of keeping with

the character of the immediate area. They should therefore be reduced to 2 storeys or at worst 2½ storeys.

Consultation Responses

Highway Authority:

Comments: No objection subject to conditions regarding access and parking.

Environmental Health:

Comments: no objection raised subject to provision of electric car charging points

Buckinghamshire Council LLFA (non Major Suds)

Object to scheme and require further information regarding infiltration rates; possible discharge into highway drainage network instead of foul network and confirmation from Thames water that the surface water drainage can be accommodated within the foul network.

Arboricultural Officer

Comments:

Incursions into RPA

The report notes the footprint results in a 3.9% and 3.6% incursion into the RPA of T7 and T10 respectively. Previous comments regarding incursions into the RPA still apply, however it is acknowledged that the amount has been reduced that the relationship between the proposed building and retained trees on the eastern boundary is probably more sustainable. Issues relating to foundations details, services and soil improvements within the RPA could be addressed by condition if the case officer is minded to approve.

Mitigation planting

In order to satisfy the requirements of DM34, the 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. It must also demonstrate how existing green infrastructure and biodiversity assets will be maximised and how new green infrastructure and biodiversity assets will be maximised.

It's noted that the amended design has reduced the amount of new trees from 30 to 20 and there is now an additional parking space

The arboricultural documents also refer to removal of two 'low value trees' (T16 Rowan & T17 Birch, which are category B & C respectively). Removal of these trees may be acceptable, subject to suitable replacement planting as part of any landscape conditions.

Although the trees in the hard landscaped areas have been removed in the updated proposal, the soil in soft landscape areas will be heavily compacted. Tree pit design in these areas will still have to ensure sufficient, good quality soil to enable the trees to reach maturity. This could also form part of any landscape conditions.

Although compliance with DM34 has not demonstrated, this could be achieved through the provision of additional detail.

Tree Protection

It is not clear from the TPP where the site office, contractors parking, delivery/storage of material mixing of materials or other potentially harmful activities will be carried out. This detail could be sought as part of a detailed/amended AMS pre-commencement.

The report also notes that the existing hard surfaces of the car park will be left in site during construction and only removed (and replaced) at the landscaping stage. Retention of the hardstanding is not going to be possible in the areas immediately around the proposed dwelling. In these areas a more comprehensive method of ground protection will need to be employed. This could be addressed in an amended AMS pre-commencement.

Parking bays within the RPA

The current proposal includes several parking spaces likely to changes of levels within the RPA of protected trees. It's not clear how the applicant proposes to create these parking bays without levels changes (which negates the purpose of no-dig). It would be useful to see levels details prior to a decision but, if the case officer is minded to permit, levels details by condition in these areas is recommended.

Concerns regarding future pressures are unchanged -

The limited distance between trees and the proposed buildings has the potential to generate concerns regarding light, vermin, perceived risk and future structural damage. Although the Council will retain a degree of control through the TPO application process, it may be difficult to defend the refusal of inappropriate works if they are necessary in order to make the properties liveable.

London plane may cause respiratory irritation to those living in close proximity to them. This is a result of the pollen and of trichomes (hairs) on the back of the leaves which become airborne.

Diseases of plane such as Massaria, known to be within the Wycombe area, can also lead to the loss of moderate size branches within the crown. This again may be source of concern for residents living/parking beneath the trees.

Ecology Officer

Comments: The assessment of the impacts on protected species and habitats are considered to be appropriate. The planning approval is subject to the following conditions:

The development shall be implemented in accordance with Recommendations R1-R8 presented in Section 5 of the Ecological Impact Assessment – Ecology by Design (June 2021). Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made. The condition will be considered discharged following a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.

