



South Buckinghamshire Area Planning Committee agenda

Date: Tuesday 13 December 2022

Time: **6.30 pm – Please note change of time**

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

Membership:

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

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Agenda Item

Page No

1 Apologies for Absence

2 Declarations of Interest

3 Minutes

To agree the minutes of the meeting held on 27 September 2022.

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Planning Applications

**4 PL/21/4690/FA Chantry Wood House, Oxford Road, Gerrards Cross
SL9 7PU**

7 - 30

5 PL/22/2940/FA Thorney Stables, Thorney Lane North, Iver SL0 9BD

31 - 48

6 Date of Next Meeting

10 January 2023 at 2.30pm

7 Availability of Members Attending Site Visits (if required)

To confirm members' availability to undertake site visits if required

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

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



South Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the South Buckinghamshire Area Planning Committee held on Tuesday 27 September 2022 in Amersham Council Chamber, King George V House, King George V Road, Amersham HP6 5AW, commencing at 2.30 pm and concluding at 4.22 pm.

Members present

T Egleton, D Anthony, P Bass, M Bracken, Dr W Matthews, G Sandy and A Wheelhouse

Others in attendance

J Collins, L Hornby, R Regan, B Robinson and K Stubbs

Apologies

T Broom, S Chhokar, P Griffin and G Hollis

Agenda Item

1 **Declarations of Interest**

Councillor M Bracken: Planning Applications PL/22/0793/FA; PL/22/0463/FA and PL/21/3957/FA – declared a non-pecuniary interest being a member of Gerrards cross Town Council and was also a member of Gerrards cross Town Council Planning Committee but did not attend this committee. He did not take part in the committee that discussed these applications and therefore had made no pre-determination. He declared he had an open mind, would listen to the debate before voting on the applications.

2 **Minutes**

The Minutes of the meeting held on 2 August 2022 were agreed as an accurate record.

3 **PL/22/0793/FA - 10 Packhorse Road, Gerrards Cross, Buckinghamshire, SL9 7QE**

Change of use to a Public House (a Sui Generis use) with expanded food provision; external alterations including 4 side rooflights, rear extract duct and air conditioning condensers; outside seating area and all associated works.

This was the subject of a site visit.

Members voted unanimously in favour of the motion to grant conditional permission subject to the conditions as laid out in the report. Members noted Officers advice of an additional condition being recommended to be added to the

list of proposed conditions which sought to restrict the use of the first floor accommodation so that it remained ancillary and directly connected to the primary use of the site as a public house.

Speaking as Ward Councillor: Andrew Wood

Speaking in objection: Mr Tim Lovejoy

Speaking on behalf of the applicant: Mr Peter Borg Neal

It was proposed by Councillor G Sandy and seconded by Councillor W Matthews

Resolved: that the application be granted permission subject to conditions as set out in the report.

- 4 PL/22/0463/FA - 14 Station Road, Gerrards Cross, Buckinghamshire, SL9 8EL**
Change to shop front.

This was the subject of a site visit.

Members considered that the harm resulting from the proposed alterations to the shop front was limited and would be outweighed by the benefits of allowing the scheme and enabling the empty unit to be brought back into use.

Members voted in favour of the motion to approve the application subject to the inclusion of Conditions relating to a standard time limit, approval of materials and the compliance with the approved plans with the precise wording of the conditions to be delegated to the Director of Planning and Environment.

Speaking as Ward Councillor: Andrew Wood

Speaking on behalf of the applicant: Mr Peter Bridges

It was proposed by Councillor M Bracken and seconded by Councillor P Bass.

Resolved: that the application be approved subject to the conditions referred to above.

- 5 PL/21/3957/FA - Railway Bridge Between Orchehill Avenue and Layters Way, Gerrards Cross, Buckinghamshire**
Demolition of existing bridge span and replacement of new bridge span.

This was the subject of a site visit.

Members voted on the motion to refuse the application subject to an additional Informative to be added to the reasons for refusal noting the Committee's concern that no maintenance had been carried out to the bridge in recent years.

Speaking as Ward Member: Andrew Wood

Speaking in objection: Ms Ana Walpole and Mr David Cormie

It was proposed by Councillor G Sandy and seconded by Councillor M Bracken

Resolved: that the application be refused.

6 Date of Next Meeting

Thursday 13 October 2022 at 2.30pm.

7 Availability of Members Attending Site Visits (if required)

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Report to South Area Planning Committee

Application Number:	PL/21/4690/FA
Proposal:	Demolition of existing dwelling and erection of detached dwelling with associated bin and cycle stores and hardstanding
Site location:	Chantry Wood House, Oxford Road, Gerrards Cross, Buckinghamshire, SL9 7PU,
Applicant:	Mrs and Mr G Murtaza
Case Officer:	Alex Armour
Ward affected:	Gerrards Cross and Chalfont St Peter
Parish-Town Council:	Gerrards Cross Town Council and Chalfont St Peter Parish Council
Valid date:	21 December 2021
Determination date:	13 June 2022
Recommendation:	Refuse Permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application seeks planning permission for the demolition of an existing dwelling known as Chantry Wood House and the erection of a replacement dwelling.
- 1.2 The application is required to be determined by Planning Committee due to call-in by Cllr Wood. Material planning reasons were cited relating to the design of the proposed dwelling and the value of the non-designated heritage asset (NDHA).
- 1.3 The Council's Heritage Team were consulted on the application, following concerns raised regarding the historic significance of the existing dwelling, in particular due to the dwelling's unusual Witchert method of construction and architectural significance. Following review by the Council's Heritage Team, the dwelling is considered to be a non-designated heritage asset, and objection is raised to its total loss.
- 1.4 The recommendation is that permission is refused due to the loss of a non-designated heritage asset.

2.0 Description of Proposed Development

- 2.1 The application seeks planning permission for the demolition of an existing dwelling and the erection of a new detached dwelling with associated bin and cycle stores and hard standing.
- 2.2 The proposed replacement dwelling would be of a neo-Georgian influenced design with flat crown roof, parapet detailing, rear dormers, central projecting gable and single storey elements to the flank.
- 2.3 An amended plan omitting a proposed basement and amending the details of the proposed fenestration arrangement, detailing and porch was received over the course of the application.
- 2.4 The dwelling is not listed though it has been put forwards as a Non-Designated Heritage Asset by the Council's Heritage Team. The site is located within the Green Belt.
- 2.5 Prior to the submission of the application, wide spread tree clearance had taken place on site. Over the course of the application, the site has been subject to anti-social behaviour and criminal activity, including vandalism of the interiors.
- 2.6 The application is accompanied by:
 - a) *Arboricultural Method Statement,*
 - b) *Condition Survey Report,*
 - c) *Costings Report,*
 - d) *Heritage Statement,*
 - e) *Method Statement,*
 - f) *Preliminary Roost Assessment and Nocturnal Emergence/ Dawn Re-Entry Bat Surveys*
 - g) *Surveyor's letter,*
 - h) *Refurb and Demolition Survey,*
 - i) *Waste and Recycling Strategy.*

3.0 Relevant Planning History

- 3.1 None relevant.

4.0 Summary of Representations

- 4.1 One letter of support received. One neutral letter received noting previous burning of materials on site.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), July 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 Local Plan Appendix 6 (Parking standards)
- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
- Buckinghamshire Parking Guidance September 2015

Principle and Location of Development

Local Plan Saved Policies:

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

GB10 (Extensions to dwellings in the Green Belt)

H2 (Housing allocation)

H6 (Specialist residential accommodation)

H12 (Self-contained residential annexe to provide ancillary accommodation)

H13 (Ancillary buildings within residential curtilages)

- 5.1 The NPPF was updated 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 It is noted that policies GB1 and GB11 are not entirely in accordance with the NPPF. Where there is a difference or conflict in policy, then the NPPF takes precedence.
- 5.3 Paragraph 137 of the National Planning Policy Framework (NPPF) states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 149 of the NPPF states local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, exceptions to this include exist the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Furthermore, guidance for Policy GB11 of the Councils Local Plan (adopted March 1999) states 'the replacement dwelling would be for a single family occupation and the size of the replacement dwelling would be no greater than that the original dwelling plus any extension which would comply with the terms of Local Plan Policy GB10. Guidance for Policy GB10 of the Council's Local Plan (adopted March 1999) states that "Extensions, which together with all previous extensions, are not of a small scale in relation to the original dwelling will be considered

unacceptable in the Green Belt. In this connection, extensions or alterations which would result in the original dwelling having increased its floorspace by more than half will not be regarded as small scale".

- 5.4 The existing dwelling has a total floor area of 318sqm. The proposed dwelling would have a floor area of 464sqm. As such the proposed increase in floor area would be approx. 45.9%. This would be under the 50% increase typically permissible under Local Plan policy GB10. The proposed dwelling would feature a modest increase in ridge height by approx. 0.3m and a greater increase to eaves height of approx. 1m. Given the parameters set out within GB10 and GB11 this is not considered to result in a materially larger replacement building.
- 5.5 Given that the proposed development would result in an increase in floorspace very close to the maximum permissible increase allowable under GB10, it would be considered reasonable to remove the dwelling's permitted development rights in order to prevent the introduction of additional built form which could be harmful to the openness of the Green Belt, were the application otherwise recommended favourably.
- 5.6 Overall the proposal would replace an existing residential dwelling with a new residential dwelling of comparable scale, which is not considered to be materially larger and as such is considered to meet with Policy GB11 and also exception d) as set out in Paragraph 149 of the NPPF.

