



South Buckinghamshire Area Planning Committee agenda

Date: Tuesday 25 July 2023

Time: 2.30 pm

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

Membership:

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

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7 Availability of Members Attending Site Visits (if required) To confirm members' availability to undertake site visits on 21 August 2023, if required	

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South Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the South Buckinghamshire Area Planning Committee held on Tuesday 27 June 2023 in Amersham Council Chamber, King George V House, King George V Road, Amersham HP6 5AW, commencing at 2.30 pm and concluding at 2.57 pm.

Members present

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

Others in attendance

L Hornby, R Regan, B Robinson, K Sharma and K Stubbs

Agenda Item

1 Apologies for Absence

There were none.

2 Declarations of Interest

There were none.

3 Minutes

The minutes of the meeting held on 30 May 2023 were agreed as an accurate record.

4 PL/23/0768/FA - The Stoke Poges School, Rogers Lane, Stoke Poges, Buckinghamshire, SL2 4LN

Extension of rubber mulch surfacing on school field.

Members voted unanimously in favour of the motion to grant conditional permission subject to an amendment to Condition 2 as follows:

2. The materials to be used in the construction of the finishing surfaces of the development hereby permitted shall be as per the details on the application form.

Reason: To safeguard the visual amenities of the area. (Policy GB1 and EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

It was proposed by Councillor T Egleton and seconded by Councillor W Matthews.

Resolved: that the application be approved subject to the amendment to Condition 2 as laid out above.

5 PL/23/1174/FA - Walters Court, 811 Bath Road, Burnham, Buckinghamshire, SL6 OPR

Two-storey demountable building comprising 12 apartments (3 x one bed and 9 x two bed)(use Class C3) to provide interim residential accommodation to homeless households with associated car parking, private and shared amenity space, landscaping and other ancillary works (a further temporary permission for a period of 5 years is sought).

This application was the subject of a site visit.

Members voted unanimously in favour of the motion to grant conditional permission subject to the addition of an Informative reminding the applicant of their responsibility to comply with the requirements of Condition 1.

The Committee also agreed that the decision be sent direct to the Cabinet Member for Finance & Resources with comments from the Chairman expressing that sites for permanent social housing were needed within this area.

It was proposed by Councillor T Egleton and seconded by Councillor S Chhokar.

Resolved: that the application be granted conditional permission subject to the points above.

6 Date of Next Meeting

Tuesday 25 July 2023 at 2.30pm.

7



Report to South Area Planning Committee

Application Number:	PL/22/3562/FA
Proposal:	Demolition of open sided barn; conversion, alteration and change of use of existing buildings to Use Class C3 to provide 7 residential units and construction of 5 new residential units; hard and soft landscaping, attenuation pond, bin and cycle stores, car parking, infrastructure and associated works.
Site location:	Boveney Court Farm Boveney Road Dorney Buckinghamshire SL4 6QG
Applicant:	Eton College
Case Officer:	Richard Regan
Ward affected:	Cliveden
Parish-Town Council:	Dorney Parish Council
Valid date:	7 November 2022
Determination date:	30 June 2023
Recommendation:	Defer and delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and any others which he considers appropriate and the satisfactory completion of a Planning Obligation to secure a financial contribution towards Affordable Housing, or to refuse planning permission if the Planning Obligation cannot be completed for the appropriate reasons relating to the lack of affordable housing.

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application seeks planning permission for the redevelopment of the site to provide 12 residential dwellings.
- 1.2 The proposed development would meet the exceptions for development within the Green Belt, as set out in the NPPF, by virtue of it constituting the redevelopment of previously developed land which would not have a substantial impact on the openness of the Green Belt. Given this and the fact that it will be providing a contribution towards affordable housing, the proposal would meet the exceptions for development in the Green Belt, as set out in para. 149'g' of the NPPF, and therefore does not constitute inappropriate development in the Green Belt.

- 1.3 It is considered that there are no policies that protect areas or assets of particular importance, that provide a clear reason for refusing the development proposed and there are no adverse effects of the proposal that would significantly and demonstrably outweigh the benefits.
- 1.4 It is considered that the proposal would provide for a sustainable form of development that meets the requirements of the NPPF and relevant Development Plan policies.
- 1.5 The application has been referred for determination by the South Area Planning Committee following it being called in by Cllrs Sandy, Kelly and Ashman.
- 1.6 Delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and any others which he considers appropriate and the satisfactory prior completion of a Legal Agreement relating to securing a financial contribution towards Affordable Housing. If the Legal Agreement cannot be completed the application be refused for such reasons as considered appropriate.

2.0 Description of Proposed Development

- 2.1 The application seeks planning permission for the demolition of the open sided barn; conversion, alteration and change of use of the existing buildings to Use Class C3 to provide 7 residential units and construction of 5 new residential units; together with hard and soft landscaping, attenuation pond, bin and cycle stores, car parking, infrastructure and associated works.
- 2.2 The application site is located within the Parish of Dorney, and within the collection of buildings that lie within the area known as Boveney. It is accessed via Boveney Road, and lies within the Green Belt, and partly within a Conservation Area. The site was historically an agricultural in nature, but its most recent use has been for B8 storage purposes. The site is currently unoccupied.
- 2.3 The site consists of a collection of buildings, one of which is a Grade II listed building. The site lies within national Flood Zones 2 and 3, and Strategic flood zone 3a.
- 2.4 The existing open sided barn would be demolished as part of the proposals, with the remaining buildings to be retained and converted into residential dwellings. A total of 5 new dwellings would be erected, a pair of semis and a terrace of 3.
- 2.5 The application is accompanied by:
 - a) Design and Access statement
 - b) Planning Statement
 - c) Archaeological Desk-based assessment
 - d) Market Report
 - e) Timber Frame Survey Report
 - f) Ecological Impact Assessment
 - g) Energy and Sustainability statement
 - h) Flood Risk Assessment
 - i) Heritage statement
 - j) Landscape Visual Impact Assessment
 - k) Ground Condition Assessment
 - l) Sequential and Exceptions Test
 - m) Statement of Community Involvement
 - n) Surface Water Drainage Strategy
 - o) Transport Statement

- p) Tree Report
- q) Utilities Assessment
- r) Affordable Housing Statement
- s) Viability Assessment Report

3.0 Relevant Planning History

Relevant planning history for the site:

PL/19/4124/EU – Granted - 1 May 2020 - Certificate of Lawfulness for existing: storage use (Use Class B8) of outbuildings and barns at Boveney Court Farm

PL/21/1884/HB – Conditional Consent - 23 June 2023 - Listed building consent for removal of the existing decayed timber sole plate, the installation of a new oak sole plate, the repair, strengthening and replacement of the timber and the roof, the installation of rainwater goods, the removal and replacement of weatherboarding, the removal and repair of the brick infill panels and other associated repair works.

PL/22/3563/HB – Pending consideration - Listed building consent for demolition of open sided barn; conversion, alteration and change of use of existing buildings to Use Class C3 to provide 7 residential units and construction of 5 new residential units; hard and soft landscaping, attenuation pond, bin and cycle stores, car parking, infrastructure and associated works.

4.0 Summary of Representations

Letters of objection have been received from 4 separate households regarding the proposed development.

The Parish Council have raised objections to the proposals on a number of grounds including Green Belt, Highways, Flood Risk, Neighbouring Amenity and Conservation Area.

A summary of consultation responses and representations made on the application can be viewed in Appendix A

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), February 2021.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;
- South Bucks District 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.

Principle and Location of Development

- Core Strategy Policies:
 - CP1 (Housing provision and delivery)
- Local Plan Saved Policies:
 - GB1 (Green Belt boundaries and the control over development in the Green Belt)

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

GB4 (Employment generating and commercial development in the Green Belt (excluding Green Belt settlements)), H2 (Housing allocation)

- 5.1 The site falls within the Green Belt. 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.
- 5.2 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. The redevelopment of a site to provide a residential development does not fall within the list of exceptions as set out in policy GB1 of the Local Plan. However, the NPPF does include an exception for this type of development as set out in point G of para. 149 (set out below):
- 'limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development, or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'
- 5.3 For a development to meet the above exception it would need to constitute 'previously developed land' (Brownfield Land). In this instance, following the granting (reference: PL/19/4124/EU) of a certificate of lawfulness for existing use of the existing buildings and the land that serves them for B8 storage purposes, it is considered that the site constituted previously developed land which can be assessed against point G of para. 149 of the NPPF.