Representations

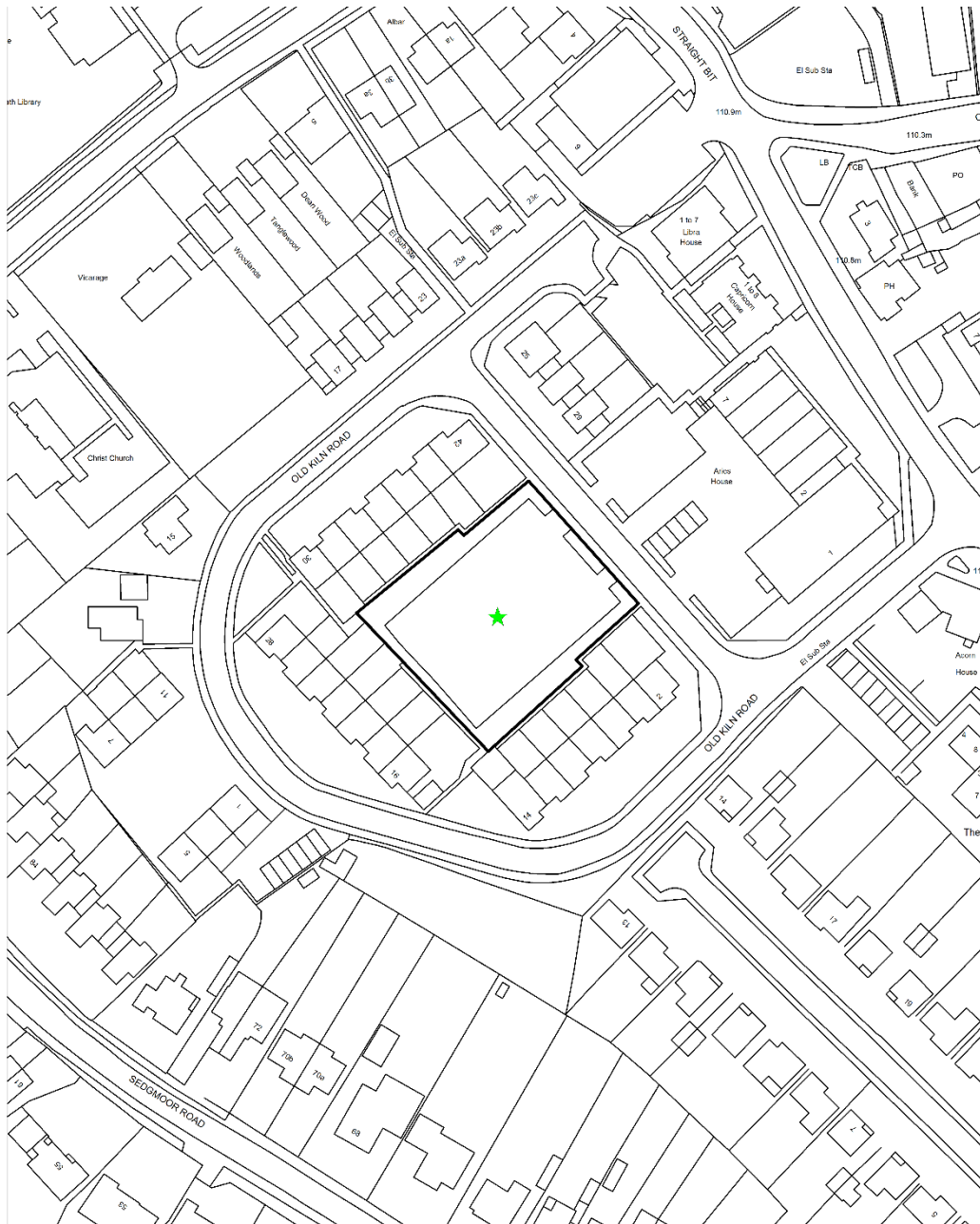
Objections have been received from local residents and the wider community. The grounds of objection raised include:

- Overdevelopment of the plot
- Out of character and scale with surrounding area
- Contrary to adopted Residential Design Guidance
- Loss of existing car park
- Accuracy of previous parking survey
- Loss of highway safety
- Increased parking congestion
- New proposed gym use will exacerbate parking congestion
- Proposed trees will block existing path
- Loss of light to adjacent properties
- Loss of privacy to adjacent dwellings
- New dwellings too close to existing properties

- Loss of amenities to the neighbouring properties
- Loss of trees/harm to trees
- Who will maintain new trees etc?
- Enforcement Teams assessment of historic planning condition is incorrect. Historic planning condition can be lawfully enforced.

APPENDIX B: Site Location Plan

22/0527/FUL
Scale 1/1250



Planning Committee
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