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 Highways officers responsible for parking and highways safety raise no objection to the proposed development.
- 5.8 The dwelling shows a six-bedroom dwelling. As parking standards are taken from the following document: Buckinghamshire Parking Guidance September 2015. Gerrards Cross is within Zone B (Mid-range population) where guidance requires three parking spaces within the curtilage of the application site, which is optimal for a property with six bedrooms. The proposed plans indicate that there would be sufficient space to accommodate the required parking in this instance.
- 5.9 The proposal is therefore, not considered to give rise to any parking or highway safety issues that would warrant refusal of planning permission in this instance.

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)

EP7 (Signs and advertisements)

H9 (Residential development and layout)

- 5.10 Section 12 of the NPPF sets out the requirements in achieving well-designed places. Paragraph 127 (b) states that planning policy and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective architecture. Section (d) of the same states that planning decisions should ensure that developments establish or maintain a strong sense of place, using the arrangement of the streets spaces, building types and materials to create attractive, welcoming and distinctive places to live, work or visit.
- 5.11 C1 of the National Design Guide places important on local identity, stating that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond the site boundary. New development should integrate well with the wider surroundings including an understanding of existing built form and layout within the local area.
- 5.12 Local Plan policy EP3 highlights that development will only be permitted where its scale, layout, height, design and external materials and use are compatible with the character and amenities of the site itself, adjoining development and locality in general. Poor designs which are out of scale or character with their surroundings will not be permitted.
- 5.13 Local Plan policy H9 requires that proposals for residential development are compatible with the character of the surrounding area in terms of density, layout, design, height, scale, form and materials.
- 5.14 The area is rural in character, being set outside of the main settlement of Gerrards Cross. Dwellings are typically set back from the highway within the immediate area, are generally traditional in form and subservient to landscape character with heavy vegetation coverage found to site boundaries. The existing dwelling is set much further back from the highway than the neighbouring dwellings (approx. 95m) and is also set at higher land level.
- 5.15 The proposed dwelling would be very similarly positioned and as such no objection is raised to the proposed siting.
- 5.16 The proposed dwelling would be of a more formal appearance than the existing dwelling, being a more symmetrical, neo-Georgian influenced design. The amendment design received softened some of the more formal elements including simplifying the window designs and lessening the prominence of the central projection.
- 5.17 Given that the proposed dwelling would be seen in comparative isolation, and would be set well back from the highway, the proposed dwelling is not considered to be prominent within the street scene. Furthermore, whilst the dwelling is more formally designed, it remains of a traditionally influenced design with a roof form and details which are generally proportionate to the host dwelling. Subject to a scheme of suitably high quality materials, no objection is raised to the design and appearance of proposed dwelling.

- 5.18 It is recognised that the Council's Heritage Officer had raised objection to the design of the proposed dwelling. Whilst the existing dwelling is considered to be a non-designated heritage asset, the application site is not located within close proximity to any other heritage assets, and it is also noted that there is a mix of dwelling styles in the wider area of Gerrards Cross, including examples of Georgian style dwellings. Overall, it is considered the proposed dwelling is still of a traditional appearance and would not be out of character with the locality generally such that an objection on these grounds could be sustained.
- 5.19 Notwithstanding the above it is not considered that the design would represent an improvement upon the existing dwelling and its relationship to the wider area when compared with the existing situation which includes a building which has been identified as a non-designated asset. Issues relating to the heritage value of the building are set out below.
- 5.20 As such the design and appearance of the proposed dwelling is considered acceptable when considered against the design provisions of the NPPF, C1 of the National Design Guide and Local Plan policies EP3 and H9.

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

H11 (Alterations and extensions to dwellings)

- 5.21 Local Plan policy EP3 requires regard to the amenities of adjacent properties. Policy EP5 states that development will be permitted only if it would provide for adequate daylight, and where possible sunlight, to reach into spaces around and between buildings and other physical features and would not result in a significant loss of daylight or sunlight to adjacent buildings or land.
- 5.22 Given the substantial distance between the proposed dwelling and the nearest neighbouring dwelling (approx. 76m) and the distance to the nearest residential common boundary (approx. 43m), it is not considered that the proposed development would give rise to any loss of light, overlooking or an overbearing appearance.
- 5.23 The proposed development is therefore, considered compliant with Local Plan Policies EP3 and EP5.

Ecology

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

- 5.24 A tree report and tree protection plan has been submitted in support of the application, and has subsequently been raised by the Council's tree officer to which no objection is raised subject to condition.
- 5.25 An ecological assessment has been submitted, finding that the site is of limited ecological value, with no evidence of bats recorded. Subject to a condition

requiring the submission of a scheme of ecological enhancements, no objection is raised.

Historic environment (or Conservation Area or Listed Building Issues)

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

C1 (Development within a Conservation Order)

C6 (Alterations and extensions to Listed Buildings)

- 5.26 Paragraph 203 of the NPPF cites that ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.
- 5.27 Paragraph 199 of the NPPF states that ‘where there is evidence of deliberate neglect of, or damage to, of a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision’.
- 5.28 Core Policy 8 states that locally important heritage features and their settings also make an important contribution to the creation of distinctive and sustainable places and will also be protected, conserved and enhanced where appropriate.
- 5.29 During the course of the application the Council's Heritage team have assessed the existing building. Their findings resulted in the existing building being subject to a Historic England (HE) assessment for national listing. Though Historic England did not consider the building to be a candidate for statutory listing, it was agreed that ‘the constructional method is interesting’ and ‘may, of course, have local interest’.
- 5.30 The Council’s Heritage Team consider that the existing house ‘good local example of the Arts and Crafts movement house; materials and craftsmen were brought in from another part of the county to construct an interesting, unique, characterful building in terms of its design, construction, materials and craftsmanship, which should be protected for future generations’. The ‘building is an important survival of the Arts and Crafts movement; using traditional craftsmanship and materials; for example, the elaborate carved carpentry and joinery of the lintols, floor joists and staircase, the detailed metal catches, frames and glazing of the leaded light windows, and the construction of the walls with the Buckinghamshire mud cob, but using the more advanced shutter method to give thinner, stronger walls’. The existing building is of Witchert construction, which is natural blend of white chalk and clay mixed with straw, and is typically localised to Haddenham, and is rare within this part of the County. The architectural details of the dwelling and their good preservation was also noted, alongside the building’s close relationship to the expansion of Gerrards Cross and the wider Arts and Crafts movement. This is expanded

upon within the appended Heritage comments. As such the building is considered to demonstrate archaeological interest in providing a good quality example of one last buildings of Witchert construction before the skills were lost to modern construction methods, this is consistent with Historic England's comments on the construction method. The building is also considered to demonstrate architectural and artistic interest due to being an 'important survival of the Arts and Crafts movement; using traditional craftsmanship and materials'. Historic interest is demonstrated through the building evidencing the lengths people went to in support of the Arts and Crafts movement, and to use traditional materials and methods. The existing dwelling is therefore, considered to be a non-designated heritage asset and is of local significance.

- 5.31 The applicant had raised concerns with the Council's approach to identifying the existing dwelling as an NDHA. Paragraph 40 of the Planning Practice Guidance (PPG) (23/07/19) sets out that 'there are a number of processes through which non-designated heritage assets may be identified' and 'local planning authorities, may also identify non-designated heritage assets as part of the decision-making process on planning applications'. This approach was supported by an Inspector on a recently dismissed appeal within the South Area, reference PL/20/1659/FA. As such given the comments received by the Council's Heritage Team and the building's historic significance, and paragraph 40 of the PPG, it is clear that NDHAs may be identified during the decision making process of a planning application.
- 5.32 In response to the Council's Heritage comments, the applicant had submitted a heritage statement. The statement accepts that the building is of some heritage value though contests the value is less significant than considered by the Council, though it makes reference to the deteriorated structural condition of the building, missing and removed features, use of asbestos and other matters which diminish the dwelling's structural and historic integrity. The statement concludes that the building is of '*modest local interest*' with heritage value '*limited at best*'. A further report submitted by the applicant also concludes that the building has limited heritage value and should not be considered as a non-designated heritage asset. In part due to the '*standard 1920's pedestrian design with little or no architectural merit*' and the potential loss of many internal features if rebuilt.
- 5.33 In addition, the applicants have submitted a conditions report, asbestos report, costings report and a summarising planning statement. In summary the planning statement concludes that;
- 5.34 *'The painting of the render has trapped moisture within the walls to the point that the earth walls are now failing. It is also likely going from thatch to cedar shingles has not helped. The overall result is major cracking and movement undermining the structural stability of the house. Not only does the house have major structural issues it has been subject to very significant vandalism, damage and theft. The overall result is a building which is in a very poor state of repair, full of asbestos and beyond economic repair. The house cannot be retained as such the only option is to propose a replacement energy efficient*

family home. The loss of any Heritage value is very low, however the reality is that the house cannot be retained'.