Impact on Openness of Green Belt

- 5.4 It is noted that the proposal would result in a reduction of hardsurfacing on the site. Whilst it is acknowledged that it is an urban feature, hardsurfacing has limited impact on openness, therefore it is considered that the weight that should be attributed to a reduction in the level of hardsurfacing should be limited.
- 5.5 Given the lawful use of the site as B8 Storage, it is considered that the use of the site as 12 residential dwellings, whilst resulting in different types of activities taking place, will likely result in an overall level of activity and movements not too dissimilar to that as the lawful use of the site. Therefore, the intensity at which the site would be used would be comparable to that of its lawful use and therefore there would be no greater impact on openness in terms of activities and movements associated with the site. If it were considered that the level of vehicular movements were to materially increase as a result of the proposed new use of the site, it is considered that any such increase would not be significant and would only lead to limited harm to openness.
- 5.6 In terms of built form, the proposals would result in a small increase of 40sqm in terms of the footprint of buildings that would be present on site. This figure increases further when taking into account total floorspace, which accounts of ground and first floor elements of the buildings, which would be approximately 156sqm greater. When also taking into

account the fact that one of the existing buildings to be replaced is opened sided and more akin to a 1 and half storey building, as opposed to a two storey building, it is considered that the proposed level of built form would be greater than that which currently exists and would adversely impact upon openness. Openness would be further impacted upon by the fact that the proposal would spread the built form further across the site, by virtue of the introduction of the pair of semis to the east of the existing buildings. When taking into the account the presence of the existing buildings on the site together with the siting and presence of surrounding built form, as well as the presence of boundary screening which will limit views into the site from certain viewpoints, and therefore lessen the developments visual presence within the locality, it is considered that the proposed level of built form would have a moderate adverse impact on the openness of the Green Belt.

- 5.7 When balancing the various factors identified above, it is considered that the proposal would have a greater impact on the openness of the Green Belt than that which currently exists. As such, the proposed development would fail the first bullet point of para. 149 of the NPPF.
- 5.8 However, in this instance, the proposal includes the provision of a contribution towards affordable housing, in the form of a financial contribution equivalent to 2.5 dwellings. Given this, it is considered that the proposal can be assessed against the second bullet point of para.149 of the NPPF, which sets out that the redevelopment of previously development land is acceptable provided that it would not cause substantial harm to the openness of the Green Belt and would contribute to meeting an identified affordable housing need in the area of the local planning authority.
- 5.9 The proposal would be contributing towards the Councils identified affordable housing need, and whilst it has been acknowledged that the proposal would cause harm to the openness of the Green Belt, the level of harm is considered to only be moderate, and as such, would not cause substantial harm. As such, provided that a legal agreement is completed which secures the affordable housing contribution set out above, it is considered that the proposal meets the exception for development within the Green Belt as set out at para. 149 of the NPPF, and therefore does not constitute inappropriate within the Green Belt.

Affordable Housing and Housing Mix

➤ Core Strategy Policies:

CP1 (Housing Provision and Delivery)

CP2 (Housing Type and Size)

CP3 (Affordable Housing)

- 5.10 Policy CP3 of the Core Strategy sets out the Councils affordable housing requirements. It requires that schemes of 5 or more units, or on sites of 0.16ha and above, where there is a net gain in the number of dwellings, must provide 40% of the proposed units as affordable housing unless it is clearly demonstrated that this is not economically viable. If this is the case, then it would be for the applicant to demonstrate and justify this, providing a viability assessment setting out what they consider to be a more appropriate amount or justifying zero provision. In addition to this, policy CP3 advises that affordable housing should normally be provided on site, however, where there are sound planning or other reasons, and the developer and Council agree, a financial contribution in lieu of on-site provision, may be acceptable. The NPPF states in para. 64 that the provision of affordable housing should not be sought for residential developments that are not major developments, other

than in designated rural areas (which include the AONB). For housing, major development is defined in the glossary 10 or more homes, or the site has an area of 0.5 hectares or more.

- 5.11 Given that the proposal involves the provision of 12 residential units, it meets the definition of a major development in the context of affordable housing, as set out in the NPPF, and as such, it is considered that the application of the affordable housing policy, CP3 is applicable in this instance.
- 5.12 In this case, the applicant has submitted that it is not viable to provide a 40% provision of affordable housing, on site or in the form of a financial contribution. It was originally proposed that 1 affordable unit could be offered off site, on an alternative site. BPS have undertaken an independent viability appraisal on behalf of the Council and have advised that whilst they agree that it is not viable for the scheme to provide a 40% contribution, they have advised that an amount greater than the equivalent of one unit is achievable. Following negotiations with the applicant and further assessment of the viability matters, it has been agreed that a financial contribution of £280,000, which is the equivalent of 2.5 units, or 21%, can be provided towards affordable housing.
- 5.13 Further to this, evidence has been produced by the applicant of correspondence from a number of registered housing providers, setting out that they would not be willing to take on two on-site units on this site due to the small number of units and the distance away from their existing housing stock. Based on this evidence, it is considered that the provision of a financial contribution towards off site provision is appropriate.
- 5.14 In light of the above, it is considered that the application has complied with policy CP3 by virtue of demonstrating that on-site provision is not appropriate in this instance, and that a lesser provision than 40% affordable housing has been fully justified. As such, subject to the completion of a legal agreement that secures the financial contribution, it is considered that the application complies with policy CP3 and there are no grounds to object to the scheme from an affordable housing point of view.
- 5.15 In terms of the suitability of the site for providing residential accommodation, from a location point of view, it is acknowledged that the site is in a rural location. However, the NPPF, para. 79, does recognise that housing can still be located in rural areas, where it will enhance or maintain the vitality of rural communities, and support local services. It goes on to advise that development in one village may support services in a village nearby.
- 5.16 The application has been accompanied by evidence that sets out the proximity of the nearest services and facilities that would be available to future residents of the development. There is a local 'Nisa' store sited 1.8km away, and 'Waitrose' 3.8km away, whilst there are 4 education facilities ranging from 1.7km to 3.6km away from the site. The nearest pharmacy is 1.8km away, whilst the nearest doctor's surgery is 3.8km. In terms of transport, the nearest train station is Windsor and Eton Central, at 3.8km. The nearest bus stops are located on Eton Wick Road, approximately a 23minute walk away, which provide services to Maidenhead, Taplow, Eton and Slough.
- 5.17 It is acknowledged that the site is located in a rural area, however it is not considered to be so isolated so as to warrant being considered unsustainable or inappropriate for additional residential accommodation. Whilst a high proportion of journeys from the site may well be undertaken by private motor vehicle, it is considered that there are adequate public transport and non-motorised travel options available to future residents and that are in acceptable proximity to be considered usable. Additionally, it is considered that there are also local amenities and services that are sufficiently accessible to future residents, and

which if used, will support the services of the villages of Dorney, and Eton Wick, and thus helping to maintain the vitality of these rural communities.

- 5.18 The concerns of the Parish Council regarding the lack of need and lack of desire for additional housing in Dorney are acknowledged. However, there are no up to date local planning policies that specifically prevent the principle of additional housing within Dorney. Whilst it is acknowledged that Dorney has been granted Neighbourhood Plan Designation, the neighbourhood plan itself is at the early stages of development and has yet to be formally drafted.
- 5.19 The Council does not currently have a 5 year supply of housing, and it is important to note that almost 90% of the south area of Buckinghamshire is covered by Green Belt, therefore the availability of potential sites that can accommodate additional housing and are outside of the Green Belt are limited.
- 5.20 This site, whilst in the Green Belt, represents previously developed land with existing buildings to be re-used, thereby reducing the level of new built form that is required. The area is predominantly residential, there is a significant need for new housing within south Buckinghamshire area, and it is considered that the site is sufficiently accessible to not be isolated and unsustainable. On this basis, it is considered that the site is suitable for the locating of new residential properties.

Employment issues

- Core Strategy Policies:
CP10 (Employment)

- 5.21 As the lawful use of the site is B8 storage, this constitutes an employment generating use, and therefore policy CP10 of the South Bucks Core Strategy is applicable. Core Policy 10 sets out the Council's desire to retain existing employment sites. It advises that existing employment land and premises (such as this site) will be retained in employment use. In limited circumstances however, Core Policy 10 does provide for the reuse or redevelopment of 'other employment sites' (i.e. this site) for alternative economic uses. These limited circumstances include where there is no reasonable prospect of a site being used for the permitted purpose. These limited circumstances include where there is no reasonable prospect of a site being used for the permitted purpose. A footnote to Core Policy 10 states 'In seeking to demonstrate that there is no reasonable prospect of a site being used for the permitted purpose, the applicant will need to have undertaken a prolonged period of unsuccessful marketing, using details approved by the District Council.' The Council have published a Guidance Note on the Marketing Requirements in Relation to Core Policy 10 (Employment) – 'Guidance Note -Marketing Requirements in Relation to Core Policy 10'.
- 5.22 In this instance, it is acknowledged that the site hasn't been subject to a marketing campaign, instead, a detailed market review has been undertaken by an appropriate body (Savills) on the suitability and requirement of a site of this nature, and in this location, to be used for B8 storage purposes, as well as considering alternative uses for the site.
- 5.23 The submitted Market report sets out that the existing buildings are of poor quality and are not suitable in meeting the needs of modern Class B8 uses. It goes on to advise that there is no demand / interest in these units for their lawful Class B8 use due to the size of the buildings and their poor condition. It also sets out that the sites accessibility is also not suitable for future Class B8 occupiers. It concludes that the loss of the existing Class B8 use to residential use is justified. In addition, the report highlights that the site, due to its

location in a predominantly residential area, and its relationship with the local highway network, it would not be suitable for any redevelopment for alternative economic uses.

