



South Buckinghamshire Area Planning Committee agenda

Date: Tuesday 15 February 2022

Time: 2.30 pm

Venue: Amersham Council Chamber, King George V House, King George V Road,
Amersham HP6 5AW

Membership:

T Egleton (Chairman), D Anthony, M Bracken, T Broom, S Chhokar, P Griffin, G Hollis (Vice-Chairman), Dr W Matthews, G Sandy and A Wheelhouse

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7 Availability of Members Attending Site Visits (if required) To confirm members' availability to undertake site visits on 4 March 2022, if required	

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South Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the South Buckinghamshire Area Planning Committee held on Tuesday 21 December 2021 in Amersham Council Chamber, King George V House, King George V Road, Amersham HP6 5AW, commencing at 2.30 pm and concluding at 4.05 pm.

Members present

T Egleton, D Anthony, M Bracken, T Broom, S Chhokar, P Griffin, Dr W Matthews, G Sandy and A Wheelhouse

Others in attendance

R Ghattoura, L Hornby, B Robinson, C Gray, A Pegley and S Penney

Apologies

G Hollis

Agenda Item

1 **Declarations of Interest**

There were none.

2 **Minutes**

The minutes of the meeting held on 23 November 2021 were agreed as an accurate record, subject to the following amendment to **PL/21/3210/FA**: 16 Calendon Road, Beaconsfield, Buckinghamshire, HP9 2BX, which should read:

Demolition of existing dwelling and erection of detached house with integral garages, landscaping and new vehicular access.

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. The application site was located within the Green Suburban Townscape Character Areas as defined by the Chiltern and South Bucks Townscape Character Study (November 2017). The design principles in these areas

placed emphasis upon the retention of hedgerows as boundary treatments. The proposed dwelling and changes to the frontage would result in the loss of hedging and other vegetation on the boundary with No.18 and the shared driveway with this neighbouring property would be detrimental to the character of the area. Furthermore, dwellings in the vicinity comprised relatively large family homes of an 'arts and crafts style' with frontages that included fenestration detailing which added interest to the buildings. The proposed development would comprise a modest one-bedroom dwelling with few windows in its front elevation such that it would appear incongruous and out of keeping within the street scene. As such the proposal would have a detrimental impact on the character and appearance of the area contrary to saved policies EP3 and H9 of the South Bucks District Local Plan (adopted March 1999, Consolidated September 2007 and February 2011), and Core Policy 8 of the Core Strategy (adopted 2011) and guidance set out in the Chiltern and South Bucks Townscape Character Study (November 2017). The proposed development would also fail to comply with the requirements of the NPPF (2021) and National Design Guidance.

2. The proposed development would result in the removal of a four-bedroom dwelling and the introduction of a one-bedroom dwelling. When considering the reduction in the numbers of bedrooms and overall scale of the building, it was considered that the proposed development would fail to make efficient use of the land and would be contrary to Paragraph 125c) of the NPPF (2021).

Speaking in objection: Mr Sam Turney

Speaking as the Agent for the Applicant: Ms Jennie Harris

It was proposed by Councillor G Hollis and seconded by Councillor T Broom

Resolved: that the application be refused.

3 PL/21/0067/VRC - 50A Hogfair Lane, Burnham, Buckinghamshire, SL1 7HQ

Variation of condition 10 (approved plans) of planning permission PL/19/2297/FA (Erection of new detached dwelling (alterations to Planning Permission PL/18/2313/FA) to allow for minor amendments to approved plans.

This application was the subject of a site visit.

Members voted in favour of the motion to approve the application.

It was proposed by Councillor T Egleton and seconded by Councillor M Bracken.

Resolved: that the application be approved.

4 PL/21/2556/FA: Burnham Football Club, Wymers Wood Road, Burnham, Buckinghamshire, SL1 8JG

Installation of new lighting on existing columns and increased hours of usage of

floodlights.

This application was the subject of a site visit.

Members voted in favour of the motion to defer the application pending further clarification / information.

Speaking as the Ward Member: Councillor D Dhillon

Speaking in objection: Mr J Stevens

It was proposed by Councillor S Chhokar and seconded by Councillor W Matthews.

Resolved: that the application be deferred for the reasons stated above.

5 Date of Next Meeting

Tuesday 18 January 2022 at 2.30pm

6 Availability of Members Attending Site Visits (if required)

Resolved: that in the event it was necessary to arrange site visits on Monday 17 January 2022 in respect of the agenda for the meeting on Tuesday 18 January 2022, the following Members be invited to attend:

Councillors: T Egleton, P Griffin, W Matthews and A Wheelhouse.

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Report to South Area Planning Committee

Application Number:	PL/21/3024/FA
Proposal:	Erection of detached dwelling and new vehicular access
Site location:	Rear of 113 Gore Road Burnham Buckinghamshire SL1 7DF
Applicant:	Mr P Denny
Case Officer:	Ian Severn
Ward affected:	Farnham Common & Burnham Beeches
Parish-Town Council:	Burnham Parish Council
Valid date:	16 August 2021
Determination date:	18 February 2022
Recommendation:	Conditional permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The proposal is for the erection of a new dwelling within the existing garden of 113 Gore Road, Burnham. The application site is within the developed area of Burnham where the principle of a new dwelling is acceptable subject to compliance with National and Local Policies.
- 1.2 The creation of a dwelling in this location would align with the Governments objective of boosting the supply of homes and also complies with Paragraphs 119 and 124 of the NPPF in making efficient use of land. It is also considered that the proposal would maintain the character and appearance of the area and would not result in a detrimental impact with regard to residential amenity/waste management, parking & highway safety, trees and landscaping, ecology and flooding risk.
- 1.3 The application site is within 5.6km. of Burnham Beeches Special Area of Conservation (SAC). The applicant has provided written confirmation that they are willing to enter into the legal agreement to secure mitigation in the form of a financial contribution subject to the recommendation of the Planning Committee that planning permission be granted.
- 1.4 The proposal would therefore constitute sustainable development with no adverse effects of the proposal that would significantly and demonstrably outweigh the benefits of providing an additional residential unit.
- 1.5 The application has been called before the Planning Committee for determination through a request from Councillor Dhillon. Councillor Dhillon considers that the proposal does not meet the requirements of Planning Policy, his full comments for consideration of the Committee appear in the Summary of Representations (Appendix A).
- 1.6 The recommendation from Officers is as follows:

Delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and the satisfactory prior completion of a Legal Agreement relating to mitigation of Burnham Beeches SAC. If the Legal Agreement cannot be completed the application to be delegated to the Director of Planning and Environment to refuse permission for reasons he considers appropriate.

2.0 Description of Proposed Development

- 2.1 The application site comprises what was formally part of the rear garden of 113 Gore Road. This part of the garden has previously been separated from number 113 and is accessed from an existing access onto Hamilton Gardens.
- 2.2 The application proposes to erect a new dwelling on this separate plot accessed via a new access to be created on Hamilton Gardens which will replace the existing access. The new property would comprise a mixture of soft and hard landscaping to the front of the dwelling allowing for the parking of three cars. The dwelling itself will take the form of a two-bedroom chalet bungalow with roof dormers to the front and a cat slide roof to the rear. A rear garden is also provided.
- 2.3 The proposal has been amended to remove rear facing windows at first floor level and to provide a partial hip to the roof. Each of these alterations are considered by Officers to reduce the impact on the amenity of neighbouring properties.

3.0 Relevant Planning History

- 3.1 Planning permission was granted in November 2013 for an extension to the dwelling at 113 Gore Road (13/01555/FUL and 14/01180/NMA). However, there is no relevant planning history within the application site itself which forms part of the existing garden area for this property.