- 5.35 The Heritage Officer was re-consulted following the submission of the applicant's submitted reports and statements. The Officer noted that there was 'little evidence for the very high levels of damp' stated by the applicant during their visit. It was also concluded that the investigatory works undertaken by the applicant were potential misleading due the method used and that the investigatory works had not been undertaken by a suitably qualified heritage specialist. As such it is not considered that the applicants have demonstrated that the building is incapable of being repaired or structurally unsound enough to justify its demolition.
- 5.36 It is recognised that recent anti-social behaviour and other factors, have led to some deterioration of the dwelling. The building has been left vacant for a substantial period of time and this would comprise deliberate neglect. As such Paragraph 199 of the NPPF would apply, and therefore, the building's deterioration does not carry weight in the decision making process.
- 5.37 It is recognised that the applicants consider that the proposed development would result in benefits being the long term occupation of a dwelling on site. However, given that the applicants are not considered to have properly demonstrated that the existing dwelling is incapable of retention, this is not considered as a benefit.
- 5.38 It is also recognised that the site has been subject to anti-social activity, and local members have expressed concerns regarding this. Nevertheless, it is not considered that the granting of planning permission in this instance is necessary for this activity to cease. Furthermore, these factors are not material planning considerations.
- 5.39 In this instance, officers agree with the Heritage Officer's assessment. The proposed development would result in substantial harm to the application site by virtue of the total loss of the NDHA. It is considered that this should be attributed significant weight in the planning balance. Furthermore, the application relates to a locally important heritage feature, and the application would fail to protect or conserve the existing dwelling, and would instead result in its total loss. Consequently, the proposal would fail to comply with Core Policy 8.
- 5.40 Paragraph 203 of the NPPF requires that a 'balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset' when considering NDHAs. Although no objections have been raised in terms of the design of the replacement dwelling this equates to a new dwelling that would have a neutral impact on the character of the area and such neutral impact would not constitute a benefit. It is also recognised that the development has been found acceptable in terms of its impact upon the Green Belt, transport, residential amenities and ecology however, this also carries only neutral weight in the balance. No benefits exist sufficient to outweigh the substantial harm assigned to the total loss of the NDHA, and as

such the proposed development would fail to comply with Paragraph 203 of the NPPF and Core Policy 8.

Infrastructure and Developer Contributions

Core Strategy Policies:

CP6 (Local infrastructure needs)

5.41 The development would be CIL liable, however, a self-build exemption form has been submitted in support of the application. If Self- Build Exemption is approved, no liability would be charged unless a disqualifying event occurs

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 relating to Green Belt, transport and parking, neighbouring amenities and ecology. However, these factors weight only neutrally in the planning balance. Substantial weight is given to the loss of the non-designated heritage asset which outweighs the otherwise neutral weight afforded to other considerations. No benefits exist sufficient to outweigh the substantial harm assigned to the total loss of the NDHA, and as such the proposed development would fail to comply with Paragraph 203 of the NPPF and Core Policy 8. Paragraph 11 of the NPPF sets out that there is therefore a clear reason for refusing the proposed development, and there are no benefits which would significantly and demonstrably outweigh the adverse impact of the proposal. As such the application should be refused.

7.0 Working with the applicant / agent

7.1 In accordance with Section 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant/Agent and was focused on seeking solutions to the issues arising from the development proposal. In this case, the Applicant/Agent was informed/advised that the proposal did not accord with the Development Plan, and where applicable, that no material considerations are apparent to outweigh these matters of principle and was provided with an opportunity to comment before refusal was recommended.

7.2 The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

8.0 Recommendation: Refuse permission, for the following reason:-

1. The proposal will result in substantial harm identified through the total loss of a Non Designated Heritage Asset. No benefits sufficient to outweigh this substantial harm have been submitted. The application therefore fails to meet the requirements of Core Policy 8 of the Council's Core Strategy (adopted February 2011) and Section 16 of the National Planning Policy Framework.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

CLlr Wood (21/11/22) - I would like to call this plan in as I have no objection to the application and welcome a new family home being built. The current building is in a very poor state and the land is attracting Anti-Social Behaviour and crime. I also understand the plan has been redesigned it to make it more sympathetic to the area. A non-designated asset does not have the same standing as a listed building. and for these reasons would like it to be reviewed.

Town and Parish Council Comments

Chalfont St Peter Parish Council - It is an extensive expansion in the Green Belt. The new dwelling would have a substantially larger footprint than the original dwelling. Well established trees being cut. Concerns over the access (31/01/22).

Gerrards Cross Town Council - No objection (18/01/22).

Consultation Responses

Building Control (05/01/22) - Our comment regarding the above application are, the access for the Fire Brigade needs to be considered and fully designed as the house is so far from a highway that a fire engine can access.

Building Control – (14/02/22) - I have commented on this application before about the Fire Brigade access, as the distance from the road is in excess of 45m. The access road to the property can be designed for the load of a fire tender and have a turning hammer head incorporated in the design. Otherwise they may need to provide other provisions, such as a hydrant that the Brigade will be able to access close to the building to compensate for the distance to the highway. In view this the applicant may wish to engage the services of a Fire Consultant to advise an acceptable fire brigade access in this instance. In addition the distance the waste needs to be pulled to a collection point is excessive. The guidance in the approved document H is that the householder should not have to carry the waste more than 30m, and the bins sited no more than 25m from the waste collection point, not able to achieve in this instance accordingly, the waste collection authority will need to be consulted on this application and waste collection in particular.

Ecology (26/01/22) - The application is supported by a Preliminary Roost Assessment and Nocturnal Emergence / Dawn reentry Bat Surveys report (MMEcology, September 2021) and an Arboricultural Impact Assessment (Merewood, 13/12/2021). The application site lies within a 'B-Line' area; a Buglife scheme to map networks which are important to pollinating invertebrates. The proposal involves the demolition of the existing dwelling and erection of new dwelling with associated hard standing.

A preliminary bat roost assessment of the dwelling and garage were undertaken on 23 July 2021. No evidence of roosting bats was recorded however according to the report the

presence of tight weatherboarding and roof underlining is likely to have obscured any evidence of roosting bats, if present. Owing to several potential bat access features and the optimal habitat surrounding the site both dwelling and attached garage were assessed to have a high potential to support roosting bats. Therefore, in line with BCT Good Practice Guidelines, three activity surveys were undertaken. I noted that the surveys were carried out late in the season, in particular for identifying maternity roosts (as by mid-August bat species may leave a maternity roost), and the August surveys were not spaced out by a minimum of a 2 week-period as recommended. One dusk emergence survey was carried out on 11th August 2021, one dawn re-entry survey on 20th August 2021 and one dusk emergence survey on 4th September 2021. Although there was bat foraging and commuting activity during these surveys with four species recorded in total (common and soprano pipistrelle, noctule and Myotis species) no bats were recorded emerging or re-entering the building. Thus, a Natural England licence is not required to proceed with the proposed works. However, owing to the several potential access points for bats and the bat activity recorded on site and given the proposed demolition works, I agree with the recommendations in the report that a precautionary measure is taken and the removal of roofing materials is supervised by a bat licensed ecologist. If a bat is found during supervision works the works must cease immediately and Natural England is contacted. I also agree with the biodiversity enhancement of integrated bat boxes in the new building.

I would recommend that the following condition is attached to any approval granted in order for the proposed works are carried out in line with these protection and enhancement measures. If new lighting is proposed, it should be noted that bats may be impacted by artificial lighting. Artificial lighting design needs to be designed in accordance with the 'Guidance Note 08/18: Bats and artificial lighting in the UK' (Institute of Lighting Professionals, 2018). Sources of lighting which can disturb bats are not limited to roadside or external security lighting, but can also include light spill via windows and in some cases car headlights. Where bat features or habitats are particularly important or sensitive it may be appropriate to avoid, redesign or limit lighting accordingly. Examples of mitigation measures include dark buffers, illuminance limits and zonation, appropriate luminaire specifications, sensitive site configuration, screening, glazing treatments, creation of alternative valuable bat habitat on site, dimming and part night lighting. Refer to Guidance Note 08/18 by the Institute of Lighting Professionals for more details.

Other protected and notable species Owing to the location of the site and mature garden and trees it is likely that other protected species may be found on site during works. These include nesting birds, amphibians and reptiles (given the nearby records) and badger and hedgehog. As the proposed works include demolition works I would recommend that a construction method statement is secured via a condition to the application outlining measures to take to safeguard these species on site. Biodiversity Enhancements. In line with recognised good practice and government policy on biodiversity and sustainability, all practical opportunities should be taken to harmonise the built development with the needs of wildlife.