- 5.24 Notwithstanding this evidence, it is acknowledged that it does not include actual marketing evidence of the site, as required by policy CP10 and its accompanying Guidance Note. As such, it is considered that the application cannot be considered to entirely fulfil the requirements of policy CP10, as it fails to justify the loss of the employment generating use in the manner required by the policy.
- 5.25 However, from reviewing the submitted evidence, it is considered that there is a strong argument that the demand for this site to be used as a B8 Storage property would be limited, by virtue of a number of factors such as the sites accessibility, condition and size of existing buildings, as well as the views of a marketing and property experts, Savills, on this matter.
- 5.26 Overall therefore, the application, has not justified the loss of the employment generating use in the manner required by policy CP10 and it is considered that this loss is harmful. However due to the evidence that has been submitted, which indicates that there is no demand for the site for such uses, it is considered that the harm should be attributed limited weight in this instance.

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)
- 5.27 The Councils highways Officer has advised that the level of vehicular movements that would be generated by the proposed development could be accommodated onto the local highway network. They go on to advise that they are satisfied that the vehicular access point would be able to achieve acceptable levels of visibility.
- 5.28 With regards to parking provision, the proposal would provide 28 parking spaces, whereas the Buckinghamshire Countywide Parking Guidance sets out that a development of this nature should be providing 28 parking space to serve the development, plus two visitor spaces, resulting in an overall requirement of 30 parking spaces to be provided. The Councils Highways Officer advises that there appears to be space within the site in which additional vehicles could park, and therefore they are satisfied that adequate parking provision has been provided in this instance.
- 5.29 Notwithstanding the concerns raised by the Parish Council regarding highway issues, in light of the comments from the Councils Highways Officer, it is considered that adequate off- street parking would be provided and that the proposed development would not result in unacceptable impacts on the highway or its users.
- 5.30 The Councils Strategic Access Officer also raises no objections to the proposals from a public footpath point of view, advising that existing public footpaths would not be impacted upon by the proposed development.

Raising the quality of place making and design

- Core Strategy Policies:
CP8 (Built and historic environment)
- Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)
EP4 (Landscaping)
EP6 (Designing to Reduce Crime)
H9 (Residential development and layout)

- 5.31 The proposed development is considered to be of an appropriate design and appearance so as to not appear out of keeping or incongruous within the area. The proposed new build elements of the scheme have been designed to reflect a residential appearance whilst relating to the sites rural nature, and appearance of surrounding residential properties. They are considered to be of an acceptable size and scale, not appearing over dominant or obtrusive within the street scene or wider locality. Their siting within the site, and their set back from the boundaries, enables them to not appear prominent or adversely impact upon the visual amenities of the site or immediate street scene.
- 5.32 The introduction of a residential use on this site would not detract from the character and appearance of the locality, which is predominantly already residential in character.
- 5.33 The proposed works to the existing buildings are considered to be appropriate and sympathetic to their original design and appearance.
- 5.34 Overall, it is considered that the proposed development would not adversely impact upon the character or appearance of the site or locality in general.

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)
- 5.35 It is considered that given the significant distances retained to the closest neighbouring properties, the proposals would not lead to any adverse impact on the amenities of these neighbouring properties. Distances of approximately 70m would be retained from the rear of the new build dwellings on plots H and J to the closest point of Boveney Court Farmhouse, whilst a distance of approximately 50m would be retained to the rear of Old Place Cottage. No new windows would be inserted into the existing buildings that are to be retained, that would provide overlooking opportunities towards these neighbouring properties. Overall therefore, it is considered that the proposed development would not adversely impact upon the amenities of any neighbouring properties in terms of loss of light, loss of privacy or appearing over-dominant or obtrusive.
- 5.36 The proposed change of use from an unrestricted B8 storage use to residential is considered to be a benefit to local amenity in terms of noise disturbance and would not therefore impact upon the amenities of neighbouring properties.
- 5.37 The proposed new dwellings are of an appropriate size, meeting national space standards, and all being served by outdoor garden space. It is considered therefore that future residents of the proposed development would be served by a satisfactory level of amenity.

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)

- 5.38 The Councils Environmental Health Officer raises no objections to the proposals from a land contamination or air quality point of view.
- 5.39 The Councils Waste Officer raises no objections to the proposals, advising that due consideration has been given to waste management and container provision.

Flooding and drainage

- Core Strategy Policies:
CP13 (Environmental and resource management)
- 5.40 Para. 159 of the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.41 The NPPF goes on to advise that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment, and where appropriate, the sequential, and exception tests applied.
- 5.42 The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 5.43 In this instance, the site is predominantly located within flood zone 2, whilst a small section of the northern part of the site, lies within flood zone 3.
- 5.44 The application has been accompanied by a site specific Flood Risk Assessment which sets out how the development will be flood proofed for its lifetime, ensuring the safety of its future residents, as well as how it has been designed to prevent an increased risk of flooding to the existing neighbouring properties. It is also noted that whilst a section of the site falls within flood zone 3, the only part of the development that lies within this zone, would be that which is landscaped and consisting of ecological features, as opposed to any new or existing buildings. As such, the new dwellings have been located within the areas of lowest flood risk.
- 5.45 The Environment Agency have assessed the application and submitted FRA and raise no objections to the proposals from a flood risk point of view, and consider that future and existing residents would not be adversely affected by flooding as a result of the proposed development.
- 5.46 The application is also accompanied by a Surface Water Drainage Strategy that has been assessed by the Councils Drainage Officer. They are satisfied that the development will incorporate an appropriate surface water strategy that will ensure that there will be no risk of surface water flooding to the site or neighbouring sites as a result of the proposed development. They therefore raise no objections to the proposals from a flood risk point of view.
- 5.47 In light of the above, it is considered that it has been demonstrated that that the proposed development has been appropriately designed to ensure that it is appropriately floodproofed, and would not lead to danger for future residents, nor would it lead to any increased risk of flooding to existing neighbourhood properties.

- 5.48 Notwithstanding this, the sequential test must still be applied to the proposals to demonstrate that there are no other reasonably alternative sites that are at a lower risk of flooding, that could accommodate the proposed development.
- 5.49 'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.
- 5.50 For the purposes of this sequential test, sites have been identified through the Council's Housing and Economic Land Availability Assessment (HELAA), and the area of search be limited to sites within the boundaries of South Buckinghamshire. It is considered that this is a reasonable and appropriate approach.
- 5.51 The applicant has limited their search to those sites identified within the HELAA that had been considered to be 'suitable', 'available', and achievable' in terms of being redeveloped, which was a total of 66 sites in south Buckinghamshire. To ensure that these alternative sites would be appropriate for the proposed development, it was considered necessary to identify sensible thresholds within which the proposed scheme could be developed. As such, they subsequently discounted sites that had a worse or equal risk of flooding (Flood Zones 3 / Flood Zones 2 and 3) in comparison to the subject site, sites that were not considered to be suitable for residential development and sites which had a residential capacity of either less than 10 or more than 16 dwellings. It is considered that this is a reasonable and appropriate approach.
- 5.52 Following the application of these criteria, a total of 7 alternative sites were identified, and an assessment of these 7 sites was undertaken as to their suitability and availability.
- 5.53 For the reasons set out in the submitted sequential test, which includes factors such as the site already being redeveloped, requirements to provide mixed use schemes, physical infrastructure constraints, natural constraints, and the inability to incorporate the restoration of the listed buildings on the application site, it concludes that there are no reasonable alternative sites for the proposed development.
- 5.54 It is considered that the submitted sequential test is appropriate and thorough and successfully demonstrates that there are no other reasonably available alternative sites with a lower risk of flooding upon which the proposed development could be accommodated. In addition to this, it is considered that an important consideration is that the proposed site will result in the restoration of a listed building, which cannot be delivered elsewhere. Overall therefore, it is considered therefore that the sequential test has been passed.
- 5.55 Given that part of the site falls within Flood Zone 3a, a proposals of this nature must also now be assessed against the Exceptions Test. The NPPF describes the Exception Test as a method for managing flood risk, while still allowing necessary development to occur within Flood Zones 2 and 3. The Exceptions Test needs to show that:
1. the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 2. the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

- 5.56 It is considered that the proposal meets the first point of the exceptions test by virtue of the fact that it will provide a number of wider sustainability benefits. Social benefits would be provided in the form of the provision of additional homes towards the Councils significant need for new homes, as well as a contribution towards the Councils need for affordable housing provision. Economic benefits would be provided during the construction phase of the development via increase jobs, whilst the additional homes would result in greater financial spend within the locality. Environmental benefits are provided by providing significant ecological and biodiversity improvements, and the use of sustainable energy sources, whilst the historic environment would be improved by virtue of the restoration of the listed building and the curtilage listed other buildings on site. It is considered that in combination these amount to sustainability benefits sufficient to outweigh any flood risks associated with the site and development.
- 5.57 With regard to the second point of the Exception Test, it is considered that this has been met by the fact that the submitted FRA sets out how the development will be floodproofed for its lifetime, without increasing flood risk elsewhere. Neither the Environmental Agency or the Council's Drainage Officer raise any objections to the proposals.
- 5.58 Overall, it is therefore considered that the Exception Test has been satisfied.