4.0 Summary of Representations

- 4.1 Objections have been received from 17 properties. Burnham Parish Council have objected on the grounds of the dwelling's appearance, overdevelopment, lamp post removal, no arboricultural impact assessment and overlooking of neighbouring properties. An objection has been received from Councillor Dhillon on the grounds of insufficient spacing between dwellings, impact on character of locality, overlooking and loss of light to neighbouring properties (conflicts with Local Plan Policies EP3, EP4, EP5, EP6 and H9). A summary of consultation responses and representations made on the application can be viewed in Appendix A.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), February 2021.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;
- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Townscape Character Study 2017
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
- Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020

Principle and Location of Development

Core Strategy Policies:

CP1 (Housing provision and delivery)

- 5.1 The NPPF was revised in July 2021 and whilst this replaced the previous Planning Policy Statements and Guidance Notes, it does not replace existing local policies that form part of the development plan. It does state however, that the weight that should be given to these existing local policies and plans will be dependent on their degree of consistency with the NPPF. Therefore, the closer the policies in the development plan to the policies in the Framework, the greater the weight that may be given to them.
- 5.2 The site is located within the developed area of Burnham where new residential development can be acceptable provided that it does not adversely affect any interests of acknowledged importance, which include factors such as the character and appearance of the area, and the amenity of neighbouring properties.
- 5.3 The NPPF states that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' The Council already has such policies in the form of policies H9 and EP3. There is no policy that renders the principle of a dwelling house on this site as unacceptable either in the NPPF or in the South Bucks Local Plan when considering applications outside an Area of Exceptional Character.
- 5.4 In addition to the above, Part 11 of the NPPF encourages local planning authorities to make an effective use of land. Paragraph 119 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting needs for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.5 Paragraph 124 of the NPPF highlights that planning decisions should support development which makes efficient use of land, taking into account; housing need, local market conditions, availability and capacity of infrastructure, maintaining the area's prevailing character and securing well-designed places. Paragraph 125 details that local planning authorities need to make efficient use of land and that a flexible approach should be applied to policies or guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of a site.
- 5.6 In summary, the site is located within the developed area of Burnham where new residential development is considered acceptable subject to other material planning considerations such as the impact on the character of the area and neighbouring residential amenities. Furthermore, the proposal would align with the aims of the NPPF in providing additional homes, making effective use of land and achieving sustainable development.

Transport matters and parking

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

- 5.7 The application site currently benefits from a drop kerb allowing for vehicular access. The application proposes the relocation of the drop kerb and access point, this would result in the re-location of a lamp post. The Highways Authority have reviewed the proposal and consider that there are potential positions for the lamp post to be re-positioned without

compromise to highway safety or residential amenity. They have recommended a pre-commencement condition to allow for this.

- 5.8 The Highways Authority have also considered the location of the new access in relation to the general road layout and are satisfied that it will not impact on highway safety. They have recommended two conditions in relation to the access, the first to ensure that the new access is provided prior to other works, and the second to require the restoration of the existing drop kerb within one month of the new access' creation.
- 5.9 They are also satisfied with the level of parking provided and that local roads will be able to accommodate the additional traffic generated. They have recommended a condition for the hardstanding forward of the dwelling to be laid out as per the plans and to be retained thereafter for the purpose of parking and manoeuvring.
- 5.10 On this basis no objection is raised subject to the suggested conditions being included. The proposed development would therefore comply with policies CP7, TR5 and TR7.

Raising the quality of place making and design

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

EP4 (Landscaping)

EP6 (Designing to Reduce Crime)

H9 (Residential development and layout)

- 5.11 The NPPF (2021) at paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that developments, among other requirements, should function well and add to the overall quality of the area, should be visually attractive as a result of good architecture, layout and landscaping, and should be sympathetic to local character and history.
- 5.12 Paragraph 134 states that development that is not well designed should be refused. Significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guide and/or for outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 5.13 The Ministry of Housing and Local Government published the National Design Guide (NDG) in October 2019. As well as helping to inform development proposals and their assessment by local planning authorities, the NDG aims to support paragraph 134 of the National Planning Policy Framework which states that permission should be refused for development that is not well designed. Paragraph 40 of the design guide notes that well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. To achieve good design, development should respond positively to the context of the surrounding area, including the existing built development (layout, form, scale, appearance, details and materials); local heritage; landform; landscape character; biodiversity and ecology.

- 5.14 Core Strategy policy 8 states that all new development must be of a high standard of design and make a positive contribution to the character of the surrounding area.
- 5.15 SBDLP policy EP3 states that development will only be permitted where its scale, layout, siting, height, design, external materials and use are compatible with the character and amenities of the site itself, adjoining development and the locality in general. Poor designs which are out of scale or character with their surroundings will not be permitted. SBDLP policy H9 requires that development for residential purposes is compatible with the character of the surrounding area in terms of density, layout, design, height, scale, form and materials.
- 5.16 The Chiltern and South Bucks Townscape Character Study (published November 2017) identifies that 113 Gore Road is located within a 'Town Centre Fringes' area, however, the application site would front onto Hamilton Gardens which is identified as being a 'Suburban Road'. Given that the public viewpoint of the property, and the dwelling itself, would be from Hamilton Gardens it would be appropriate to give higher regard to the street scene of Hamilton Gardens.
- 5.17 The site is surrounded by neighbouring residential development which constrain the built form that can be accommodated on the site.
- 5.18 The dwellings in Hamilton Close are all detached and similarly utilise much of the width of their plots. The plots themselves vary in size, shape and orientation. The proposed plot would be similar in size and shape to some of those within Hamilton Gardens particularly those nearest on the other side of the road. Bearing this in mind it is considered that the site size and layout integrate sufficiently with their surroundings to meet relevant Policies and guidance.
- 5.19 The dwellings within Hamilton Gardens vary in size and overall appearance, however, they share a common characteristic in having hipped roofs with projections to their front elevations and sharing similar shading to bricks and roof tiles, some also feature front facing dormers. These features are replicated within the design of the proposed dwelling ensuring that it blends well into the street scene by way of design and appearance.
- 5.20 The proposed building would be sufficiently set in from the site boundaries to ensure than a sense of spaciousness is retained and that the building does not appear crammed into the space. Landscaping is indicatively shown to the site boundaries and additional information will be secured in this regard via condition. Similarly, further details relating to the proposed materials and hardstanding to be used in the construction of the proposed development will be secured by condition.
- 5.21 Although, as noted, the plot and dwelling would be sufficiently compatible with their surroundings and with relevant Policies and Guidance as a whole, it is considered that it would be reasonable and necessary to remove Permitted Development rights which allow extension of the dwelling or the erection of outbuildings. This is to ensure that sufficient amenity space and landscaping is retained without built form becoming overly dominant.
- 5.22 Given the above, no objections are raised with regard to Core Policy 8 and Local Plan Policies EP3, EP4, EP6 and H9.

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

H9 (Residential layout and design)

- 5.23 Concern has been raised in relation to the back to back distance of the dwelling at 113 Gore Road, with a distance of approximately 16.3-19m retained, when Paragraph 5.3.7 of the Council's Residential Design Guide suggests 21m as a guide. However, the 21 metres referred to in the Design Guide is shown to relate to two storey dwellings with first floor windows in the rear elevation. Furthermore, paragraph 5.3.9 of the Design Guide advises that it may be acceptable to reduce this distance where windows above ground floor level do not provide direct overlooking. In this instance the rear elevation has no first floor windows overlooking neighbours to the rear or sides as such no overlooking is possible. Additionally, the dwelling also features a cat slide roof to the rear with an eaves height of 2m and the roof then angled away from this neighbour with partially hipped eaves to the main ridge and the combination of these factors are such it is not considered the dwelling would appear overbearing or obtrusive, or result in an unacceptable loss of light or overshadowing.
- 5.24 The dwelling would be set towards the rear end of gardens for neighbours to either side and would not have any windows overlooking these gardens. In order to ensure future privacy for neighbours a condition should be added preventing the insertion of first floor windows to the rear and side elevations under Permitted Development. The design of the building as noted in the paragraph above again also mitigates other amenity considerations in relation to these neighbours.
- 5.25 Although the outlook for some dwellings on Gore Road would be altered, it would not be considered to be to a detrimental level when considering the distance retained and the design of the proposed building. Importantly, properties and dwellings having a back to back relationship are not uncommon and the outlook would therefore also be acceptable in this regard.
- 5.26 The proposed dwelling would provide a private amenity space which would be sufficient for a dwelling of the size proposed, and similar to others nearby. The internal layout would meet national space standards and provide sufficient light and outlook to habitable rooms. Overlooking from neighbouring properties is considered to be mitigated by the existing fence and that the rear elevation features only ground floor windows. The plans also show additional planting along the boundary which can be secured through the agreement of landscaping details via condition.
- 5.27 Overall, it is considered that the proposal would not adversely impact upon the amenities of neighbouring properties and would therefore comply with Policies EP3, EP5 and H9 of the South Bucks District Local Plan (adopted March 1999).

Environmental issues

Core Strategy Policies:

CP12 (Sustainable energy)

CP13 (Environmental and resource management)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

- 5.28 The Council's records show that the site has no history of potential contamination.
- 5.29 Space is provided within the application site for the retention of bins and Hamilton Gardens receives standard waste collection in which the vehicle passes the application site as part of its round. It is therefore considered that bins could be left for collection in accordance with Council Waste requirements and in line with other properties in Hamilton Gardens.