In addition to the installation of integrated bat boxes as a biodiversity enhancement, the incorporation of bee bricks can also be considered given also that the site lies within the Buglife 'B Lines'. An example of an enhancement for invertebrates is detailed below. Bees:

At least one bee brick integrated into the development, either built into a wall or building (as shown below sourced by Green&Blue). Bricks should be positioned at a minimum height of 1m, with no vegetation obstructing the holes, on a southerly aspect/orientation (south, south-east and southwest). Other product specifications are available and may be appropriate, however it is imperative that the biodiversity features are integrated into suitable structures, rather than vulnerable, isolated and temporary boxes for example, in order to help ensure the success of such features. The location and model of the features need to be clearly marked on the approved plans and drawings. Alternatively, these features can be secured by condition if this application is approved.

Heritage (18/03/02) - The heritage assessment is the impact on the significance the special historic and architectural interest of the listed building. Description of the site and surroundings, and significance; The building is located on the north side of the A40 Beaconsfield to Gerrards Cross Road. It was previously hidden from public view by bushes and mature trees most of which have recently been felled, revealing the building in views from the road. Built 1920-22, it was designed by Captain Stevenson for the daughter of Sir Sam Fey; the managing director of the (Western?) Railway Company who lived in the adjoining property Reynold Mead which was demolished mid 20th century.

This house follows the 'Arts and Crafts' vernacular tradition and is constructed of wicheert (or wytchert- chalk cob) brought from around Haddenham, in western Buckinghamshire, and constructed by the rammed earth method, between shutters, by builders brought from Haddenham. The wicheert is visible where the render has been lost to the left of the front entrance. The house and attached garage have cedar shingles on the hipped roofs with a rubble stone stack and underpin course (plinth), and rough render except around the openings and quoins which is smooth. The windows are flat bar metal casements with decorative catches and small paned leaded lights. Inside all of the openings, have exposed decoratively hand carved lintels and exposed floor joists all have matching carved chamfers and brackets. The staircase has spat balusters and carved newel posts, and much of the original kitchen survives. The internal layout appears to be intact, except for all internal doors which have been recently removed. The existing house is a good local example of the Arts and Crafts movement house; materials and craftsmen were brought in from another part of the county to construct an interesting, unique, characterful building in terms of its design, construction, materials and craftsmanship, which should be protected for future generations.

It is proposed to demolish the existing dwelling and replace it with a much larger replacement dwelling. The proposed replacement dwelling is a mansion, the bulky design of which is loosely based on the Neo-Georgian style, with modern detailing and flat roofs, which will be very prominent and incongruous in the recently opened up views from the main road in this rural location.

No heritage statement was submitted with this application as the building was only included on the Councils list of non-designated heritage (NDHA) asset after this application was submitted. However, now that the building has been confirmed as an NDHA, it is given protection from demolition under the NPPF, so Chapter 16; 'Conserving and enhancing the historic environment' applies, and in particular paragraphs 194-197 and 203. No structural

report and reasons why the building should not be retained are included in the application. The proposed demolition would result in the complete loss of a non-designated heritage asset, so this proposal is considered to result in 'Substantial Harm' to the 'Significance' of the Non-Designated Heritage Asset. No justification or public benefit to balance the harm have been identified as required in the NPPF and the proposed demolition would be contrary to the 1990 Act. I would support refusal of this application.

The Planning (Listed Building and Conservation Areas) Act 1990 The proposals are considered to preserve the architectural and historic interest of the listed building and therefore complies with sections 16/66 of the Act. NPPF The proposal is considered to cause substantial harm to the significance of the non- designated heritage asset.

Local Plan The proposals do not comply with the policy C6 of the South Bucks District Local Plan adopted March 1999 Consolidated September 2007 and February 2011) Historic England Guidance Managing Significance in Decision-Taking in the Historic Environment- 2015 Making Changes to Heritage Assets- 2016 Statement of Heritage Significance: Analysing Significance in Heritage Assets' HEAN 12

For the reasons given above it is felt that in heritage terms: That the application does comply with the relevant heritage policy and guidance and therefore should be refused.

Heritage (08/07/22) - It is proposed to demolish the existing dwelling and replace it with a much larger replacement dwelling. The proposed replacement dwelling is a small mansion, the design of which is loosely based on the Neo-Georgian style, with modern detailing and flat roofs. Discussion Description of the site and surroundings, and significance; The building is located on the north side of the A40 Beaconsfield to Gerrards Cross Road. It was previously hidden from public view by bushes and mature trees most of which have recently been felled, revealing the building in views from the road. Built 1920-22, it was designed by Captain Stevenson for the daughter of Sir Sam Fey; the managing director of the (Western?) Railway Company who lived in the adjoining property Reynold Mead which was demolished mid 20th century.

This house follows the 'Arts and Crafts' vernacular tradition and is constructed of wickert (or wytchert- chalk cob) brought from around Haddenham, in western Buckinghamshire, and constructed by the rammed earth method, between shutters, by builders brought from Haddenham. The wickert is visible where the render has been lost to the left of the front entrance. The house and attached garage have cedar shingles (originally thatched) on the hipped roofs with a rubble stone stack and underpin course (plinth), and rough render except around the openings and quoins which is smooth. The windows are flat bar metal casements with decorative catches and small paned leaded lights. Inside all of the openings, have exposed decoratively hand carved lintels and exposed floor joists all have matching carved chamfers and brackets. The staircase has spat balusters and carved newel posts, and much of the original kitchen survives. The internal layout appears to be intact, except for all internal doors which have been recently removed. The existing house is a good local example of the Arts and Crafts movement house; materials and craftsmen were brought in from another part of the county to construct an interesting, unique, characterful building in

terms of its design, construction, materials and craftsmanship, which should be protected for future generations.

This is modest house, set back from the road, and although looking a little stark at the moment due to the removal of bushes and trees, it sits comfortably in its landscape, providing a positive/ neutral appearance from the road on the approach to Gerrards Cross from the west. Significance Historic England's 'Local Heritage Listing: Identifying and Conserving Local Heritage' Historic England Advice Note 7 (Second Edition) (HEAN 7) Identifies three criteria which are important in providing a sound basis for a local heritage list;

1. Archaeological interest: 'There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.' In this case the building provides the evidence that one hundred years ago the owners considered the Arts and Crafts movement and the materials and craftsmanship which is part of that movement, important enough to bring in from the west of the county the materials and craftsmanship to construct such an interesting building; one of the last buildings of this construction before the skills were lost to modern building methods.

2. Architectural and artistic interest: 'These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.' This building is an important survival of the Arts and Crafts movement; using traditional craftsmanship and materials; for example, the elaborate carved carpentry and joinery of the lintols, floor joists and staircase, the detailed metal catches, frames and glazing of the leaded light windows, and the construction of the walls with the Buckinghamshire mud cob, but using the more advanced shutter method to give thinner, stronger walls. The use of these traditional craft methods and materials in a contemporary house design has resulted in a unique building which should be celebrated and protected. Whilst there are a number of Arts and Crafts style and influenced buildings within the area, there are very few examples in their original form and as well preserved as this building.

3. Historic interest: 'An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity. This building provides evidence of the lengths people went to in their support of the Arts and Crafts movement; to use the traditional materials to produce an 'authentic' traditional building and to keep traditional skills alive. The building's relationship to the expansion of Gerrards cross following the construction of the railway and the architectural influence of the area, carries historical and archival interest. It should be noted that the guidance advises that any subsequent damage to the building does not alter this assessment.

The condition of Chantry Wood House: A surveyor's report and an asbestos survey have also now been submitted to justify the proposed demolition of this NDHA. The surveyors report

was not undertaken by a surveyor who is conservation accredited. Witchert, a west Buckinghamshire mud cob, in this case laid within shutters, is an unusual material which is not often encountered by surveyors, especially those based in London or Gerrards Cross, as this material is normally confined to the far east of Buckinghamshire, or places further afield, eg west Hampshire and Devon. The surveyor used Kecheng moisture meter to assess the dampness in the building. This method has been repeatedly discredited as very inaccurate, especially when used in historic buildings, eg;

- Historic England's Measuring Moisture Content in Historic Building Materials Prepared by Dr Brian Ridout and Iain McCaig states that 'Most efforts to develop convenient moisture measuring and monitoring techniques for building materials have been developed for wood or concrete. In contrast, instruments for the accurate, convenient and non-destructive measurement of moisture in brick and stonework have proved particularly difficult to devise' It is likely that a moisture meter for witchert would be even more difficult to achieve.

- The SPAB 'Control of Dampness' Technical Advice Note by Douglas Kent BSc (Hons), BSc, MSc, MRICS, also identifies the problems with using a moisture meter. Chapter 4 Diagnosis and in particular in 4.3 it advises that; 'Rising dampness is widely misdiagnosed on the basis of high electrical moisture meter readings alone. Elevated readings occur frequently in old buildings that are not unduly damp, due to salt deposition from evaporation associated with a previous dampness problem, or the presence of certain timber preservatives, foil-backed wallpaper or carbon-containing materials (for example, in breeze blocks or black wallpaper coatings); or they can indicate another problem altogether, such as penetration from rainsplash or condensation.' The report further suggests that 'In some cases, it will be necessary to carry out more advanced forms of testing to diagnose the cause of a dampness problem. Such tests include the use of carbide meters or the gravimetric (oven-drying) method'.