Landscape Issues

- Core Strategy Policies:
CP9 (Natural environment)
 - Local Plan Saved Policies:
EP3 (The use, design and layout of development)
EP4 (Landscaping)
L4 (River Thames setting)
L10 (Proposals involving felling or other works affecting trees covered by a Tree Preservation Order)
- 5.59 The Councils Tree Officer raises no objections to the proposals, advising that they would not adversely impact upon existing trees within or adjacent to the site.
- 5.60 A detailed landscape and planting scheme has been submitted as part of the application which seeks to maintain and enhance the natural environment with additional planting. It is considered therefore that the proposals would improve the natural landscaping of the site.

Ecology

- Core Strategy Policies:
CP9 (Natural environment)
- 5.61 CP13 (Environmental and resource management). The Councils Ecology Officer raises no objections to the proposals, advising that the proposal would not adversely impact upon existing wildlife, including protected species. In terms of Biodiversity Net Gain, this is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. The Environment Act 2021 sets out the key components of mandatory biodiversity gain, and sets a requirement for 10% BNG, which is due to come into force in November 2023. Prior to this date, development proposals need to demonstrate measurable gains in biodiversity in accordance with the National Planning Policy Framework (NPPF) and relevant Local Planning policies, policy CP9 in this instance.

- 5.62 Buckinghamshire Council also has an adopted Biodiversity Net Gain Supplementary Planning Document which sets out that Buckinghamshire Council has an aspiration to achieve at least a minimum 10% net gain.
- 5.63 In this instance, the proposals will result in a minimum BNG of 28% which is clearly in excess of the minimum preferred increased. Therefore, it has been demonstrated that the development will result in a biodiversity net gain in line with the NPPF and a net gain of over 10% in habitat units in line with the Environment Act. This is considered a benefit to the natural environment, and given its exceedance of the minimum desired increase, it is considered that it attracts moderate weight in favour of the proposals.

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)
- 5.64 The site contains one Grade II listed building (Barn B) and also falls partially within the boundary of the Boveney Conservation Area. There is a further listed building (Grade II) within the setting of the site, as part of the former farm complex at Boveney Court Farm. As such the proposed redevelopment would therefore affect the significance (directly) and setting (indirectly) of each of these designated heritage assets. The Blocks C, D & E are also considered curtilage listed structures of Boveney Court, whilst Blocks F & G are of interest as agricultural buildings.
- 5.65 The Councils Heritage Officer raises no objections to the proposed residential use in principle as they consider that this relates positively to the established historic use of the former focal farmhouse to this grouping immediately to the south of the site boundary, and also to the now prevailing and dominant use of the wider conservation area and hamlet at Boveney. They also consider that this change of use is also a means by which the listed barn and other associated historic buildings can be retained and repaired in active use in the interest of their future conservation.
- 5.66 With regard to the proposed works to the listed building and other existing buildings to be retained, the Councils Heritage Officer considers that they are appropriate and do not detract or adversely impact upon their historic fabric or appearance. They also consider that the siting, layout and detailed design of the proposed new build residential units has been informed by an understanding of the historical development and heritage interest of the grouping and wider site. In particular, the orientation and distance of the new units from the group of former farm buildings would not challenge the traditional farmstead arrangement grouped around a yard. The legibility of the historic farm use and character would retain the setting of the nearby listed buildings and the character and appearance of the conservation area, would be preserved.
- 5.67 Overall, in light of the comments of the Councils Heritage Officer, it is considered that the proposed development is acceptable in heritage terms. No harm has been identified to the designated heritage assets as a result of the proposed development, but rather the proposal would provide a heritage benefit by virtue of providing a means by which the listed barn and other associated historic buildings can be retained and repaired in active use in the interest of their future conservation. There is evidence submitted within the application that indicates that the use of these buildings for their lawful storage use would result in the buildings remaining vacant, given the likely lack of demand for their use as

storage facilities. The unoccupancy of these buildings would in turn potentially lead to them deteriorating over time. The re-use of these buildings for residential purposes is considered to provide a more viable use in terms of maintaining and securing their long term occupancy and maintenance. The National Planning Practice Guidance sets out that securing an assets optimal viable use is likely to lead to the investment in their maintenance necessary for this long term conservation. It is considered therefore that the proposals would enable the long term conservation of the existing buildings, and that this benefit would attract moderate weight in favour of the development.

- 5.68 The Councils Archaeological Officer has reviewed the proposals and advises that the wealth of archaeological evidence from the wider area around the site suggests that archaeological remains of prehistoric origin, associated with the known activity to the south, is present within the site. The proposed redevelopment of the site has the potential to impact on in situ archaeological remains. Many of the current buildings have minimal foundations, and as such, it is likely archaeological deposits remain undisturbed beneath their footprint. The proposed redevelopment of these areas will require greater impacts than previously caused, which suggest the proposals have the potential to impact on buried remains. These impacts should also be mitigated against.
- 5.69 As such, whilst not objecting to the proposals, the Archaeological Officer advises that a condition should be attached to any permission which requires the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 205.
- 5.70 In light of these comments, it is considered that provided that such an appropriately worded condition is attached to any decision, the proposals would not adversely impact upon any archaeological remains that may be present on the site.
- 5.71 The proposal is therefore considered to comply with the relevant Local Plan Policies C1 and C6, as well as policy CP8 of the Core Strategy, and the requirements of section 16 of the NPPF.

Building sustainability

- Core Strategy Policies:
 - CP12 (Sustainable energy)
 - CP13 (Environmental and resource management)
- 5.72 Core Strategy Policy 12 states that all developments of 10 or more dwellings should secure at least 10% of their energy from decentralised and renewable or low-carbon sources, unless demonstrated that it is not viable or feasible.
- 5.73 To satisfy the requirements of Core Strategy Policy 12, it has been calculated that a minimum of 18,947.71 kwh/year (10%) is required to be generated on site via the provision of decentralised and renewable or low-carbon sources. On this basis, it is proposed to install a 6 or 8 panel photovoltaic array onto each of the 5 new build units along with an air source heat pump to provide space heating.
- 5.74 In addition to this, the development has been developed with sustainability and energy efficiency in mind. The principle of 'fabric first' has been implemented to minimise the use of energy and improve the schemes sustainability. With respect to the listed barns, the existing main truss posts have been left exposed and are visible internally. Woodfibre insulation has been introduced within the thickness of the frame. Woodfibre insulation is low carbon, natural and breathable and allows for air circulation and movement of the frame over time preventing long term structural problems. Further to the use of

decentralised and renewable or low-carbon sources as stated above, the new dwellings will also allow for high levels of insulation. Air tightness has been provided to all new buildings, which will exceed the requirements set by Building Regulations to reduce heat losses and subsequently improve energy efficiency.

5.75 The scheme also proposes to target water efficiency of 105 litres per person per day.

5.76 In light of the above, it is considered that the scheme complies with the requirements of Core Strategy Policies 12 'Sustainable Energy' and 13 'Environment and Resource Management'.

Infrastructure and Developer Contributions

- Core Strategy Policies:
CP6 (Local infrastructure needs)

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

5.78 Other than the identified financial contribution towards affordable housing, it is considered that there would not be other types of infrastructure, that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.

5.79 Having regard to the statutory tests in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that the following planning obligation(s) are required to be secured within a section 106 agreement:

- Affordable housing

5.80 The applicant has confirmed that he is willing to enter into a legal agreement.

6.0 Weighing and balancing of issues / Overall Assessment

6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

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

6.3 It is acknowledged that the Council cannot demonstrate a five-year supply of deliverable housing sites in the South Bucks Area. It is also acknowledged that The Framework, at paragraph 11 is clear that in such circumstances, permission should be granted unless the

application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.

- 6.4 As set out above it is considered that the proposed development would accord with the Green Belt policies as set out in the NPPF, and the site's proposed redevelopment will make effective and efficient use of previously developed land.
- 6.5 Housing delivery is a strategic aim of the Core Strategy. The proposed development would make a positive contribution to the Council's housing needs and supply. This housing provision represents a benefit that weighs in favour of the proposal and when taking into consideration the level of need, and the number of homes being provided, it is considered that this should be attributed moderate weight.
- 6.6 The proposed development would also make a positive contribution to the Council's provision of affordable housing. This provision represents a benefit that weighs in favour of the proposal, and when taking into consideration the level and type of provision being provided, it is considered that this should be attributed limited weight.
- 6.7 The proposals would result in a 28% increase in BNG, which is a benefit to the ecology and biodiversity of the site and goes beyond the minimum 10% figure that is aspired to by the council. This is considered a benefit that weighs in favour of the proposal, and given the level of increase, it is considered that this should be attributed moderate weight.
- 6.8 The proposals would enable the restoration of an existing grade II listed building, as well as provide it with a use that will enable its future occupancy and upkeep. This is a positive for the historic environment and benefit that weighs in favour of the proposals and is considered should be attributed moderate weight.
- 6.9 Compliance with National and Local Plan policies have been demonstrated in terms of visual impact, preserving residential amenities, parking and access, meeting the challenge of climate change and flooding, and conserving and enhancing the natural environment, however these do not represent benefits of the scheme but rather demonstrate an absence of harm to which weight should be attributed neutrally.
- 6.10 Notwithstanding the scheme's compliance with the NPPF's Green Belt policies, it has been identified that the scheme would result in some harm to the openness of the Green Belt. This level of harm has been identified as being moderate, and hence is considered should be attributed moderate weight in the planning balance against the scheme.
- 6.11 It has been identified that the proposals are not in full compliance with policy CP10, with the requirements for the evidence of a marketing campaign having not been undertaken or supplied. It is considered therefore that the proposal has not fully justified the loss of the lawful employment generating use of the site, which is a harm that weighs against the proposals. In light of the evidence that has been provided, it is considered that the level of harm should be attributed limited weight.
- 6.12 In terms of applying paragraph 11 d of the NPPF it is concluded that there are no policies that protect areas or assets of particular importance, that provide a clear reason for refusing the development proposed and there are no adverse effects of the proposal that would significantly and demonstrably outweigh the benefits.
- 6.13 Taking all of the above into account it is considered that the proposal would provide for a sustainable form of development that meets the requirements of the NPPF and relevant Development Plan policies.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this instance, the applicant was provided with pre-application advice, and during the course of the application, the applicant was advised of any issues and provided the opportunity to respond to and submit amendments when necessary.