- 5.30 In accordance with the NPPF Paragraph 168, it is considered that a flood risk assessment is not required as part of this application as the development is located on land less than 1 hectare and the site is located within flood risk zone 1, which is least likely to be at risk from flooding events.
- 5.31 Core Strategy Policy CP9 seeks a net gain in biodiversity resource, maintaining existing ecological corridors. It also seeks the conservation, enhancement and net gain in local biodiversity resources within the Biodiversity Opportunity Areas and on other non-designated land, maintaining existing ecological corridors and avoiding habitat fragmentation. The NPPF seeks to protect sites of biodiversity and to minimise impacts and provide net gains; paragraph 180 sets out criteria that should be considered in determining planning applications.
- 5.32 It is considered appropriate to attach a condition requiring that the site deliver ecological enhancements.

Landscape Issues

Core Strategy Policies:

CP9 (Natural environment)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP4 (Landscaping)

L4 (River Thames setting)

L10 (Proposals involving felling or other works affecting trees covered by a Tree Preservation Order)

- 5.33 The site is not located within a conservation area and, and trees on adjacent sites do not have tree protection orders attached. No trees or hedges are located within the development site.
- 5.34 In the event that planning permission is granted a condition should be added requiring details of tree protection during construction to protect existing trees in neighbouring properties. A detailed landscape scheme should also be secured by way of condition, in order to ensure that sufficient levels of natural vegetation and landscaping are incorporated and compliment the proposed development whilst enhancing the character of the local area.

Infrastructure and Developer Contributions

Core Strategy Policies:

CP6 (Local infrastructure needs)

- 5.35 Core Policy 9 of the adopted Core Strategy sets out that the highest priority will be given to the integrity of Burnham Beeches Special Area of Conservation (SAC). Para 3.3.11 of the Core Strategy also states that "where a specific development could result in significant effects on the SAC, a Project level (regulation 48) HRA will need to be carried out by the developer when the planning application is submitted to determine whether mitigation measures are required." This is also consistent with Section 15 of the NPPF relating to 'Conserving and enhancing the natural environment'. The Council's approach to assessing the impact of new dwellings on Burnham Beeches SAC is set out in the adopted Burnham Beeches Special Area of Conservation Strategic Access Management and Monitoring Strategy SPD.
- 5.36 New evidence has been compiled and published on the impacts of recreational and urban growth at Burnham Beeches SAC, carried out by Footprint Ecology. Due to this evidence,

Natural England recognises that new housing within 5.6km of the Burnham Beeches SAC can be expected to result in an increase in recreation pressure. The 5.6km zone represents the core area around the SAC where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.

5.37 Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. These impacts, which have the potential to adversely affect its interest features, include:

- Contamination (e.g. dog fouling, litter, spread of plant pathogens);
- Increased fire risk;
- Trampling/wear (e.g. loss of vegetation, soil compaction, erosion, damage to trees from climbing);
- Harvesting (e.g. fungi, wood);
- Difficulties in managing the site (e.g. maintaining the grazing regime);
- Disturbance (e.g. affecting the distribution of livestock and deer).

5.38 In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended), to housing development within 5.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

5.39 Given the above, the Council has carried out an Appropriate Assessment for the proposed development. This concludes that without mitigation measures the development is likely to have a significant effect upon the integrity of the SAC with the result that the Council would be required to refuse this planning application.

5.40 In order to mitigate such impacts, the Council has adopted a Strategic Access Management and Monitoring Strategy (SAMMS). The Council consider that the SAMMS, which is supported by Natural England, is robust and capable of mitigating the likely significant effects of the proposal over 500 metres and up to 5.6 kilometres provided the proposal pays a contribution towards the SAMMS.

5.41 Provided a legal agreement is completed which secures this financial contribution, the development is considered to accord with the relevant Regulations and Policies. The applicant has provided written confirmation of their agreement to enter into a legal agreement.

5.42 The application would also be subject to the Council's Community Infrastructure Levy (CIL) scheme, for which a further fee would be applicable.

6.0 Weighing and balancing of issues / Overall Assessment

6.1 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

- 6.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.3 It is acknowledged that the council cannot demonstrate a 5 year supply in the South Bucks Area and paragraph 11(d) of the NPPF is engaged.
- 6.4 As set out above it is considered that the proposed development would accord with development plan policies, and the site's proposed redevelopment will make effective and efficient use of previously developed land.
- 6.5 Housing delivery is a strategic aim of the Core Strategy. The proposed development would make a positive contribution to the Council's housing needs and supply. This housing provision represents a benefit that weighs in favour of the proposal.
- 6.6 Compliance with Core Strategy and Local Plan policies have been demonstrated in terms of visual impact, preserving residential amenities, parking and access, flooding, and conserving and enhancing the natural environment, however these do not represent benefits of the scheme but rather demonstrate an absence of harm to which weight should be attributed neutrally.
- 6.7 In terms of applying paragraph 11(d) of the NPPF it is concluded that, subject to the completion of a Legal Agreement, there are no policies that protect areas or assets of particular importance, that provide a clear reason for refusing the development proposed and there are no adverse effects of the proposal would significantly and demonstrably outweigh the benefits.
- 6.8 Taking all of the above into account it is considered that the proposal would provide for a sustainable form of development that meets the requirements of the NPPF and relevant Development Plan policies.
- 6.9 It is considered that a fair and reasonable balance would be struck between the interests of the community and the human rights of the individuals concerned in the event planning permission being granted in this instance.

7.0 Working with the applicant / agent

- 7.1 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.
- 7.2 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.
- 7.3 In this instance amended plans were submitted during the course of the application which removed all rear facing windows to prevent overlooking of neighbouring properties, and provided a partial hip to the ends of the roof to soften the roof line.

8.0 Recommendation:

Delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and the satisfactory prior completion of a Legal Agreement relating to mitigation of Burnham Beeches SAC. If the Legal Agreement cannot be completed the application to be delegated to the Director of Planning and Environment to refuse permission for reasons he considers appropriate.

Subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice. (SS01)
Reason: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 (or any statutory amendment or re-enactment thereof).
2. Notwithstanding any information shown on the approved plans or submitted Design and Access Statement, no development above slab level (excluding demolition) shall take place until a schedule of materials to be used in the elevations of the development hereby permitted have been submitted to and approved by the District Planning Authority in writing. Thereafter the development shall be carried out in accordance with the approved details. (SM01)
Reason: To safeguard and enhance the visual amenities of the locality. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)
3. No development shall proceed above ground level until a specification of all finishing materials to be used in any hard surfacing of the application site is submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be constructed using the approved materials. (SM02)
Reason: To ensure that such works do not detract from the development itself or from the appearance of the locality in general. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)
4. No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Private Vehicular Access Within the Public Highway".
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
5. Within one month of the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb or removing the existing bellmouth and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.
Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.
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. Prior to the commencement of the development, the applicant shall provide for the relocation of the existing lighting columns fronting the site to an alternative position in accordance with details to be agreed by the lighting authority and/or the local Highway Authority.

Reason: To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, and to ensure the relocation is provided safely.

8. Prior to commencement of above ground works a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of landscape planting of known benefit to wildlife, hibernacula such as log piles and provision of artificial roost features, including bird and bat boxes. The approved details shall be implemented prior to first occupation of the development and retained thereafter.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Policy 9 of the South Bucks Core Strategy (2011) and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

9. Notwithstanding any indications illustrated on drawings already submitted, prior to the relevant part of the proposed development details of a scheme of landscaping including details of new trees to be planted shall be submitted to and approved in writing by the District Planning Authority. None of the trees, shrubs or hedgerows shown for retention shall be removed or felled, lopped or topped within a period of five years from the date of this permission, without the prior written permission of the Local Planning Authority. (ST01)

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity of the Area Tree Preservation Order and locality in general. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

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 development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, 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 gives written consent to any variation. (ST02)

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

11. Prior to the commencement of works, a plan detailing the erection of protective fencing for trees and other vegetation shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented prior to the commencement of all works, including demolition of any buildings on site, and shall include the accurate representation of the crown spreads of all trees, shrubs and other significant vegetation.