When the property was inspected in on 8th March 2020, there was not a damp smell in the building and little evidence for the very high levels of damp which the surveyor's moisture meter recorded just prior to our visit. Due to the potential for misleading results of such meters in historic buildings, it has been requested that further tests to establish if the walls are actually damp and to further investigate the seriousness of the cracks should be undertaken by a surveyor or engineer with a recognised conservation accreditation. Such specialists, armed with a full understanding of the way historic buildings and in this case, how shuttered witchert (and damp meters) work, are often able to reassure owners that buildings are not in such a serious condition as a less experienced assessor may believe, and can be repaired and made habitable with far less cost than a less experienced surveyor may identify. It is possible to repair witchert; there are numerous books on the subject and local builders in the west of the county are experienced in such repairs. It may be possible to take drilled core samples of the witchert from the outside to test for dampness, but the selection of locations would be important to avoid the wettest or driest areas. Asbestos has been found in the building, but this would need to be safely removed if the building was permitted to be demolished, so this is not an additional cost imposed by the retention of the building. It is considered that the information submitted in support of the demolition of this house is on balance insufficient to justify its demolition.

The proposed replacement house: In a case where demolition of a NDHA is justified/ approved there would be an expectation of high quality design and construction for any

replacement dwelling. However, in this case it is not considered that the proposed new house would be an improvement. The proposed much larger replacement dwelling is a small mansion, the bulky design of which is loosely based on the Neo-Georgian style, with modern detailing and flat roofs, which will be very prominent and incongruous in the recently opened up views from the main road in this rural location. The proposed house would be built over four floors including a basement and would have a parapet roof with attic rooms in the flat crown roof with an unsymmetrically placed top rooflight and two large rooflights facing the front. The roof plan shows the pitched roof sitting incongruously directly onto the parapet wall rather than finishing in a gutter behind the parapet wall. The proposed house has a very grand porticoed entrance front with four 'columns' topped with a pediment and a front door with a pediment which overlaps the columns. The whole house has a deep projecting cornice and quoins, and is flanked by two single storey wings topped with further crown flat roofs. There are no buildings proposed for cars, garden equipment etc which would be likely to be required for such a substantial house and grounds. The resulting bulky mansion would be an incongruous, unsympathetic replacement for the existing simple, polite and well designed, Arts and Crafts house which fits in well in the landscape. It is not considered that the proposed replacement dwelling is 'of a high standard of design and make a positive contribution to the character of the surrounding area' (Core Strategy), or would make a 'positive contribution to local character and distinctiveness' (para 197 c) of the NPPF).

The Non-designated heritage asset (NDHA) Identification and Assessment The Heritage Team assess all potential NDHA's using the Historic England criteria set out within 'Historic England 2021 Local Heritage Listing: Identifying and Conserving Local Heritage. Historic England Advice Note 7 (2nd ed)' (see link: https://historicengland.org.uk/images_books/publications/local-heritage-listing-advice-note-7/). This ensures consistency of approach and adherence with national best practice. This Council has a Local Heritage Listing Project Officer who is coordinating the Buckinghamshire survey and adding many more buildings to the Councils list of NDHA. Click here to find out more about the Local Heritage List Project Whilst it is acknowledged that having a robust adopted 'local list' is the preferred approach to identifying such assets, the identification through the planning process is a recognised approach which has been tested through the appeal process and is advocated through the Historic England advice note and through the NPPF. This sets out the recognised processes by which NDHA's can be identified this includes identification through the 'decision-making process on planning applications'. It should be noted that the house in question lies outside the Conservation Area and are therefore unlikely to be picked up by any other mechanism other than through the planning process or neighbourhood planning process, and was not identified in any Neighbourhood Plan. This leaves the Planning Process as the only likely method of identification in this instance. It should be noted that NDHA status is a non-statutory form of protection and there is no requirement for any consultation process regarding the identification of such buildings. NDHA status gives the building protection from demolition under the NPPF when a planning application is required for the proposed works, so Chapter 16; 'Conserving and enhancing the historic environment' applies, and in particular paragraphs 194-197 and 203.

A recent appeal locally was dismissed by the Planning Inspectorate for a similar proposal; for the demolition of Top Cottage Hollybush Hill, Stoke Poges SL2 4PX, planning ref;

PL/20/1659/FA, this is an inter-war Arts and Crafts cottage, also identified as a NDHA. The inspector concluded that; 'Whilst I acknowledge that the development would replace a property in need of some degree of restoration or renovation, as well as improve its sustainability credentials, such benefits are only minor in this instance, and would not outweigh the harm to Top Cottage and Little Chesters identified above. And that; 'The proposed demolition would result in the complete loss of a non-designated heritage asset, so this proposal is considered to result in 'Substantial Harm' to the 'Significance' of the Non-Designated Heritage Asset'.

The Planning (Listed Building and Conservation Areas) Act 1990 The proposals are not considered to preserve the architectural and historic interest of this NDHA. NPPF Paragraphs 194 – 197, and 203 apply. Paragraph 195 considers the impact on the significance of the heritage asset: 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'. The proposal is considered to cause substantial harm to the significance of the non-designated heritage asset. Paragraph 203 applies; this states that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

Core Strategy 2011 - Core Policy 8: Built and Historic Environment The development would cause harm to a locally important heritage feature and therefore fails to comply with the local policy objectives below: 3.3.8 'Locally important heritage features and their settings also make an important contribution to the creation of distinctive and sustainable places and will also be protected, conserved and enhanced where appropriate' and 'All new development must be of a high standard of design and make a positive contribution to the character of the surrounding area'.

Historic England Guidance Managing Significance in Decision-Taking in the Historic Environment- 2015 Making Changes to Heritage Assets- 2016 Statement of Heritage Significance: Analysing Significance in Heritage Assets' HEAN 12 Conclusion Since my previous advice provided on 17.3.22, the applicants have submitted a Heritage Statement, a surveyor's report on the condition of the building, and an assessment of the asbestos found in the building. The building has been broken into and vandalised on a number of occasions, and has been used to grow cannabis. I have looked at this additional information, but, as discussed above, due to the specialist nature of this building, it is considered that the survey methods used are insufficient and that a surveyor/ engineer with a conservation accreditation and understanding of shuttered wickert/ cob should be advising on this application. This proposal involves the demolition of Chantry Wood House and its replacement with a much larger detached two-and-a-half storey dwelling based on a neo-Georgian design. The proposed development raises a number of heritage and design concerns; first and foremost, the total loss of an NDHA. The harm to the NDHA is also

compounded by the proposed design of the replacement dwelling which offers little tangible design response to the prevailing characteristics of the area. The demolition and site clearance would result in total loss of an identified NDHA. National and local policy clearly states the importance of such assets and that locally important heritage features should be protected and conserved. As outlined in the NPPF, in the case of harm or loss, a balanced planning judgement concerning significance and level of harm should take place. Given the proposal would result in total loss of Chantry Wood House, it is considered that the scale of harm would be 'substantial' and given the notable local significance identified above, it is hard to see that the planning balance could be applied in favour of demolition. It is considered that insufficient justification or public benefit to balance the harm have been identified as required in the NPPF and the proposed demolition would be contrary to the 1990 Act. I would support refusal of this application. For the reasons given above it is felt that in heritage terms: That the application does comply with the relevant heritage policy and guidance and therefore should be refused.

Highways (01/02/22) - Thank you for consulting the Highway Authority on the above planning application. The proposed development has been considered by the Highway Authority who has undertaken an assessment in terms of the impact on the highway network including net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The Highway Authority therefore has no highway objections and in this instance no conditions to include on any planning consent that you may grant.

Tree Officer (17/02/22) - I have not visited the property and my comments are based on submitted tree information and site photographs submitted by applicant. As you can see from the aerial imagery below when compared to site photographs the majority of trees have been felled apart from a number of retained trees shown on the tree protection plan. Biodiversity colleagues will have to consider net gain when considering amount of trees/woodland removed. As any trees that might have constrained development have been removed so I have no objection in arboricultural terms and if planning permission is permitted I recommend planning condition ST18.

Waste (05/01/22) - We have looked at the plans and we consider the demolition of existing house and erection of new dwelling house would be a like for like service provided by the council. Existing bins are on site for Chantry Wood House. Therefore, Waste services have no objections towards the proposal for waste and recycling provisions at property, Chantry Wood House Oxford Road Gerrards Cross Buckinghamshire SL9 7PU. Residents to present their waste and recycling at the property boundary. All collections to take place in accordance with Council policies.

Representations

Other Representations

One comment received in support of the application

One comment raising no objection.