Recommendation:

Delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and any others which he considers appropriate and the satisfactory prior completion of a Planning Obligation to secure a financial contribution towards Affordable Housing. If the Legal Agreement cannot be completed the application be refused for such reasons as the Director of Planning and Environment considers appropriate.

Subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice. (SS01)
Reason: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 (or any statutory amendment or re-enactment thereof).
2. Prior to any works above ground floor slab level, a detailed schedule of works and materials to be used to for the development shall be submitted and approved in writing. The details to be submitted shall include the following:
 - a) Elevational materials to be used on existing and proposed buildings;
 - b) Matching brick bond to plinth of listed building and mortar mix;
 - c) All internal and external new joinery details (doors and windows) at an appropriate scale, including sections and glazing bars;
 - d) Details of contemporary glass framing system;
 - e) Details of insulation to be provided for listed building and curtilage listed buildings;
 - f) Metal rainwater goods;
 - g) Details of roof lights and lanterns
 - h) Details of hardsurfacing to be used throughout the siteThe works shall be carried out in accordance with the approved details.
Reason: To ensure that the development is not detrimental to the character, appearance or interest of the existing buildings, including the Listed Building, as well as the Conservation Area and locality in general. (Policies C1, C6, EP3, and H9 of the South Bucks District Local Plan (adopted March 1999) and policy CP8 of the South Bucks District Core Strategy (adopted February 2011) refers.)
3. The development shall be implemented in accordance with the arboricultural method statement submitted and approved as part of the planning application and under the supervision of a retained arboricultural specialist in order to ensure that the phasing of the development accords with the stages detailed in the method statement and that the correct materials and techniques are employed. (ST18).

Reason: To maintain the visual amenity of the area. (Policies EP4 and L10 of the South Bucks District Local Plan (adopted March 1999) refer.)

4. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- i. A site investigation, based on the Phase 1 Ground Condition Assessment prepared by Stantec (Report ref. 49209/3501), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
 - ii. The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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.

5. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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.

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. No other part of the development shall be occupied until the existing means of access has been sited and laid out in general accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway".

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development. (Policy TR5 of the South Bucks District Local Plan (adopted March 1999) refer.)

8. The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

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

9. The development shall be carried out in accordance with the submitted flood risk assessment (ref.49209/4002 Rev A, May 2022, Stantec) and the following mitigation measures it details:

Finished floor levels shall be set no lower than 21.71 metres above Ordnance Datum (AOD) as detailed in section 6.1.3 of the Flood Risk Assessment.

Level-for-level compensatory storage shall be provided as detailed in section 6.2 and drawing 'Boveney Court Farm Flood Storage Analysis' 49209/4001/002 revision B in Appendix D.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants and prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in line with National Planning Policy Framework paragraphs 164 and 167.

10. Prior to the first occupation of the development hereby permitted, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason: To safeguard protected species that may be otherwise affected from the development.

11. The development shall be implemented in strict accordance with the agreed reptile mitigation plan (Reptile Mitigation Strategy, Davidson Watts-Ecology, 12 January 2023). Any variation to

the agreed plan shall be agreed in writing with the local planning authority before such change is made. The condition will be considered discharged following; a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.
Reason: To safeguard protected priority species and enable their long-term survival.

12. Before any construction works hereby approved are commenced, a Construction Environmental Management Plan (CEMP) detailing, in full, measures to protect existing habitat during construction works and to safeguard protected and notable species, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should be completed in accordance with the British Standard on Biodiversity BS 42020:2013 with these details below:

- a) Details of what biodiversity features could be impacted on and what development activities could be potentially damaging;
- b) A rolling timetable of when and where specific measures to avoid / reduce impacts are to be carried out including any seasonal or legal implications (e.g. the bird nesting season) and who is responsible;
- c) Details of method statements for specific biodiversity issues (e.g. for specific destructive activities such as: vegetation clearance, hedgerow removal, tree felling, soil stripping and building demolition);
- d) Identify all practical measures (e.g. fencing, protective barriers and warning signs) and sensitive working practices to avoid impacts;
- e) Details of inspections to ensure wildlife do not become trapped in excavations or machinery;
- f) Details of other responsible person and lines of communication on-site in relation to the implementation of the CEMP;
- g) Details of contingency measures in the event of an accident or other potentially damaging incident (e.g. pollution incidents; how to deal with previously unrecorded protected species found during construction and restoration; unexpected bad weather; repair of damaged features etc.);
- h) Details of procedures to avoid pollution incidents (e.g. from fuel spills and site run-off based on an understanding of the wildlife interest at risk);
- i) Regular review of the implementation of CEMP throughout the construction / restoration phase to monitor effectiveness of mitigation measures and compliance with legal, planning and/or contractual requirements;
- j) Details of biosecurity protocols / method statements to prevent spread of non-native species;
- k) Temporary management of existing wildlife features during construction / implementation. The development shall be undertaken and thereafter maintained in accordance with the approved CEMP.

Reason: To protect habitats and species of conservation importance.

13. The development hereby permitted shall not in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitat and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) and to protect species of conservation concern.

14. No development shall take place (including demolition, ground works, vegetation clearance) unless and until the Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed, including bat boxes and bat lofts, reptile compensatory habitat.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management which will (without limitation) include the provision of biodiversity net gain within the Site as shown within the Biodiversity Gain Plan
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall be for no less than 30 years. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Policy 9: Natural Environment of the South Buckinghamshire Core Strategy and ensuring that the development achieves biodiversity net gain.

15. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- Demonstrate that water quality, ecological and amenity benefits have been considered
- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- Existing and proposed discharge rates and volumes
- Ground investigations including:
 - Infiltration in accordance with BRE365
 - Groundwater level monitoring over the winter period
- Subject to infiltration being viable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 056 of the Planning Practice Guidance.
- SuDS components agreed in the outline application
- Full construction details of all SuDS and drainage components

- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
 - Flow depth
 - Flow volume
 - Flow velocity
 - Flow direction Reason

The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 167 and 169 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

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

Reason The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long term maintenance of the drainage system as required under Paragraph 169 of the NPPF

17. No development shall take place until the applicant, or their agents or successors in title, have undertaken a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

Reason: To protect potential archaeological remains.

18. 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>
13 Jan 2023	364/204G
13 Jan 2023	364/203F
23 Dec 2022	1102 K
23 Dec 2022	1103 H
23 Dec 2022	1104 E
7 Nov 2022	1315 H
4 Nov 2022	1322 A
4 Nov 2022	1321
4 Nov 2022	1313 H
4 Nov 2022	1303 D

4 Nov 2022 1358 B
4 Nov 2022 1357 B
4 Nov 2022 1312 G
4 Nov 2022 1302 C
12 Oct 2022 1405 A
12 Oct 2022 1404 B
12 Oct 2022 1403
12 Oct 2022 1402
12 Oct 2022 1401 B
12 Oct 2022 1356 B
12 Oct 2022 1338 A
12 Oct 2022 1337 A
12 Oct 2022 1336 B
12 Oct 2022 1335 A
12 Oct 2022 1320 A
12 Oct 2022 1315 G
12 Oct 2022 1314 F
12 Oct 2022 1311 D
12 Oct 2022 1302 B
12 Oct 2022 1301 B
12 Oct 2022 1239 D
12 Oct 2022 1238 D
12 Oct 2022 1237 D
12 Oct 2022 1236 E
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12 Oct 2022 1233 E
12 Oct 2022 1213 E
12 Oct 2022 1212 H
12 Oct 2022 1210 H
12 Oct 2022 1202 D
12 Oct 2022 1200 E
12 Oct 2022 DR-S-0412
12 Oct 2022 DR-S-0301 P1
12 Oct 2022 DR-S-0300 P1
12 Oct 2022 DR-S-0411 B
12 Oct 2022 DR-S-0410 B
12 Oct 2022 DR-S-0407 B
12 Oct 2022 DR-S-0304 T2
12 Oct 2022 DR-S-0303 T1
12 Oct 2022 DR-S-0302 T2
12 Oct 2022 DR-S-0301 T2
12 Oct 2022 DR-S-0300 T1
12 Oct 2022 DR-S-0200 T2
12 Oct 2022 DR-S-0100 T1
12 Oct 2022 5540-1100
12 Oct 2022 1211 H
12 Oct 2022 1201 E
12 Oct 2022 1355 B

INFORMATIVE(S)

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

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

2. The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request.

Please contact Highways Development Management at the following address for information:

Highway Development Management (Delivery)
Buckinghamshire Council 6th Floor,
Walton Street Offices
Walton Street,
Aylesbury
Buckinghamshire
HP20 1UY
highwaysdm@buckinghamshire.gov.uk

Appendix A: Consultation Responses and Representations
Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Sandy:

This is to confirm that I wish this application to be called in for consideration by the Planning Committee.