All protective fencing erected to protect existing trees and other vegetation during construction shall conform to British Standard 5837:2012 'Trees in relation to design, demolition and construction' or any replacement thereof or EU equivalent and shall consist of a vertical and horizontal scaffold framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. Onto this, weldmesh panels shall be securely fixed with wire or scaffold clamps. The fencing shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without the prior written consent of the Local Planning Authority. (ST14A)

Reason: To ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction and in the long term interests of local amenities. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

12. Notwithstanding the provisions of Article 3 and Classes A, B & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and/or re-enacting that Order with or without modification), no enlargement, improvement or other alteration (including the erection of a garage, stable, loosebox or coach-house within the curtilage) of or to the dwellinghouse the subject of this permission, shall be carried out nor shall any building or enclosure required for a purpose incidental to the enjoyment of any said dwellinghouse as such be constructed or placed on any part of the land covered by this permission. (SD12)

Reason: The nature and density of the layout requires strict control over the form of any additional development which may be proposed in the interests of maintaining a satisfactory residential environment. (Policies EP3 and H9 of the South Bucks District Local Plan (adopted March 1999) refer.)

13. No windows shall be inserted at or above first floor level in the rear and side elevation(s) of the dwellinghouse hereby permitted. (SD05)

Reason: To prevent overlooking and loss of privacy in the interests of the amenities of the adjoining properties. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

14. The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings:

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
27 Jan 2022	1789 - P1A
27 Jan 2022	1789 - SP1C

INFORMATIVE(S)

1. Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.

By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk. (SIN35)

2. The Council is the Charging Authority for the Community Infrastructure Levy (CIL). CIL is a charge on development; it is tariff-based and enables local authorities to raise funds to pay for infrastructure.

If you have received a CIL Liability Notice, this Notice will set out the further requirements that need to be complied with.

If you have not received a CIL Liability Notice, the development may still be liable for CIL. Before development is commenced, for further information please refer to the following website <https://www.southbucks.gov.uk/CIL-implementation> or contact 01494 732792 for more information.

3. 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 the Area Manager at the below address for information, or apply online via Buckinghamshire Council's website at:

<https://www.buckscc.gov.uk/services/transport-and-roads/licences-and-permits/apply-for-a-vehicular-access-licence/>

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

Appendix A: Consultation Responses and Representations

Building Control

No response received at the time of writing this report.

Access for the Disabled Officer

No response received at the time of writing this report.

Waste Management

No response received at the time of writing this report.

Highways (received 28/01/22)

"Thank you for your letter dated 18th August 2021 with regard to the above planning application.

Hamilton Gardens is an unclassified road which in this location is subject to a speed restriction of 30mph. Proposals include the erection of a detached dwelling with a new vehicular access.

In terms of trip generation, I find that a dwelling in this location would have the potential to generate in the region of 4-6 vehicular movements (two-way) per day. Whilst I can confirm that the Local Highway Network in the vicinity of the site is capable of accommodating the level of vehicular movements anticipated, the access arrangements serving the site will need to be assessed in order to determine its suitability to accommodate the level of movements proposed.

As Hamilton Gardens is subject to a speed restriction of 30mph, visibility splays of 2.4m x 43m are applicable, commensurate with current Manual for Streets guidance. I can confirm that adequate visibility splays are achievable from the proposed access point. I note the access would be positioned in the centre of the plot, which would be obstructed by two lighting columns. I will suggest a condition for the relocation of these lighting columns.

When considering parking provision, I note that space has been provided within the site for 3 cars. I can confirm that this level of parking is appropriate.

Mindful of the above, I have no objection to the proposals, subject to the following conditions being included on any planning consent that you may grant:

Condition 1: No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Private Vehicular Access Within the Public Highway".

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

Condition 2: Within one month of the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb or removing the existing bellmouth and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

Condition 3: 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.

Condition 4: Prior to the commencement of the development, the applicant shall provide for the relocation of the existing lighting columns fronting the site to an alternative position in accordance with details to be agreed by the lighting authority and/or the local Highway Authority.

Reason: To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, and to ensure the relocation is provided safely.

Informatives:

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
01296 382416"

Parish Council (received 27/09/21)

"The Committee RESOLVED to OBJECT to the application for several reasons: the dwelling would appear significantly incongruent by virtue of its orientation, scale, and design; it constituted overdevelopment as the floor area ratio was deemed too high; it would require the unauthorised removal of a lamp post near a junction; an arboricultural impact assessment was needed; the proposal was considered harmful to safeguarding the residential amenity of surrounding properties, as a result of its proximity, alignment, and positioning of windows. The Committee concluded that the proposal was wholly unfit and if accepted could set a precedent for similar applications to follow."

Representations

17 Objections (represented in 24 representations)

- Out of character with locality (dwelling too large / design / insufficient spacing between built form / over dominant or obstructive / change to 'garden feel' of Hamilton Gardens / insufficient garden space)
- Amenity impact on neighbouring properties (overlooking / loss of light / overshadowing / outlook / insufficient back to back distance to 113 Gore Road)

- Overdevelopment
- Dangerous access (on bend / proximity to Lent Rise Road / insufficient width)
- Moving of street light may cause light pollution to neighbouring properties or result in insufficient lighting of highway
- Tree Report needed
- Poor design
- Examples provided of properties on Gore Road and Hamilton Gardens which have been refused planning permission for additional dwellings – Officer Note: These would have been determined on their own merits, and as such do not set a precedent for this proposal)
- Intensification of use of cul-de-sac
- Disruption / danger to neighbours from construction
- Loss of street parking
- Insufficient parking
- Impact on wildlife
- Will set precedent

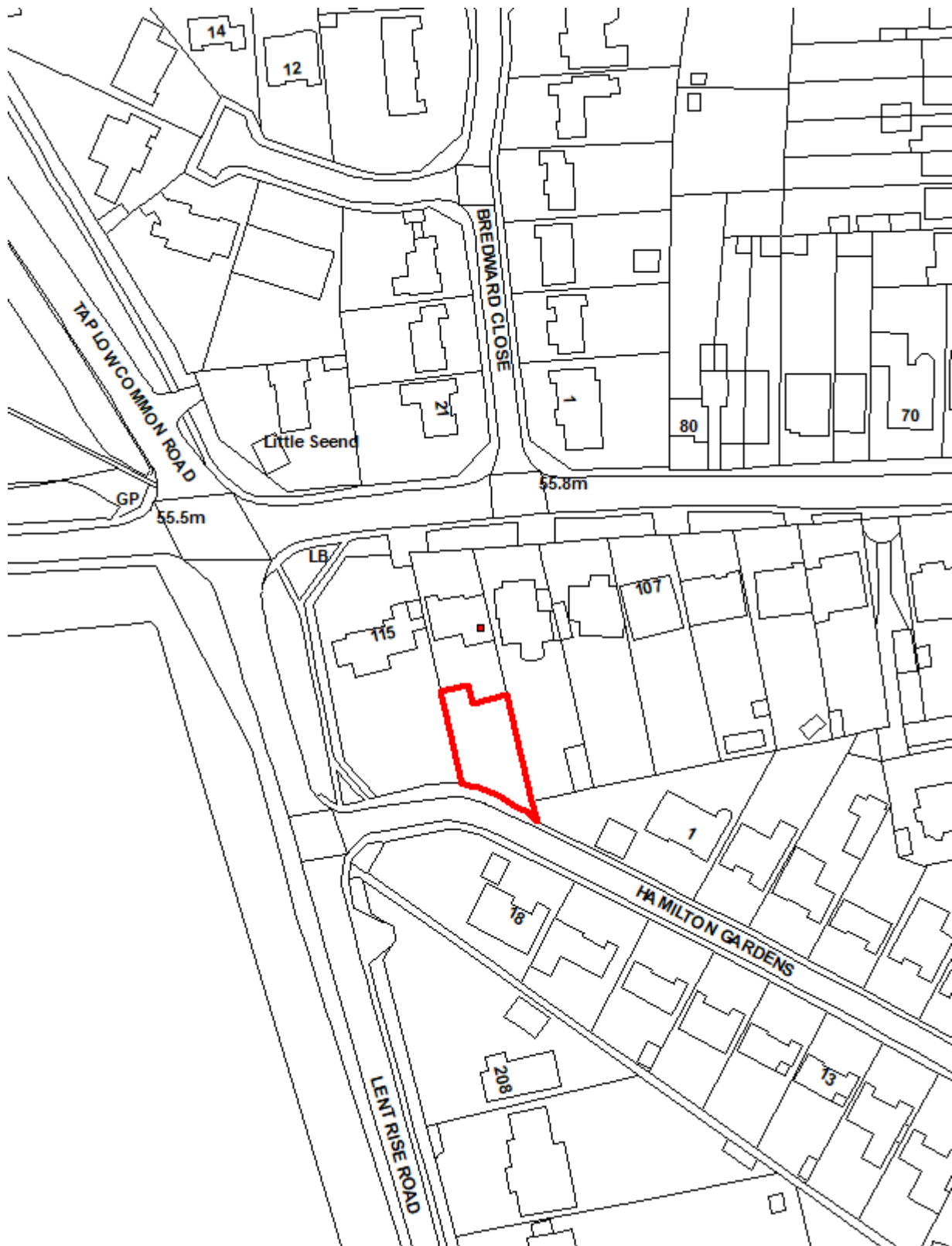
CLlr Baldev Dhillon (objection)

“I would like to object to this application on the number of policy grounds. EP3/4- The use of the Land, scale, design and the layout of the development will adversely affect the character, amenities of nearby properties. This development doesn't retain the space between the buildings and respect the scale of space. Development fails to make a positive use of the site and respect the locality.