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APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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Buckinghamshire Council

www.buckinghamshire.gov.uk

Report to South Area Planning Committee

Application Number:	PL/22/2940/FA
Proposal:	Day room amenity buildings and associated works for 2 existing Gypsy/Traveller pitches.
Site location:	Thorney Stables, Thorney Lane North, Iver, Buckinghamshire, SL0 9BD
Applicant:	Mr & Mrs A Davies
Case Officer:	Richard Regan
Ward affected:	Iver
Parish-Town Council:	Iver Parish Council
Valid date:	17 August 2022
Determination date:	15 December 2022
Recommendation:	Conditional permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application proposes the erection of 2 day room amenity buildings, along with associated works to serve the 2 existing Gypsy/Traveller pitches.
- 1.2 Planning permission (ref. PL/22/0308/FA) was recently granted for 2 permanent Gypsy and Traveller pitches on this site following a previous temporary permission that had expired. It is common for buildings such as those currently proposed to be provided on Gypsy and Traveller pitches. They were not previously provided due to the temporary nature of the previous permission. The proposed buildings would each serve their respective pitch.
- 1.3 It is considered that the proposal constitutes inappropriate development within the Green Belt, but it is considered that there are very special circumstances that exist in this instance that outweigh the harm to the Green Belt and justify their erection.
- 1.4 The application has been referred for determination by the South Area Planning Committee following it being called in by Cllrs Matthews, Griffin and Sullivan.
- 1.5 Recommendation – Conditional Permission.

2.0 Description of Proposed Development

- 2.1 The application proposes the erection of 2 day room amenity buildings, along with associated works to serve the 2 existing Gypsy/Traveller pitches.
- 2.2 The proposed day room buildings would be identical in terms of their size and appearance, measuring 8.5m x 5.4m in terms of their footprint, and displaying an eaves and ridge height of 2.6m and 3.85m respectively. The accommodation within the buildings would comprise of a bathroom, lounge/kitchen room, and a store room. The buildings would be sited in close proximity to the respective mobile homes that they would be associated with.
- 2.3 Along with the actual day room building, it is proposed to create a grassed garden area around the buildings, enclosed by new post and rail fencing.
- 2.4 The proposals also include the replacing of the existing entrance gates and piers.
- 2.5 The application is accompanied by:
 - a) Planning/Design and Access Statement
 - b) Environmental Report
 - c) Hydrology and SUDS assessment
- 2.6 Amended plans have been received during the course of the application which reduced the size and scale of the proposed day room buildings.

3.0 Relevant Planning History

- 3.1 12/01969/FUL – Conditional Permission, 1 February 2013 - Erection of stable block and associated works on land including schooling paddock and parking/turning area for vehicles, post and rail fence and formation of vehicular access. Use of the land for the keeping of horses.
- 3.2 14/00414/FUL – Conditional Permission, 2 October 2014 - Mixed use of the land for the keeping of horses and the stationing of two mobile homes for residential purposes as two gypsy pitches incorporating hard surfacing and ancillary works.
- 3.3 14/02180/FUL – Refused Permission, 31 March 2015 - Retention of outbuilding for use in conjunction with adjacent mobile home.
- 3.4 PL/22/0308/FA – Conditional Permission, 22 June 2022 - Mixed use of the land for keeping of horses and the stationing of two mobile homes for residential purposes as two traveller pitches incorporating hard surfacing and ancillary works.

4.0 Summary of Representations

- 4.1 No letters of objection have been received from the general public or neighbouring properties. Iver Parish Council object to the proposal on the grounds that it is contrary to Green Belt policy and the emerging Neighbourhood Plan. 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), July 2020.
- 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 Local Plan Appendix 5 (Conservation Areas)
- 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
- The Ivers Neighbourhood Plan 2021 – 2040 (Referendum Plan). This is currently awaiting referendum and carries significant weight.

Green Belt

Local Plan Saved Policies:

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

- 5.1 Whilst the site falls within the Green Belt, it is important to note that planning permission (ref. PL/22/0308/FA) was recently granted for 2 permanent Gypsy and Traveller pitches on this site following a previous temporary permission that had expired. That permission in essence sought to convert the previous temporary permission (ref. 14/00414/FUL) into a permanent one, and therefore sought to obtain permission for all matters that were subject of the temporary permission. Due to the temporary nature of the original application, the provision of an amenity building was not considered appropriate and therefore was not included in the original temporary application. As such, the provision of an amenity building was also not included in the recent application to make the pitches permanent. However, it is common for buildings such as those currently proposed to be provided on Gypsy and Traveller pitches, and usually they are included within any application which seeks to establish a new Gypsy and Traveller site. In this instance, two Gypsy and Traveller pitches have already been established on this site, but without the inclusion of any amenity buildings, hence the submission of the current application which seeks an amenity building for each pitch.
- 5.2 The NPPF states at paragraph 137 that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 states that inappropriate development is, by definition, harmful

to the Green Belt and should not be approved except in very special circumstances.

- 5.3 The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this are provided in Policy GB1 of the Local Plan and Paragraph 149 of the NPPF.
- 5.4 It is considered however that the erection of the buildings as proposed within this application site do not fall within the list of appropriate forms of development as set out in policy GB1 of the Local Plan or the NPPF. As such, under Local Plan policies and the NPPF, a proposal of this nature constitutes inappropriate development in the Green Belt. The NPPF reiterates that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The issue of whether VCS exist will be addressed later within this report.
- 5.5 As well as constituting inappropriate development within the Green Belt, it is considered that the proposed development would cause additional harm to the Green Belt by way of the introduction of two additional buildings on the site. It is acknowledged however that the proposed buildings are limited in their size, scale and height, and would be positioned close to existing structures on the site so as to consolidate the built form that is present on site. As such, spatially, it is considered that the proposed buildings would have a moderate impact on the openness of the Green Belt. Visually, the site is very well screened, with limited views achievable from the public realm. In light of this, and when combined with the low-level nature and scale of the proposed buildings, it is considered that their visual impact on the openness of the Green Belt would be limited.
- 5.6 Overall therefore, in addition to causing harm to the Green Belt by virtue of its inappropriateness, it is also considered that the proposal would cause other harm to the Green Belt by virtue of a reduction in its openness.

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 proposed development would be directly associated with, and used in connection with the existing pitches, and would not operate independently from them. As such, it is considered that the proposals would not lead to an increase in vehicular movements associated with the site. The Councils Highways Officer raises no objections to the proposals and considers that they

would not have a material impact upon the safety and operation of the public highway.

- 5.8 The Highways Officer also considers that there is sufficient space within the site for vehicles to manoeuvre, and adequate off street parking is provided.
- 5.9 Overall therefore, it is considered that the proposals would not result in any unacceptable highway implications.

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)

H9 (Residential development and layout)

- 5.10 The proposed buildings are considered modest in terms of their size, scale and height, and when combined with the level of boundary screening that exists, would not appear overdominant or obtrusive within street scene or wider locality. They are of a domestic design and appearance, and are not considered to appear out of keeping within the site that they would sit.
- 5.11 The comments of the Parish Council are noted regarding their reference to the objectives set out at para. 5.2 of the Ivers Neighbourhood Plan and their concern that it contradicts the objective to protect the semi-rural environment and the Green Belt. Matters relating to the Green Belt are addressed elsewhere within this report, but in terms of the scheme impact on the semi-rural environment, it is considered that the proposal would not harm this objective. This view is based on the fact that the proposal would have little to no visual presence from outside of the site, and given its design and appearance, and it would appear in keeping with the existing character and appearance of the site.
- 5.12 Overall therefore, it is considered that the proposed buildings would not adversely impact upon the amenities of the site or locality in general, and would not appear out of character for the area.
- 5.13 The proposed entrance gates and piers would simply replace the existing wooden gates that are present at the moment. As they are of the same height, it is considered that they would have no greater impact on character of the area.

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

5.14 Due to the significant distances retained to the nearest neighbouring properties, it is considered that the proposals would not adversely impact upon the amenities of any neighbouring property.

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)

5.15 The Councils Environmental Health Officer raises no objections to the proposals from the point of view of contaminated land.

Flooding and drainage

Core Strategy Policies:

CP13 (Environmental and resource management)

5.16 The site lies within Flood Zone 1 with a low risk of flooding. The proposals would involve the reduction in hardsurfacing present on site and an increase in nature landscaping, including grassed garden areas. In light of these circumstances, it is considered that the permeability of the site would be increased and any risk of flooding reduced.

Ecology

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

5.17 The comments of the Councils Ecologist are acknowledged, however, during the Officer site visit it was noted that the proposals do not involve works to an existing building, and the only land which is to be impacted upon is currently covered entirely with hardsurfacing. As such, the land in question does not provide any form of natural habitat, and it is therefore considered that there would be no negative impacts on existing wildlife. The proposals would however be of benefit to the biodiversity of the site by virtue of the additional natural vegetation, planting, and grassed areas that are to be introduced to the site.

5.18 As such, notwithstanding the comments of the ecologist, it is considered in this specific instance that the proposals would not adversely impact upon wildlife or protected species, and would contribute towards biodiversity net gain by an increase of natural planting/landscaping on the site.