Cllr Kelly:

I wish to call in this application.

Cllr Ashman:

Please call this application in for committee consideration

Parish Council Comments

1st comments received 19th December 2022:

Dorney Parish Council, at their meeting on 22 November agreed to object to these planning applications for the reasons stated below. In summary there is no justification for this development in the Green Belt and Boveney Conservation Area. We believe that adding an additional 12 properties to Boveney, which has only between 12-14 dwellings is an over development of the area. With no Public transport available within a reasonable distance, this development will put excessive pressure on Boveney Lane, a limited width road across Dorney Common, with a restrictive width, with passing places. The applications appear not to be compliant with important Policies TR5 and TR7 of the South Bucks District Local Plan (1999).

Dorney Parish Council fully supports the Points of Objection raised by our residents specifically as clearly stated in the letter by Walsingham Planning dated 28 November 2022 submitted on behalf of their clients who own and currently reside in Boveney Court Farmhouse, SL4 6QG. Details of our specific concerns are provided below:

Emerging Local Plans, Neighbourhood Plans and Parish Plans of South Bucks District Local Plan - Adopted March 1999: The proposal appears to be non-compliant with Policy TR5: Accesses, Highway Works and Traffic Generation

Boveney Road is a busy, rural, single-track lane which we believe must be at, or close to, its reasonable operational capacity and where additional traffic movements would have an adverse effect on other properties on Boveney Road, it would appear that the planning application is in breach of Policy TR5.

South Bucks District Local Plan - Adopted March 1999: The proposal appears to be non-compliant with Policy TR7: Parking Provision. The only parking option for visitors would be on Boveney Road – a busy, rural, single-track lane that is already suffering from street parking due to Eton Dorney Lake. Parish Plan (2005) The residents of Dorney Parish, in the Parish Plan of 2005, stated forcefully their position regarding additional developments in the Parish. Knowing our residents well, we are convinced that the view of current residents would be exactly the same. The specific comments regarding development included:

- Need to maintain the rural character of the Parish
- There is very strong resistance to any sort of development in the Parish,

- The Green Belt designation of the area is to be protected
- Prevent future development that will erode the character of the Parish and safeguard the existing properties and the environment

Supplementary planning documents such as Conservation Appraisals

Dorney Parish Council considers that the proposed development would significantly adversely affect the character and appearance of the Conservation Area.

The National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework and Planning Practice Guidance on protecting Green Belt land clearly states in paragraph 147 and 148 that development in the Green Belt should not be approved except in very special circumstances. Paragraph 149 clearly states what exceptions there are. This proposal for the creation of twelve dwellings with their own gardens and newly formed boundaries, in place of what are buildings used for storage is clearly in Green Belt and the applicant has not justified this development based on the exceptions listed in the NPPF. The development significantly increases the density of housing in this location and would also bring with it newly created boundaries and associated domestic paraphernalia which causes harm to the openness of the Green Belt and the purposes of including land within it. Dorney Parish Council therefore strongly believes that the proposed conversion of the buildings and the associated use of land as a separate residential curtilage would be harmful to the character of the Green Belt and to the purposes of including land within it. As such, the proposal is therefore inappropriate development.

There appear to be no “very special circumstances” applicable to this development except, possibly, regarding Building B, the listed building. The proposal appears to provide benefits in terms of providing Building B with a sustainable future, but we would like to point out that Eton College has been the owner of this site for a number of years and any dilapidation has occurred during their ownership and could have been rectified, if they were willing to carry out the work.

Environmental qualities of the area, visual character and amenity

Dorney Parish Council considers that the proposed development would significantly adversely affect the character and appearance of the Conservation Area.

Overlooking and loss of privacy as stated in the objection by Boveney Court Farm. Given the distance to the nearest neighbouring property, it is considered that there would be significant adverse impact on the amenities of the adjacent property in terms of loss of privacy and overdominance. It is considered that it would lead to an increase in noise and disturbance to the neighbouring property.

Road safety, access, car parking, traffic generation

Boveney Road is a busy, rural and in places single-track road with common land on either side. It already suffers especially at weekends from roadside parking. We note from the Transport statement submitted with the application that the selected period for the survey days for trip generation was only Monday to Friday and not the weekends, when the road is more heavily used to access Eton-Dorney Lake, the River Thames and Boveney Church. With reference to Buckinghamshire’s Local Transport Plan 4: March 2016 – 2036 we believe this application takes no account of a couple of points as follows

Policy No 17 Road safety. Boveney Road: Cattle are free to roam across Boveney Road – April to October. There have been animal fatalities. There are horse riders on the common and also problems with the use of the narrow Boveney Road bridge over Cress Brook. Policy 19: An effective approach to parking and South Bucks District Local Plan - Adopted March 1999 – Policy TR7 The

proposed development appears to have no visitor parking, this will encourage on road parking on Boveney Road. There is already an issue with parking on Boveney Road, due to its use to access leisure facilities. We are concerned with the following comment from the Strategic Access Officer in his Strategic Assessment dated 17 November 2022: “The existing access may need to be widened and the existing grass area of common land surfaced with bitumen to meet the needs of the new residential development.” Dorney Parish Council is strongly opposed to the use of bitumen on common land for accesses to properties bordering Dorney Common and will ensure that the Secretary of State is made aware of our views, if necessary. In the Transport statement supporting the application reference is made in section 3.4.2 to a bus service travelling to Maidenhead and Slough, this is incorrect the Bus route 15 goes only to Slough, access to Maidenhead and Taplow, would require a Bus change at Slough. All this development will do is add to the traffic through Dorney or Eton, which has been a concern to Buckinghamshire highways in previous applications in the area. Should this planning application be approved, with the significant proposed increase in residents’ traffic (100%) along Boveney Road, the S106 Agreement (or similar) should, we suggest, include an ongoing amount in perpetuity, for at least a 50% contribution towards the annual maintenance costs of the road.

Flood risk

Dorney Parish Council is unclear as to whether the Flood Mitigation Strategy in the applicant’s Flood Risk Assessment document is adequate for such a significant development, especially in the event of the climate change scenarios of +15%, +25% and +35%, which appear to be becoming more likely according to climate change forecasts.

Archaeology

In her letter of 23 November 2022, the Archaeology Officer of Buckinghamshire Council stated “If planning permission is granted for this development then it is likely to harm a heritage asset’s significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 205. With reference to the NPPF we therefore recommend that any consent granted for this development should be subject to the following condition: No development should take place until the applicant, or their agents or successors in title, have undertaken a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. Dorney Parish Council fully supports this pre-development Condition.

Case law and previous planning decisions.

We have carefully studied a previous planning decision for a neighbouring property – a listed building conversion from barn to residential use – which is approx. 200m away from the proposed development. Many of the concerns we raise regarding this proposal were also raised by the Case Officer for that application. PL/19/3527/FA: Redevelopment of stable block and ancillary buildings to provide detached dwelling and double garage. Boveney Court, Boveney Road, Dorney, Buckinghamshire, SL4 6QD.

In summary, the applications appear not to be compliant with important Policies TR5 and TR7 of the South Bucks District Local Plan (1999) and they are not compliant with the stated views of the residents we represent which were incorporated in the Dorney Parish Plan (2005), nor do they appear to be compliant with NPPF guidelines in regard to Green Belt development or Policies 10,17 and 19 of Buckinghamshire’s Local Transport Plan 4: March 2016 – 2036. We are concerned with the fact that if the planning application is granted then, according to the Archaeology Officer,

Planning Growth and Sustainability, Buckinghamshire Council, it is likely to harm a heritage asset's significance. We support her recommendation for a pre-development Condition being applied. A significant number of Dorney and Boveney residents decided to live here because of the biodiversity of the location. The site is immediately adjacent to Local Wildlife Site (LWS) 'Dorney Common and Cress Brook' and lies within the Biodiversity Opportunity Area (BOA) 'Bray to Eton Pits and Meadows'. The detailed report by the Bucks Ecology Officer dated 25 November states a number of concerns regarding the potential negative impact of the proposed development on the wildlife in the area. We share those concerns and are not convinced that there are suitable solutions to the issues raised should the proposals be accepted. Boveney is a remote hamlet consisting of approx. twelve residential properties and the Grade I listed St Mary Magdalene Church. There are nine listed buildings (including one set of gates) in Boveney. The addition of twelve new dwellings will have a significant negative impact on this rural oasis which is valued for its peace and serenity by its residents, other residents of Dorney Parish and others beyond our boundaries. Dorney Parish Council considers that the proposed development would significantly adversely affect the character and appearance of the Boveney Conservation Area in which the proposed buildings are sited.