EP5/6- Development will be contrary to our policy and again Design and layout will compromise the Privacy and light of the surrounding properties and due to size of the plot and location.

H9- Development should be refused due to suitability of development on the land. Again this development really force to look at the Planning policy of H9 which is compatibility within the character of the surrounding area in terms of the density, layout, design and scale. This development will create a loss of privacy.”

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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APPENDIX C: Burnham Beeches SSSI Appropriate Assessment

Appropriate Assessment

Application Ref. PL/21/3024/FA

Proposal: Erection of detached dwelling and new vehicular access

Summary

Buckinghamshire Council, as Local Planning Authority, has carried out a Habitats Regulations Assessment (HRA) for net new homes in proximity to the Burnham Beeches Special Area of Conservation (BB SAC)ⁱ. The HRA screened in recreational disturbance from net new homes as having a likely significant effect on the integrity of the conservation purposes of the BB SAC. The HRA sets out what development is likely to have significant effects on the integrity of the conservation objectives of the BB SAC. It concluded that any net new homes within 500 metres of the boundary BB SAC should be avoided. It also concluded that any net new homes between 500 metres and 5.6 kilometres of the BB SAC need to be mitigated. The conclusions of this HRA can help inform the individual Appropriate Assessments of Planning Applications and Permitted Development.

Informing individual Appropriate Assessment of Planning Applications and Permitted Development

Evidence from the Council's Consultants Footprint Ecologyⁱⁱ has concluded that likely significant effects on the integrity of the BB SAC from recreational disturbance would derive from a net increase in new homes within a linear distance of 5.6 kilometres from the boundary of the BB SAC. The disturbance is from additional human and dog presence. Using this evidence, Buckinghamshire Council's HRA determined that the likely significant effects within a 500 metre linear distance of the BB SAC boundary zone were so likely to harm the integrity of the conservation purposes of the BB SAC that net new homes should be avoided as it would not be possible to mitigate the impacts from the recreational disturbance. It also determined that net new homes within a linear distance between 500 metres and 5.6 kilometres of the BB SAC's boundary would need to be mitigated. The HRA concluded that Planning Applications and Permitted Development, which provide for a net increase in new homes within the 500 metres to 5.6 kilometres zone would have a significant likely effect on the conservation features of the BB SAC and that such applications and permitted development can only be permitted if the applicant enters into a legal agreement with Buckinghamshire Council, as Local Planning Authority, to pay towards Buckinghamshire Council's Strategic Access Management and Monitoring Strategy. Natural England (NE), the Government's conservation advisor, agreed with the findings in the HRA.

Appropriate Assessment of Planning Application reference number PL/21/3024/FA

1. The Conservation of Habitats and Species Regulations (2017)

In accordance with Regulation 63 of The Conservation of Habitats and Species Regulations (2017), a competent authority (in this case Buckinghamshire Council), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site...(either alone or in combination with other plans or projects), and

- b. is not directly connected with or necessary to the management of that site

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

A person applying for any such consent, permission or other authorisation must provide such information as Buckinghamshire Council may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required. Buckinghamshire Council must, for the purposes of the assessment, consult the Conservation Body, NE, and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), Buckinghamshire Council may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

In considering whether a plan or project will adversely affect the integrity of the site, Buckinghamshire Council must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

2. Stages 1-3 Screening for Likely Significant Effects

Buckinghamshire Council accepts that this proposal is a 'plan or project' which is not directly connected with or necessary to the management of the Burnham Beeches Special Area of Conservation (BB SAC). The potential likely significant effects on the integrity of the BB SAC is from recreational disturbance. A net increase in homes is likely to result in additional visits to the BB SAC with consequential erosion and pollution within the BB SAC.

At this stage Buckinghamshire Council cannot rule out the likely significance effects on the BB SAC (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of the SAC. This is because the proposal lies between 500 metres and 5.6 kilometres of the boundary of the BB SAC and represents a net increase in homes within this zone which will lead to an increase in local population and a likely increase in recreational disturbance within the SAC.

As the likely significance effect cannot be ruled out at this stage an Appropriate Assessment must be undertaken.

3. Stage 4 Appropriate Assessment

500 metres or more to 5.6 kilometres

Based on the information proposed by the applicant, Buckinghamshire Council must decide whether or not an adverse effect on site integrity (alone or in combination with other plans or projects) can be ruled out. Mitigation may be able to be provided so that the proposal can reduce adverse effects.

The Council considers that the Strategic Access Management and Monitoring Strategy (SAMMS) which has been agreed with Natural England is robust and capable of mitigating the likely significant effects of the proposal over 500 metres and up to 5.6 kilometres provided the proposal pays a contribution towards the Strategic Access Management and Monitoring Strategy and legal fees to the Council. The SAMMS is attached as Appendix 1.

a. Fees and Mitigation

For this proposal the following apply:

- Buckinghamshire Council List of Fees and Charges (Fees)
- Strategic Access Management and Monitoring Strategy (SAMMS)

If paid, the project as proposed would not adversely affect the integrity of the BB SAC.

Legal Fees

To cover Buckinghamshire Council's reasonable legal costs and disbursements incurred in connection with the Unilateral Undertaking and the Council's Monitoring Fee.

The monitoring fee is £541.02 and the legal costs will be determined on a case by case basis.

Strategic Access Management and Monitoring Strategy Contribution

The development will be required to make a contribution towards the SAMMS. SAMMS includes projects for visitor access management, monitoring and education measures on the BB SAC to mitigate the effects of new development on it.

A contribution to the SAMMS of £2,023.87 is required for this development of one dwelling

4. Conclusion

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SAC with the result that the Council would be required to refuse this planning application. Buckinghamshire Council considers, following consultation with NE, that the above measures will prevent a likely adverse effect on the integrity of the BB SAC. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017), and permission may be granted subject to any other planning considerations.

Conclusion

Provided that the applicant has entered in to a Unilateral Undertaking to secure legal and SAMMS fees the planning application will be in accordance with the SAC mitigation requirements.

If the applicant does not agree with the above mitigation and enter into a Unilateral Undertaking to secure the mitigation, then the application must be refused using the following reason for refusal.

5. Reasons for Refusal

The occupants of the proposal would add to the recreational disturbance of the Burnham Beeches Special Area of Conservation as the proposal would not contribute satisfactorily to mitigate its impacts in this respect. In the absence of a legal obligation to secure suitable strategic access management and monitoring, to the satisfaction of the Local Planning Authority, the proposal would be contrary to the findings of the appropriate assessment.

ⁱ <https://www.chiltern.gov.uk/article/10331/Chiltern-and-South-Bucks-Local-Plan-Submission-Documents>

ⁱⁱ <https://www.chiltern.gov.uk/article/10331/Chiltern-and-South-Bucks-Local-Plan-Submission-Documents>

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Report to South Area Planning Committee

Application Number:	PL/21/4069/FA
Proposal:	Retrospective change of use of agricultural building to storage and distribution (Use Class B8)
Site location:	St James Farm Bangors Road South Iver Buckinghamshire SLO OAL
Applicant:	Mr S Payne
Case Officer:	Richard Regan
Ward affected:	Iver
Parish-Town Council:	Iver Parish Council
Valid date:	19 October 2021
Determination date:	17 February 2022
Recommendation:	Conditional permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application proposes the change of use of an agricultural building to a storage and distribution use (Use Class B8).
- 1.2 This is a retrospective application, as the change of use has already occurred.
- 1.3 The proposal does not involve any physical alterations to the existing building.
- 1.4 Local Plan Policy GB2 and the Paragraph 150 of the NPPF allow for the re-use of buildings within the Green Belt. It is considered that the proposed change of use of the building to B8 Storage would not be harmful to the character of the Green Belt and to the purposes of including land within it. The proposal is therefore not considered to be inappropriate development within the Green Belt.
- 1.5 Based on the level of vehicular movements, including OGV movements, that could occur as a result of the proposed use, the Councils Highways Officer considers that the proposal would not lead to unacceptable highway implications.
- 1.6 The application has been referred for determination by the South Area Planning Committee following it being called in by Cllr Griffin.
- 1.7 Recommendation – Conditional Permission.