6.0 Very Special Circumstances

6.1 The proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and

should not be approved except in very special circumstances. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Need

- 6.2 As already set out in the report, the need for two permanent Gypsy and Traveller pitches on this site has already been accepted and established with the granting of planning permission PL/22/0308/FA. Again, as already advised within this report, it is common place for Gypsy and Traveller pitches to be served by a day room building, and this view has been supported by Inspectors at appeal. The expectation of Planning Policy for Traveller Sites (PPTS) is that traveller sites will be in the form of residential caravans sites, and this does not rule out buildings for ancillary use, such as a dayroom or utility block.
- 6.3 The Gypsy and Traveller community culturally separate certain aspects of living, with the usual provision of cooking, washing, toilet and laundry facilities being outside of the caravan. In addition to this, given the more limited size of caravans when compared to traditional dwellings, there is also rarely room for the storage of larger items such as deep freezers, and the placing of them within the caravan.
- 6.4 Reference has been made by the applicant to the Governments 2008 publication 'Designing Gypsy and Traveller Sites – A Good Practice Guide' which sets out that the provision of an amenity building of this nature is essential for every pitch. However, it is noted that this document has in fact now been withdrawn, and does not form part of current government guidance on the matter of Gypsy and Travellers sites. Notwithstanding this, it is important to note that there have been a number of appeal decisions that, whilst recognising that this document has been withdrawn, considered that this document provides a usual guide on the need, scale and design of new amenity buildings for gypsy and travellers, and accordingly have taken it into account and attributed it weight in their decision.
- 6.5 In the absence of any relevant policies within the Councils Development Plan that deal with proposals of this nature, and in light of the appeal decisions that recognise the usefulness of the 2008 'Designing Gypsy and Traveller Sites – A Good Practice Guide' document, it is considered that it is appropriate to assess the current proposal against it.
- 6.6 This document sets out that it is essential for an amenity building to be provided on each pitch, and that the building should include, as a minimum, a hot and cold water supply; electricity supply; a separate toilet and hand wash basin; a bath/shower room; a kitchen and dining area. The access to the toilet should be through a lobbied area or by separate access direct from the pitch. It goes on to advise that the inclusion of a day/living room in the amenity building for family meals is recommended. The day/living room could be combined with the kitchen area to provide a kitchen/dining/lounge area. A

plan of a typical modern amenity building is provided within the document, and it is on this that the applicant has based their proposals.

- 6.7 The proposed day room buildings are identical and closely follow the guidance set out in the Good Design Guidance, providing only the accommodation that is mentioned as being necessary. The height and bulk of the buildings has been reduced from that which was originally proposed, with a ridge and eaves height being reduced to provide a much lower and less bulky building.
- 6.8 Ordinarily, the provision of amenity buildings of this nature are sought at the time of the creation of a new pitch, and are assessed as part of an overall package of proposals. In this instance, the creation of the existing gypsy and traveller pitches was allowed only on a temporary basis to allow for a review of the Council's 5 year supply of such pitches at the expiry of the temporary period to assess whether a need could still be justified for the pitches. Given the initial temporary nature of the pitches, the provision of facilities such as an amenity building was not considered appropriate on the basis that the use of the site as gypsy and traveller pitches may cease. Planning permission has recently been granted for the permanent use of the site for two gypsy and traveller pitches, and as such, now provides a suitable basis to support the justification and need for such facilities.
- 6.8 Overall therefore, it is considered that the size and scale of the proposed buildings would not be excessive, but rather would be proportionate to meeting the needs of the intended users, physically and culturally, and substantial weight should be attached to the cultural need for such a building.

Landscape/biodiversity improvements

- 6.9 The proposals involve the introduction of additional natural planting and landscaping within the site. Two garden areas are to be created which would be partly enclosed by tree and hedging planting. Whilst there is existing natural landscaping along the external boundaries of the site, there is little further natural landscaping within the site. The provision of the additional planting, the specific details of which could be obtained by way of condition, would help to improve the biodiversity of the site and support wildlife. It is considered that this is a benefit of the site and attracts limited weight in favour of the scheme.

7.0 Weighing and balancing of issues / Overall Assessment

- 7.1 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
- 7.2 It is considered that whilst the proposed development would accord with some of the relevant development plan policies, it does not accord with the development plan read as a whole. As such, it is necessary to consider other material considerations, of which the NPPF is a significant one.
- 7.3 When assessing the proposed development against the NPPF, it would constitute inappropriate development within the Green Belt, which is by definition harmful and should not be approved except in very special circumstances. The proposed development would also result in some loss of openness to the Green Belt. The NPPF, when considering planning applications, advises that local authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.4 In this case, it is considered that there is a justified cultural need for the provision of facilities proposed, and that they are of a reasonable and proportionate size and scale to meet that cultural need, being in accordance with the government 2008 publication 'Designing Gypsy and Traveller Sites – A good practice guide'. It is considered therefore that this should be attributed substantial weight in favour of the application.
- 7.5 In addition to this, the proposal will improve and increase the level of natural planting within the site, which will benefit the biodiversity of the site. Given the relatively small amount of additional planting however, limited weight is attributed to this benefit.
- 7.6 Overall, it is considered that these would amount to very special circumstances sufficient to clearly outweigh the harm to the Green Belt by reason of inappropriateness and reduction in openness. The proposal is therefore considered acceptable.

Public Sector Equality Duty

- 7.7 In carrying out its functions the local planning authority must, in accordance with section 149(1) of the Equality Act 2010, have "due regard" to the need to:
- a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.8 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

7.9 Two of the protected characteristics covered by the public sector equality duty are race and religion or belief. The determination of this planning will impact upon the persons of Gypsy and Traveller dissent who occupy the site. To refuse permission is therefore capable of constituting indirect discrimination, unless the Council can show that it is proportionate in pursuit of one or more of the Council's legitimate aims. This is because indirect discrimination occurs regardless of the intentions of the person applying a provision, criterion or practice, if that provision, criterion or practice puts persons who share a protected characteristic at a particular disadvantage when compared to persons who do not share it.

7.10 In this case the Council as local planning authority is assessing the application on the basis of development plan policies and all material planning considerations and on carrying out this planning balance, which is considered to be fair and proportionate, the proposed development is considered to be acceptable.

8.0 Working with the applicant / agent

8.1 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.

8.2 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.

9.0 Recommendation: Conditional Permission, sSubject 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. A schedule of materials to be used in the elevations of the development hereby permitted shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any construction works above ground level. Thereafter the development shall be carried out in accordance with the approved details.

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. Notwithstanding any indications illustrated on drawings already submitted, prior to the occupation of the development hereby permitted, there shall be submitted to and approved by the Local Planning Authority in writing a scheme of landscaping which shall include details of all new planting and indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained.

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

4. 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.)

5. The day room amenity buildings hereby permitted shall be used solely for purposes entirely ancillary to the primary use of the site as two gypsy and traveller pitches, and shall at no time be used as independent residential units.

Reason: To ensure that additional independent residential units are not created, in the interests of protecting the Green Belt and amenities of the locality. (Policies and GB1 and EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

6. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. 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>
17 Aug 2022	220187(01)001
21 Nov 2022	220187(02)003 A
21 Nov 2022	220187(02)002 A
21 Nov 2022	220187(02)004 A

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Paul Griffin:

“Can this be called in or is it too late? This requires further scrutiny given that it is Greenbelt and was only given permission for two temporary dwellings. Buildings are not required for a Stables to my knowledge so I'd like a better understanding of the purpose the buildings will be needed for. If this is to be refused under delegated powers that will be acceptable.”

Cllr Wendy Matthew:

“As this is a green belt site it would benefit from public scrutiny so I would like to call it in.”

Cllr Sullivan:

“In agreement with fellow ward councillors that this application be called in for local committee scrutiny, as the site is within green belt designation.”

Parish/Town Council Comments

“The Parish Council request a call in due to the following objection: Green belt policy applies and contradicts objective 5.2 (to protect the semi-rural environment and the Green Belt) in the emerging Neighbourhood Plan.”

Consultation Responses

Highways Officer:

“Thorney Lane North is a ‘C’ class road, which in this location is subject to a speed restriction of 40mph. Proposals include construction of day room amenity buildings and associated works for the existing gypsy/traveller pitches. I note that the day room amenity buildings will be used in association with the existing pitches; thus I do not expect this development will lead to a significant increase in vehicular movements over what is currently generated from the permitted use of the site. Therefore, I am satisfied the proposal will not have a material impact upon the safety and operation of the public highway. Furthermore, whilst I note addition space will be provided for the touring caravans that are associated with the pitches, I am satisfied with the parking and manoeuvring arrangements of the site. Mindful of the above, the Highway Authority raises no objections and in this instance no conditions to include on any planning consent that you may grant.”

Environmental Health Officer:

“Historical mapping is limited for this area, the site is shown as rough grassland until the 1970s, a large irregular shaped feature, a track and some trees are shown on the map for this period, the site is featureless on map for the 1980s, with the exception of the track.

I believe that there was a gravel pit on site in the late 19th century.

Our records show that the development is situated on the site of a historic landfill (hld_ref EAHLD12520, site_name Thorney Lane North, site_add Thorney Lane, wrc_ref 0400/0117, site_name Thorney Lane North, site_add Thorney Lane, wrc_ref 0400/0117, site_ref

WDA/195, 1090/10, lic_hold Wimpey Construction UK Limited, siteopname Wimpey Construction Limited, easting 504000, northing 180600, lic_issue 15/08/1983, lic_surren 30/03/1995, firstinput 31/08/1983, lastinput 31/12/1986, inert). The landfill is depicted as a brown polygon on the map overleaf:

Our records indicate that the site has also been used for oil, petroleum & gas refining & storage. There are sites in close proximity that have had a previous potentially contaminative use.