Given the points above, Dorney Parish Council objects to these planning proposals

2nd Comments received 25th January 2023:

In reference to the Amended 5540-1103-H Footprint Comparison Plan the applicant submitted on the 23rd of December 2022. Dorney Parish Council considers that this does not show the full impact on the development on the Greenbelt as it only deals with footprint of the proposed building and not the height. Converting single storey building, open sided barns and a hardstanding into Two storey building will have a greater impact than is shown on this plan. It would be a fairer comparison if the plan showed volume, or even an impression of how the buildings would look from the Common. DPC believe the size and height of the proposed development will have a significant impact on the surrounding Greenbelt and should be refused.

3rd comments received 1st March 2023:

Dorney Parish Council wish to comment on the letter from Savills of London in support of the application reference: PL/22/3562/FA and PL/22/3563/HB to the Planning Department dated 13 January 2023 with the following points.

1. Loss of Green Belt/Openness

The only relevant appropriate forms of development which have policy support in the Green Belt are set out in Paragraph 145 of the NPPF as being as follows: a. Extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; New Buildings K, L and M do not meet this requirement. Replacing an open sided Barn with 3 bed houses is not compatible with Para 145 of the NPPF b. Replacement of a building provided the new building is in the same use and not materially larger; Again New buildings K, L and M do not satisfy this guideline. The current structure is an open sided barn, the application seeks to replace this with 3 two storey houses with Photovoltaic Solar Panel on the roof. c. Limited affordable housing. One affordable house elsewhere in Bucks Council is not sufficient to justify new buildings H, J, K, L and M. d. Limited infilling in villages; The proposal definitely does not meet this guideline. Almost doubling the number of houses in a hamlet, is not limited infilling. d. e. Paragraph 5.1.2. of the submitted Planning Statement fails entirely to confirm the acceptability of the proposal in policy terms. Whilst the Certificate of Lawfulness PL/19/4124/EU confirms that certain areas of land were previously developed, it does not include Buildings H and J. The comment in the table on AMENDED 5540-1102-K PROPOSED saying that the area is "Farm Storage Building" is incorrect as the area is "Existing hardstanding" as the applicant states in the existing plan they submitted as part of the application. So, these

new buildings are illegal under any planning terms. There isn't an existing or previous building and these new buildings do not have "a negligible impact".

2. Design, Scale and Massing

- a. It is irrelevant to state that the heights of proposed buildings K, L and M are the same as the Listed Farm B. The correct comparison should be with the building already on the site - Barn C - which is considerably smaller. New buildings K, L and M do not satisfy this guideline.
- b. The application suggests that trees and foliage will screen dwellings. This is a simplistic view that does not take account of the trees in the area losing their leaves during the winter which will expose the site to views from the Dorney common and other surrounding fields, or are leylandii being suggested for this planned urban area?
- c. It is our view that this scheme does not create a "farmstead setting" under any definition. The design of the new buildings appears to be more modern urban, rather than rural Boveney hamlet. The Grade II listed barn clearly has not "set the tone for design and development throughout the scheme".
- d. We note in the preapplication advice that the Planning department states that any application that increases the Building form as well as spread would raise concerns, unless mitigated by a compliant level of affordable housing. As the application is only giving the value of one house for affordable housing somewhere else in the county, we believe the application does not meet this requirement and therefore fails the test.

3. Loss of Employment Use

The site has not met footnote 67 of the South Bucks Core Strategy. This states: "In seeking to demonstrate that there is no reasonable prospect of a site being used for the permitted purpose, the applicant will need to have undertaken a prolonged period of unsuccessful marketing, using details approved by the District Council." A "Marketing Statement" is a long, long way away from "a prolonged period of unsuccessful marketing". It is not well constructed or argued and does not contain any evidence from the previous tenant, who possibly would have wished to continue their successful business from the site. We understand that it was not their decision to relinquish the tenancy.

4. Neighbourhood Consultation

The applicant did hold a presentation of their proposal last year, at which a significant number of concerns were raised in regard to the application Dorney Parish Council believes that at no time were the minor revisions to the proposals based on the consultation shown to the local residents, or the Parish Council, until the plans were submitted for planning. The 2005 Dorney Parish Plan clearly shows that residents do not believe that the scheme is of a suitable scale or in keeping with the local character.

5. Increase in Vehicle Traffic on Boveney Road

- a. As stated by Bucks Highways, the Transport Statement provided by the Applicant failed to "give an indication of existing trip generation and assumes that the site would be subject to an intensification in use."
- b. As was pointed out by a resident, Boveney Road is used for a range of commercial, tourist, dog walking and equestrian traffic on a daily basis. Consequently, a simplistic trip assessment regarding future additional site traffic is not sufficient in order to determine whether the road is able to safely accommodate the additional traffic. c. It is far from clear that Bucks Highways have taken the time to consider the usage of Boveney Road to date. DPC would be very willing to assist in ensuring this road's usage is better understood by

Bucks Highways and provide multiple reasons why Boveney Road is unable to sustain any additional traffic. i. There are six commercial, tourism and equestrian organisations beyond the proposed site that have to make use of Boveney Road. These are:

1. Boveney Lock (Environment Agency. Has approx. eight boat berths) Requires Emergency Vehicle Access and Egress
 2. PJSA Ltd, Chartered Land Surveyors
 3. Boveney Court Stables
 4. Ramblers Car Park (owned by Eton College, used by dog-walkers etc.)
 5. St Mary Magdalene Church, Boveney (a tourist attraction)
6. Dorney Lake Emergency Vehicle Access and Egress An assessment has been carried out by the Friends of St Mary Magdalene Church, Boveney in order to assess the likely traffic using this road (south of Cress Brook bridge) each month. Initial estimates indicate that, not counting other residential traffic or delivery vans, these organisations deliver between 100 and 250 vehicle movements per day depending on the month. July, August and September are the busiest months. The total number of additional non-residential movements a year is estimated at approx. 65,000. Given the number of organisations and the potential vehicle movements it is essential that a twelve month survey is undertaken in order to allow safety checks to be made rather than just guessed at.
7. Visitor Parking It appears that Bucks Highways have decided to ignore Policy TR7 - Parking Provision which states that Development will only be permitted only where: - a. it complies with the parking standards set out in Appendix 6; and b. it would not be likely to result in non-residential on-street parking in residential areas."[such as on Boveney Road] Bucks Highways do state in response to the application. "in accordance with the Buckinghamshire Countywide Parking Guidance, 28 parking spaces would be required to serve the development, plus two visitor spaces, resulting in an overall requirement for 30 parking spaces to be provided." The question is why do they go on to counter that Guidance by stating "The proposed site plan demonstrates 28 spaces within the site, however there appears to be space within the site in which additional vehicles could park. I am therefore satisfied that adequate parking provision has been provided in this instance" is mystifying. The Guidance states: "Where more than half of parking allocated, an additional 20% of the total number of spaces are required for unallocated or visitor parking." It appears that the Applicant is allocating all parking spaces to individual residences - so more than half the parking is allocated. Consequently, it appears that 28 spaces plus 6 visitor spaces are required within the site. A total of 34 - and there should be parking restrictions along Boveney Road and Lock Path from the Cress Brook bridge to the end of the No Through Road to ensure access for Emergency Vehicles to Dorney Lake and Boveney Lock.

Conclusion

The applicant has not been able to justify any special circumstances to allow this development on the Green Belt to proceed and subjective assessment in the application that concludes that the scheme will not have any adverse or visual impacts are not based on fact. The size and scale of the development will be a direct impact on views from the Common and other Public Rights of way. The further justification that the application will help preserve a listed building has no justification, the building has been in the ownership of Eton College for years, they have just not maintained it, which they could have easily done. The scheme is a massive overdevelopment and almost doubles the size of the hamlet of Boveney. Insufficient details have been provided on Traffic Management, Parking and Sewage connection and we ask that the Planning application be rejected

Consultation Responses

Thames Water:

Waste Comments:

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your_development%2Fworking-near-our_pipes&data=05%7C01%7Cplanning.csb%40buckinghamshire.gov.uk%7C3873713642ee46ca06bd08dac2412719%7C7fb976b99e2848e180861ddabecf82a0%7C0%7C0%7C638035882325136509%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=kNtVnTUpV%2FojQl%2BbTz1zB9MRhjMs%2Fw6Ehct%2FksSyGO8%3D&reserved=0

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via <https://eur03.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.thameswater.co.uk%2F&data=05%7C01%7Cplanning.csb%40buckinghamshire.gov.uk%7C3873713642ee46ca06bd08dac2412719%7C7fb976b99e2848e180861ddabecf82a0%7C0%7C0%7C638035882325136509%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=gdePwvTvxv6nqLeXx4%2FX7sm6KUOVmFr3PuYZT8ALdCA%3D&reserved=0>

Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Strategic Environmental Health Protection Officer – Noise/odour:

The application and associated documents in respect of this case have been reviewed. It is noted from the documentation that there is no outside play space proposed as part of the development. As a result, Environmental Health do not have any comments to make in respect of this application.