2.0 Description of Proposed Development

- 2.1 The application seeks retrospective planning permission for the change of use of the existing building from agricultural to storage and distribution (Use Class B8)
- 2.2 St James Farm is situated to the west of Bangors Road South, and north of Iver's settlement boundary. The site falls within the Metropolitan Green Belt.
- 2.3 The building subject of this application was erected in the early 1980s, and has remained in agricultural use as a general purpose building since that date, until the storage and distribution use commenced in May 2019.
- 2.4 The building is of concrete portal frame clear span construction, and is permanent and substantial in nature. No internal structural building works, nor external alterations were required to enable the building to function in the existing B8 use, nor are any proposed in this application.
- 2.5 The existing hard standing yard to the front of the building is utilised for the parking and manoeuvring of vehicles.
- 2.6 The application is accompanied by:
 - a) Design and Access Statement
 - b) Transport Statement
- 2.7 A further statement relating to transport matters, together with a traffic survey, was submitted during the course of the application following the receipt of the initial comments of the Highways Officer.

3.0 Relevant Planning History

- 3.1 Whilst there have been a number of planning applications submitted in relation to site known as St James Farm, none have been directly related to the building subject of this current application.

4.0 Summary of Representations

- 4.1 Objections have been received from 1 local resident. Iver Parish Council raised an objection on the grounds of road safety; vehicle weight restrictions; Green Belt; increased noise and disturbance; and damage to the environmental quality and visual character of the area. A summary of consultation responses and representations made on the application can be viewed in Appendix A.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), 2021.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;
- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Townscape Character Study 2017
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

- Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020
- Buckinghamshire Parking Guidance September (2015)

Green Belt

Local Plan Saved Policies:

GB1 (Green Belt boundaries and the control over development in the Green Belt)

GB2 (Re-use of buildings in the Green Belt)

GB4 (Employment generating and commercial development in the Green Belt (excluding Green Belt settlements)),

GB9 (Agricultural diversification)

- 5.1 The site falls within the Green Belt where the types of development that are deemed acceptable are very limited. Policy GB1 of the Local Plan, together with the National Planning Policy Framework (NPPF) set out the types of development that are deemed acceptable. Where there is a conflict, then the NPPF takes precedence. Section 13 of the NPPF sets out the Governments guidance on development within the Green Belt, as well as identifying its five purposes.
- 5.2 Paras. 149 and 150 of the NPPF set out the exceptions for types of development within the Green Belt which are not inappropriate. Criteria 'd' of para. 150 allows for the re-use of buildings provided that the buildings are of permanent and substantial construction, provided that the re-use preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.
- 5.3 Policy GB2 of the Local Plan generally follows that guidance when setting out its criteria for when the re-use of a building is considered acceptable, which includes that the building is of permanent and substantial construction, and is capable of conversion without major or complete reconstruction, as well as also ensuring that the re-use does not have an adverse impact on the open and undeveloped character of the Green Belt.
- 5.4 From the point of view of the building subject of this application, it is considered that it is of permanent and substantial construction, and is capable of conversion without major or complete reconstruction. It is acknowledged that the building is already being used for storage purposes.
- 5.5 Notwithstanding this, it still needs to be determined as to whether the proposed use of the building and associated land for B8 Storage Uses would have an adverse impact on the open and undeveloped nature of the Green Belt or its purposes.
- 5.6 The storage element of the proposed use would take place within the existing building, therefore there would be no adverse impacts on the openness of the Green Belt as a result of the actual storing of items at the site. It would need to be ensured that there was no storage taking place outside of the existing building, ie. open storage on the land surrounding the building, as this would have a greater impact on the openness of the Green Belt over and above that of the lawful agricultural use, and as such, it would be fair and reasonable to include a condition on any permission which restricts the storing of items to within the building only.
- 5.7 Notwithstanding the above, it also needs to be assessed as to whether the other activities associated with the proposed storage use, such as vehicular movements, would result in a greater impact on the Green Belt, over and above that of the existing agricultural use. In

this regard, the Councils Highways Officer has advised that the proposed new use would result in an increase in vehicular movements over that which could occur with the existing lawful use of the site. Whilst there would be an increase in the level of vehicular movements associated with the site, it is considered that from a character point of view, the increase would not be significant when assessed in the context of the length of time across the day when these movements would occur. The size of the proposed buildings will limit the extent of storage and associated vehicular movements, and overall, it is considered that in this specific instance, the proposed level of vehicular activity associated with the proposed new use would not result in an adverse impact on the openness of the Green Belt.

- 5.8 Vehicles associated with the proposed use would park on the existing area of hardstanding to the front of the existing buildings, which is the same scenario for if the building was used for agricultural purposes. Three parking spaces are provided, and it is considered that this would be comparable to the level of parking that could be associated with the use of the site for agricultural purposes. As such, the amount of vehicles parked at the site would not adversely impact upon the openness of the Green Belt.
- 5.9 Overall therefore, it is considered that the proposed change of use of the building to B8 Storage would not be harmful to the character of the Green Belt and to the purposes of including land within it.
- 5.10 It is noted that part 'f' of policy GB2 advises that any new employment generating development should be of a small scale and constitute agricultural diversification in accordance with policy GB9. Such a requirement for the re-use of a building is not set out in the more up to date NPPF, therefore it is considered that such a requirement can only carry limited weight. Notwithstanding this, it is considered that the employment generating use is of a small scale, and with the remainder of the site remaining in agricultural use, the proposal is in accordance with policy GB9.
- 5.11 The remainder of the site would continue as an agricultural operation, and as set out above, it is considered that the proposal would not compromise the overriding aim or purposes of including land in the Green Belt. Further to this, the proposal does not involve the construction of any new built form, and it is considered that it would not adversely affect the character or amenities of the landscape, nearby properties or locality in general. The proposal is therefore considered to accord with the requirements of policy GB9.
- 5.12 Policy GB4 allows for new employment generating uses in the Green Belt where it involves the re-use of a building and meets the requirements of policy GB2. In light of the above, it is considered that the proposal does meet the requirements of policy GB2, which in turn means it also meets the requirements of policy GB4.
- 5.13 Overall, it is considered that the proposal meets the requirements of all of the relevant local and national Green Belt policies. As such, the proposal is not an inappropriate form of development within the Green Belt.

Transport matters and parking

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

TR10 (Heavy goods vehicles)

- 5.14 The Council's Highway Officer has assessed the application, and upon receipt of additional information and evidence, does not raise an objection to the proposal.
- 5.15 The existing access is proposed to be retained to serve the site alongside the wider existing agricultural use. The Highways Officer has advised that the appropriate visibility splays can be achieved from the existing access, and as such, is adequate enough to serve the level of vehicular movements associated with the proposed use.
- 5.16 Three parking spaces have been proposed within the site which is in accordance with the Buckinghamshire Countywide Parking Guidance for a business of this size in this location. A swept path analysis has been submitted which demonstrates that a 10m long rigid HGV is able to access the site, manoeuvre, and egress in a forward gear without significantly impacting the adjoining highway or impacting upon the proposed parking spaces.
- 5.17 The existing vehicular access gates are set back approximately 9m from the carriageway. In order to allow for a vehicle to pull clear of the highway whilst the gates are being opened, the Highway Officer has advised that these should be positioned a minimum of 13m from the edge of the carriageway. They are satisfied that the re-location of the gates would not impact upon the existing turning area. The re-location of the gates can be secured by condition.
- 5.18 With regard to vehicular movements, the Highways Officer advises that there would be an increase in vehicular movements associated with the site, as a result of the proposed use. Within their first comments, the Highways Officer, whilst not raising an objection to the overall number of vehicle movements associated with the proposed use, they did raise an initial objection on the specific grounds that they considered that on the basis of the evidence submitted at that point, the proposal would have led to an unacceptable increase in the number of OGV (Other Goods Vehicles) movements associated with the site.
- 5.19 The Highways Officer acknowledged that Bangors Road South has a 7.5T weight restriction, which has been in place since 2004, and has a narrower section of carriageway at the southern end, close to Iver High Street. The narrower southern end of the carriageway measures in the region of 4.6m in width which does not allow for a HGV and a car to pass, according to Manual for Streets. Within the councils TRICS® assessment, it was calculated that 3 daily movements associated with the site are from OGV's, defined as all commercial vehicles with 2 axles and twin rear wheels and all vehicles with 3 axles or more and are therefore above the 7.5T restriction. Given this existing restriction and the restricted width of the southern section of the carriageway, the Highway Authority would seek to avoid permitting a development along this route which would increase the movement of vehicles that do not comply with the existing Traffic Regulation Order (TRO). Therefore, they were not in a position to support the application at that point in time.
- 5.20 Following these comments, the applicant undertook a 7-day traffic survey of Bangors Road South, and along with this survey submitted a further supporting statement addressing the matter of OGV movements.
- 5.21 After assessing this further evidence, the Highways Officer advises that it clearly shows that there is currently a significant number of OGVs traversing this route, which may appear to conflict with the existing Traffic Regulation Order on Bangors Road South.