I have previously reviewed the Walkover Survey and Desk Study prepared by Sub Surface South East Limited (Report ref. SE1249).

The report is dated March 2013. The environmental consultant recommended that an intrusive investigation be undertaken.

I have previously advised that a laboratory certificate of analysis, and ground gas and groundwater monitoring results sheet had been submitted. This suggests that an investigation was undertaken, however an interpretative report has not been submitted.

Despite this, it would appear that Environmental Heath accepted this information when it was submitted in 2014, as they made no objections and did not recommend any conditions to be added to any permission granted.

The site received inert waste, this should mean an absence of material that can cause generation of significant volumes of landfill gases. The generation potential for this type of landfill is likely to be low, the level of risk for on site development is likely to be low and the risk of lateral migration is also likely to be low.

Contamination could be present on site, for example an inert landfill could have received construction waste, it is possible that asbestos containing materials could be present within the body of the waste.

The site appears to be mostly covered by hardstanding, this will serve to break the pathway between the residents (receptor) and any contamination that may be present (source).

The addition of the day room amenity buildings is unlikely to increase the level of risk associated with the site, those involved in the construction works may encounter waste materials, contaminants of concern may be present in the underlying soils. The risks to construction workers should be able to be controlled by employing good construction practices, the provision of appropriate personal protective equipment and adherence to good hygiene practices.

Any unexpected contamination encountered during the development shall be reported to the LPA.

Based on this, the following condition is recommended on this and any subsequent applications for the site.

The application requires the following condition(s):

1. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors”

Ecology Officer:

Summary

Objection, further information required

There is no ecological information provided. Prior to determination of this application the development site should be surveyed by a qualified ecologist to establish the ecological value of the site and the potential for the presence of protected species and priority habitats. The application does not include an assessment to show the development would deliver a measurable biodiversity net gain.

Comments

Preliminary Ecological Appraisal

A Preliminary Ecological Appraisal (PEA) is required in order to establish the ecological value of the site and the sites potential to support protected or priority habitats and species, including use of standard habitat classification techniques such as Phase 1 Habitat Survey (JNCC, 2010). A PEA must be completed by a suitably qualified ecologist and reported in accordance with CIEEM Guidelines for Ecological Report Writing (CIEEM, 2017), the British Standard BS42020:2013 Biodiversity — Code of practice for planning and development, and the Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017). The purpose of such an appraisal is to:

- identify the likely ecological constraints associated with a project
- identify any mitigation measures likely to be required, following the ‘Mitigation Hierarchy’;
- identify any additional surveys that may be required to inform an Ecological Impact Assessment (EclA); and
- identify the opportunities offered by a project to deliver ecological enhancement. The appraisal needs to include the most up-to-date biodiversity data, sought from the Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC), in accordance with the Guidelines for Accessing, Using and Sharing Biodiversity Data (CIEEM, 2020).

Please note that the PEA is not time-constrained but if further surveys are recommended, these may be restricted to optimum periods throughout the year dependent upon the

target habitat and/or species. The PEA must provide a clear summary of losses and gains for biodiversity, and a justified conclusion of an overall net gain for biodiversity. These measures will need to be set out in detail in the report and be stated definitively so they can be conditioned if the application is approved. Further details are provided below.

Biodiversity Net Gain

A Biodiversity Net Gain Assessment is required to ensure that the development demonstrates measurable net gains for biodiversity in accordance with Buckinghamshire Council Biodiversity Net Gain – Supplementary Planning Document (Adopted July 2022).

Biodiversity Net Gain (BNG) is an approach to development that leaves biodiversity in a better state than before. BNG protects existing habitats and ensures lost or degraded habitats are compensated for by restoring or creating habitats that are of greater value. This development needs to demonstrate measurable net gains for biodiversity and the following evidence submitted:

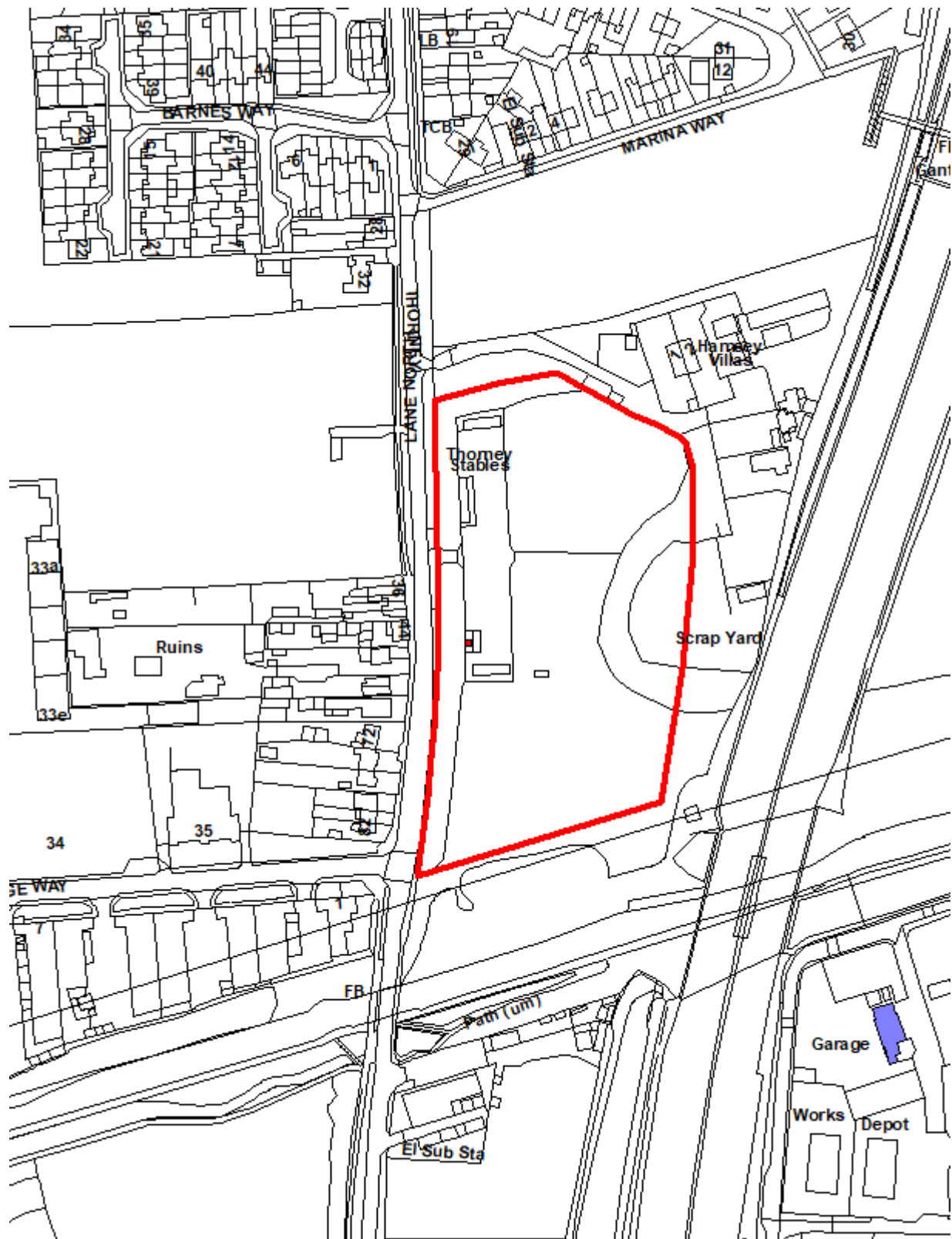
- Biodiversity Impact Plan. Produced using the information from the Preliminary Ecological Appraisal or Ecological Impact Assessment. The plan should clearly show the areas covered by each of the existing habitat types and the area in hectares of each habitat type (or for each habitat parcel, as some habitats may be scattered throughout the site).
- Proposed Habitats Plan. This can be taken from the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans (if they are available). The plan should clearly show what existing habitat types are being retained and enhanced, and what new habitat types will be created; it should be colour coded so that each habitat type is easily identifiable and the area of each habitat type should be quantified in hectares. Other proposed biodiversity enhancements should also be shown on this plan.
- A copy of the completed Biodiversity Metric. The information in the metric should be directly related to the Biodiversity Impact Plan and the Proposed Habitats Plan. A copy of the metric (i.e. the completed spreadsheet) or the full calculations included in the metric should be submitted and not just a summary. Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the comments column or provided separately in a report.
- Biodiversity Net Gain Good Practice Principles for Development (CIEEM, CIRIA, IEMA, 2016). Full justification of how the principles have been applied as part of the net gain assessment.

A monitoring and management plan will be required for biodiversity features to ensure their long-term suitable management (secured through planning condition).”

Representations

None Received at time of drafting report

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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