Notwithstanding this, in the context of this application, the addition of 3 OGVs (2-way movements) expected as a result of the proposed change of use, is considered a minor increase in the context of the current level of OGV movements taking place, and therefore they consider that the initial reason for refusal can no longer be substantiated should the application go to an appeal situation, as it would not lead to unacceptable Highway implications, or meet the threshold of resulting in a 'Severe' highway impact as set out in the NPPF.

5.22 The concerns and objections of the Parish Council and local objector on highway matters are fully acknowledged, however, in light of the expert highway advice received from the Councils own Highways Officer, it is considered that the proposal would not lead to unacceptable highway implications. It has been advised by the Highways Officer that there could potentially be 1 OGV (2-way movement) per day associated with an agricultural use. In such circumstances, the proposed new use would lead to an increase of 2 OGV (2 way) movements per day. On balance, it is not considered that the highway impacts of this level of increase would be sufficient enough to warrant refusing the scheme, or be upheld at appeal.

Raising the quality of place making and design

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

5.23 The existing building would not be altered in terms of their size, height or appearance, and the level of vehicular movements associated with the proposed use are not considered to be out of keeping for the locality. Overall therefore, it is considered that the proposed change of use would not adversely impact upon the character and appearance of the locality or street scene, as well as the Colne Valley Park.

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

5.24 Given the intensity at which the site would be used, combined with the nature of the activities that would take place on the site, as well as taking into account the significant distances that would be retained to the nearest residential properties, it is considered that the proposal would not lead to any adverse impacts on the amenities of the surrounding properties, including noise disturbance.

Environmental issues

Core Strategy Policies:

CP13 (Environmental and resource management)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

5.25 It is acknowledged that the application site lies within the Iver AQMA, and would lead to a small increase in the number of OGV's travelling in the area. Notwithstanding this, from an air quality point of view, the Councils Environmental Protection Officer raises no objections to the proposals, advising that the impact on air quality is not considered significant enough to warrant objecting to or to request a financial contribution to address the issue.

Infrastructure and Developer Contributions

Core Strategy Policies:

CP6 (Local infrastructure needs)

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

5.27 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.

6.0 Weighing and balancing of issues / Overall Assessment

6.1 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

6.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.3 As set out above it is considered that the proposed development would accord with development plan policies.

6.4 In terms of applying paragraph 11 d of the NPPF it is concluded that there are no policies that protect areas or assets of particular importance, that provide a clear reason for refusing the development proposed and there are no adverse effects of the proposal which would significantly and demonstrably outweigh the benefits.

7.0 Working with the applicant / agent

7.1 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.

7.2 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.

7.3 In this instance, further information was submitted by the applicant to address concerns relating to the potential highway implications of the proposal.

8.0 Recommendation: Conditional Permission. Subject to the following conditions:

1. No outside storage shall take place in connection with the use hereby permitted.
Reason: To protect the amenities of the Green Belt. (Policy GB1 of the South Bucks District Local Plan (adopted March 1999) refers).
2. Within 1 month of the date of this decision the existing vehicular access gates shall be relocated to 13m back from the edge of the carriageway. The gates shall be maintained in accordance with this set back from the highway thereafter.
Reason: In order to allow vehicles to pull clear of the carriageway to minimise danger, obstruction and inconvenience to users of the highway.
3. The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings:

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
19 Oct 2021	Location Plan
19 Oct 2021	SP-TW-004
19 Oct 2021	Site Plan

INFORMATIVE(S)

1. The Council is the Charging Authority for the Community Infrastructure Levy (CIL). CIL is a charge on development; it is tariff-based and enables local authorities to raise funds to pay for infrastructure.

If you have received a CIL Liability Notice, this Notice will set out the further requirements that need to be complied with.

If you have not received a CIL Liability Notice, the development may still be liable for CIL. Before development is commenced, for further information please refer to the following website <https://www.southbucks.gov.uk/CIL-implementation> or contact 01494 732792 for more information.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Paul Griffin:

I would like this application to be called to Planning Committee for greater scrutiny. There are concerns about this use of Greenbelt, the weight limited road (7.5T) and the volumes of HGV traffic that will be generated. Residents have also recorded their concerns regarding creating another industrial area within Greenbelt and in an area with inappropriate access and on a problematic bend in the road.

Parish Council Comments

The Parish Council objects due to: road safety issues regarding HGV access; vehicle weight restrictions are in place on the highway; the site is located on green belt; increased noise and disturbance; damage to the environmental quality and visual character of the area. Note: Concern regarding numerous businesses already operating from the site including window manufacturing and motor repairs.

Consultation Responses

Highways Officer:

1st comments received 3rd December 2021:

Bangors Road South is a C class road which is subject to a 30mph speed limit. The road is subject to a 40mph speed limit approximately 80m north of the site access. This application seeks retrospective permission of the change of use of agricultural building to a class B8 storage and distribution use with an internal floorspace of 279m².

Trip Generation

In terms of trip generation, it is my understanding that the previous agricultural building was part of the wider agricultural use of the site which is to continue. Given the limited information submitted with the application regarding the previous use of the agricultural barn and the limited information available on the TRICS® database, agricultural buildings are generally considered to generate minimal and infrequent daily movements. The cessation of its use would therefore not result in a reduction of movements onto the local highway network. As such, any vehicular movements generated by the proposed change of use

have been treated as additional onto the highway network. Having carried out a TRICS® assessment using sites of a similar size and location with the proposed B8 use, it is expected that the site would generate 44 daily movements, two-way, which equates to 2 movements in the AM peak and 3 movements in the PM peak. This is contrary to the position of the applicants' transport consultant who has calculated that 279m² of B8 use would generate 15 daily trips. However, having assessed the submitted TRICS® report in the applicants Appendix 1, it appears a number of very large sites have been included, 6 are over 2000m². These are therefore, in the opinion of the Highway Authority, not considered comparable to the current site and should not be included within the assessment.

Local Highway Network

However, it is acknowledged that Bangors Road South has a 7.5T weight restriction, which has been in place since 2004, and has a narrower section of carriageway at the southern end, close to Iver High Street. The narrower southern end of the carriageway measures in the region of 4.6m in width which does not allow for a HGV and a car to pass, according to Manual for Streets. Within the councils TRICS® assessment, it was calculated that 3 daily movements associated with the site

are from OGV's, defined as all commercial vehicles with 2 axles and twin rear wheels and all vehicles with 3 axles or more and are therefore above the 7.5T restriction. Given this existing restriction and the restricted width of the southern section of the carriageway, the Highway Authority would seek to avoid permitting a development along this route which would increase the movement of vehicles that do not comply with the existing Traffic Regulation Order (TRO). Therefore, we are not in a position to support this application.

Access

The existing access is proposed to be retained to serve the site alongside the wider existing agricultural use. As this access will be subject to an intensification in use, it must be assessed to ensure it is safe and suitable. In line with current guidance contained within Manual for Streets, visibility splays measuring 2.4m x 43m are required, commensurate with a 30mph speed limit. Having assessed the submitted plans, I am satisfied that in excess of full visibility can be achieved from the existing access.

Parking and Layout

3 parking spaces have been proposed within the site which I am satisfied is in accordance with the Buckinghamshire Countywide Parking Guidance for a business of this size in this location. A swept path analysis has been submitted which demonstrates that a 10m long rigid HGV is able to access the site, manoeuvre, and egress in a forward gear without significantly impacting the adjoining highway or impacting upon the proposed parking spaces. The existing vehicular access gates are set back approximately 9m from the carriageway. In order to allow for a vehicle to pull clear of the highway whilst the gates are being opened, these should be positioned a minimum of 13m from the edge of the carriageway, which can be secured by way of condition. I am satisfied that the re-location of the gates will not impact upon the existing turning area.

Mindful of the above, I must recommend refusal for the application for the following reason:

Reason: The proposed development will result in an increased number of OGVs which will route via Bangors Road South that is restricted by a 7.5T traffic regulation order. The southern section of Bangors Road South is limited in width and this restricts the ability for vehicles to pass one another, particularly heavy vehicles, detrimental to highway safety and inconvenience to highway users. The development is therefore contrary to the National Planning Policy Framework, Buckinghamshire Council Local Transport Plan 4 (adopted April 2016) and the Buckinghamshire Council Highways Development Management Guidance document (adopted July 2018).

NB: As previously set out, given the lack of information submitted, the council has considered that the agricultural building is unlikely to be a trip generator in its own right. Should the applicant wish to submit additional information regarding the previous trip generation associated with the agricultural building (noting the retrospective nature of the application), that is contrary to this, the Highway Authority would be willing to carry out a further assessment.

2nd comments received 21st December 2021 following submission of further information:

I write further to my comments dated 3rd December 2021 in which I recommended refusal for the application based on the increase in the number of OGV's using a section of highway which is restricted by a TRO and is of narrow width. Since these comments, the applicant has submitted a response in order to overcome the Highway Authority's concerns which I have now reviewed. These comments should be read in conjunction with my aforementioned previous comments for this application.

The applicant has submitted a 7-day ATC traffic survey which was located outside of the site to demonstrate the levels and types of vehicles currently using Bangors Road South. Having assessed this evidence submitted, it clearly shows that there is currently a significant number of OGVs traversing this route, calculated as 95 OGVs (2-way) across a 5-day average 12-hour flow. This evidence will be raised with our freight colleagues given the current TRO as mentioned within my previous response. Notwithstanding this, in the context of this application, the addition of 3 OGVs (2-way) expected as a result of the proposed change of use, as I have previously calculated, is likely to be a minor increase and therefore the reason for refusal can no longer be substantiated should the application go to an appeal situation.

As stated in my previous response, it is required that the existing vehicular access gates are repositioned to 13m back from the edge of the carriageway to ensure that the vehicles associated with the proposed development are able to pull clear of the carriageway whilst gates are being opened. I will secure this by way of condition below.

Mindful of the above, I have no objection to the proposed development subject to the following condition being included on any planning consent you may grant:

Condition: No other part of the development shall be occupied until the existing vehicular access gates have been relocated to 13m back from the edge of the carriageway.

Reason: In order to allow vehicles to pull clear of the carriageway to minimise danger, obstruction and inconvenience to users of the highway.

Environmental Health Officer:

The following matters amount to a material planning consideration from an Environmental Health perspective:

Noise – (Does not include noise from traffic).

The application has been reviewed and Environmental Health have no comments to make on the application.

Environmental Protection Officer:

With reference to Air Quality, I have the following comments to make:

1. The applicant has not provided an air quality assessment. The transport assessment and correspondence between Highways and the applicant indicates that the number of HGVs per day will be 3 (6 movements) which is below the screening criteria outlined in the IAQM Land-Use Planning & Development Control: Planning for Air Quality Guidance. The IAQM guidance provides screening thresholds of +100 LGV AADT and +25 HGV AADT (where within, or adjacent to, an AQMA) as indicating the need for an air quality assessment, whether this takes the form of a Simple or Detailed Assessment.
2. There are concerns about the potential air quality impacts of cumulative developments in the Ivers as many individual schemes, deemed insignificant in themselves, are potentially contributing to a “creeping baseline”. There is a concern that in combination the emissions of local planning developments and the National Infrastructure Projects could result in a significant increase in NO₂ concentrations in Iver and also contribute towards an increase in particulate matter. The Air Quality Action Plan for the Iver contains a number of measures

that should reduce NO₂ concentrations in Iver Parish. The council are requesting a financial contribution from all developments that increase concentrations within the Iver area. In this case the impact on Air Quality is not considered so significant as to request s106 funding the Strategic Environment will consider the CIL contribution from the developer.

If you have any queries regarding the contents of this letter, please do not hesitate to contact me.

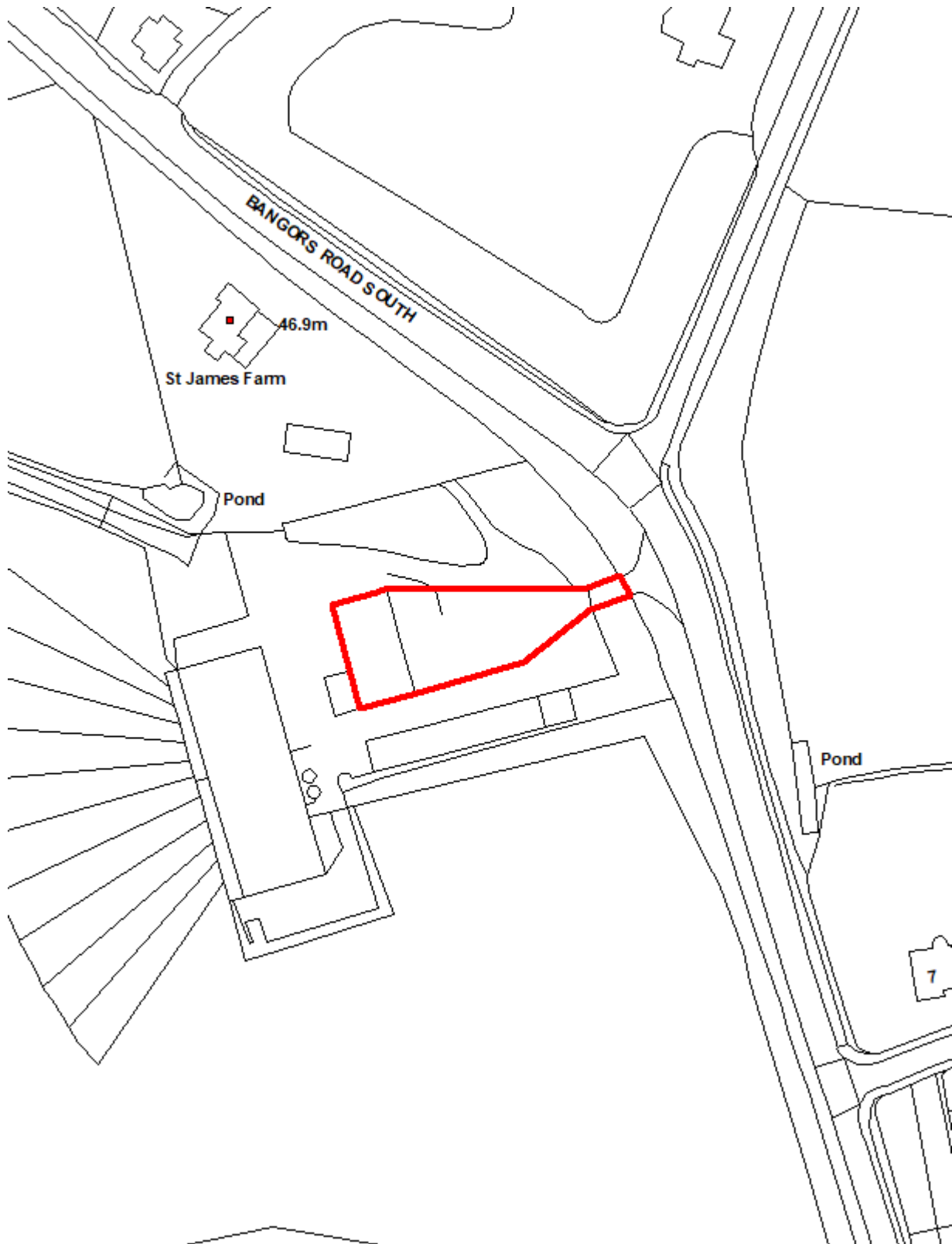
Representations

Other Representations

3 letters of objection have been received from the same source:

- Been operating as a storage and distribution centre for at least 2-3 years without planning permission;
- Egg production on site has ceased and conditions of permission related to that scheme have not been complied with;
- Vehicles block road when accessing the site;
- Increase in number of HGV's will cause highway danger and is contrary to existing TRO weight restriction;
- Nothing to stop open storage;
- Contrary to policy CP16;
- Noise disturbance to local residents;
- Number of HGV travelling along Bangors Road South is already contrary to weight restriction TRO;
- If only lawful number of HGV's were using Bangors Road South then increase created by this proposal would be proportionately greater;
- Impact on Green Belt - no very special circumstances to allow it;
- Impact on Colne Valley Regional Park;
- Entrance should be revised to allow vehicles to pull clear of highway;
- 30mph speed limit should be extended to Love Green Lane;
- Access to the site should be limited to being from the north;
- Impact of additional HGV's should not compromise any potential introduction of cycleway along Bangors Road South;
- Agricultural Land should be prioritised;
- If permitted, a condition should be included restricting the number of HGV movements.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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