Tree Officer:

I have not visited the site and undertaken a desktop assessment. I have reviewed submitted arboricultural report (AIA) which includes (AMS) by Goodger Design Associates (May 2022) as well as submitted landscape scheme.

I have no objection in arboricultural terms and if planning permission is permitted I recommend planning condition ST18

Archaeology Officer:

Thank you for consulting the Buckinghamshire Council Archaeological Service on the above application. We maintain the local Historic Environment Record and provide expert advice on archaeology and related matters. As you will be aware, Paragraph 194 of the National Planning Policy Framework (NPPF) states that information held in the relevant historic environment record should be consulted and expert advice obtained where necessary. The NPPF recognises that the effect of an application on the significance of a heritage asset (including its setting) is a material planning consideration.

Historic Environment Record (HER) information

We have consulted the Buckinghamshire Historic Environment Record (HER) and note that the following records are relevant:

HER reference	Designation Status*	Description
0434500000	PLN	North of Boveney Place North Ring-ditches and field systems seen on aerial photographs north of Boveney Place
0210200000	PLN	South of Boveney Village : Area 6 An Early Neolithic midden, four Bronze Age ring-ditches, Bronze Age

0210300000	HER	settlement and a Roman style burial excavated in advance of the construction of Eton Rowing Course
0455600000	HER	Boveney Possible traces of settlement shrinkage suggested by soilmarks visible in aerial photos
0854900000	PLN, COA	Boveney, W of Old and New Cott Possible post-medieval or modern enclosure seen on an aerial photograph west of Boveney
		Boveney village Medieval settlement of Boveney, recorded in Domesday Book.

* COA = conservation area; LB = listed building; RPG = registered historic park; SAM = scheduled monument; PLN = planning notification area (undesignated area of archaeological interest); HER = historic environment record

Note: some records relate to extensive areas such as historic landscapes, historic towns and villages or areas of high archaeological potential. For full HER information and a licence for commercial use please contact the Bucks HER Officer.

Archaeological and related interests

We welcome the addition of an archaeological desk-based assessment (DBA) with the planning application, which highlights the known multi period archaeological evidence recorded within the wider area and in particular the extensive prehistoric activity excavated in advance of the construction of Eton Rowing Lake. The DBA also discusses the Archaeological Notification Area (ANA) in which the application site sits, but unfortunately does not include a review of aerial photographs, which may have assisted with locating the cropmarks and archaeological remains for which this ANA was allocated. The wealth of archaeological evidence from the wider area suggests that archaeological remains of prehistoric origin, associated with the known activity to the south, is present within the site.

The DBA does not include a clear Impact Assessment and we disagree with the wording used in the DBA which appears to suggest that impacts will be limited to the southern half of the site (which is referred to as the 'development area'). Figure 3 (which is based on Stantec figure 49209/4001/002) shows a flood attenuation pond in the north western part of the site, and ground lowering in the central area, both of which are in previously undeveloped areas and both of which will require ground works. The construction of these two flood alleviation areas has the potential to impact on any in situ archaeological remains within their footprints even in the ground lowering area where the depth of impact may be minimal. Any impact on archaeological remains within the application site should be mitigated against through appropriate archaeological investigation and monitoring.

The proposed redevelopment of the southern area also has the potential to impact on in situ archaeological remains. Many of the current buildings have minimal foundations, and as such, it is likely archaeological deposits remain undisturbed beneath their footprint. The proposed redevelopment of these areas will require greater impacts than previously caused, which suggest

the proposals have the potential to impact on buried remains. These impacts should also be mitigated against.

If planning permission is granted for this development then it is likely to harm a heritage asset's significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 205. With reference to the NPPF we therefore recommend that any consent granted for this development should be subject to the following condition:

- No development shall take place until the applicant, or their agents or successors in title, have undertaken a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

The archaeological investigation should be undertaken by a professionally qualified archaeologist working to an agreed written scheme of investigation which should be based on our on-line template briefs. The archaeological works should take the form of an Evaluation through trial trenching within the footprint of the two flood alleviation areas in the northern half of the application area, and within those areas of the southern area suitable for evaluation. The results of the evaluation will determine the requirement for any further archaeological works in these areas.

Strategic Access Officer:

First comments received 24th November 2022:

This proposal does not affect public access to Dorney Footpath 9 (DOR/9/1) to the north of Boveney Court Farm.

Boveney Court Farm is bordered to the south, west, and north-west by common land. I have illustrated this in Extract 1 below.

Extract 1

Under close scrutiny the proposed plans include a cattle grid which encroaches upon this common land by approximately half a metre. This would need to be relocated east into the property. Extract 2 depicts this encroachment.

Extract 2

As such we propose the following informative. Informative Permission is required from Secretary of State via the Planning Inspectorate under Section 38 Commons Act 2006 prior to disturbing the existing ground or laying any surface material on a registered common.

Second Comments received 4th January 2023:

I am content the revised information with regard to the cattle grid addresses my previous concerns.

SUDS Officer:

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

- Flood Risk Assessment (49209/4001, 25/05/22, Stantec)
- Surface Water Drainage Strategy Report (49209/4002/DSR, 25/05/22, Stantec)

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

Flood Risk

Surface water flood risk

The Risk of Flooding from Surface Water map (RoFSW) provided by the Environment Agency shows that majority of the site lies in an area of very low risk of surface water flooding (meaning there is less than 0.1% likelihood of flooding occurring in a given year). The mapping shows an area of Existing Access Drive is at low risk of surface water flooding (meaning there is between 0.1% and 1% likelihood of flooding occurring in a given year). An online version of this mapping data is available to view through the Environment Agency's Long term flood risk information mapping.

Groundwater flood risk

The Infiltration SuDS Map provided by the British Geological Survey 2016, indicates that the water table is anticipated to be within 3m of the ground surface. It is therefore considered that there is a high risk of groundwater flooding, and this may have implications on drainage components and sub-surface assets; as such ground investigations must be undertaken including groundwater level monitoring throughout winter (November to March).

Surface water drainage

The applicant is proposing to manage surface water generated as a result of the proposed developments by attenuating in permeable paving and a attenuation basin before discharging into an ordinary water course at a maximum rate of 4.3 l/s, equivalent to the greenfield run off rate for the 1 in 100 year event. The applicant has demonstrated betterment upon the existing rates in table 4.3, the proposed discharge rate is therefore acceptable to the LLFA.

Ground Investigations

The applicant has not undertaken ground investigations at this stage of the planning process. Ground investigations in the form of infiltration rate testing in accordance with BRE365 and groundwater monitoring over the winter period (November to March). The applicant may wish to begin carrying out groundwater monitoring now to prevent delays later in the planning process.

Infiltration rate testing

The applicant will be required to complete site specific testing in accordance with BRE 365. Tests must be completed in the location (or as close as practically possible) and to the effective depth of the proposed infiltration component. Tests must be completed a minimum of three times and water should drain until nearly empty. The time taken for the trial pit to drain from 75% full to 25% full is then used to calculate the infiltration rate. The worst calculated rate from the three tests is then used to inform the storage calculations.

In line with Chapter 25 of the CIRIA SuDS Manual, full infiltration-based schemes which are reliant on a rate of less than 1×10^{-6} m/s are not permissible. For slower rates the LLFA may accept a partial infiltration (Type B) drainage schemes.

Groundwater monitoring

According to Section 13.2 of the CIRIA SuDS manual (2015) there must be a minimum distance of 1m between the base of the infiltration component and the groundwater table. This distance is required 'so as to minimise the risk of groundwater rising into the infiltration component and reducing the available storage volume, to protect the functionality of the infiltration process by

ensuring a sufficient depth of unsaturated material and to protect the groundwater from any contamination in the runoff.'

The applicant should therefore conduct groundwater monitoring over the winter period (November to March). Depending on the results of groundwater monitoring it may be necessary to line the permeable paving and the attenuation basin to prevent groundwater ingress.

Additional SuDS

The LLFA is please by the inclusion of an attenuation basin and permeable paving within the drainage scheme due to the additional water quality, ecological and amenity benefits. The LLFA would request that the applicant investigate the viability of adding additional SuDS to the scheme at detailed design, including as but not limited to rain gardens, tree pits and rainwater harvesting. Following the addition of any of these features the calculations and drainage layout should be updated accordingly.

I would request the following condition(s) be placed on the approval of the application, should this be granted by the LPA:

Condition 1

No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- Demonstrate that water quality, ecological and amenity benefits have been considered
- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- Existing and proposed discharge rates and volumes
- Ground investigations including:
 - Infiltration in accordance with BRE365
 - Groundwater level monitoring over the winter period
- Subject to infiltration being viable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 056 of the Planning Practice Guidance.
- SuDS components agreed in the outline application
- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- Flow depth
- Flow volume

- Flow velocity
- Flow direction Reason

The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 167 and 169 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

Condition 2

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

Reason The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long term maintenance of the drainage system as required under Paragraph 169 of the NPPF

Strategic Environmental Protection Officer – Air Quality:

Thank you for consulting us on the proposed development outlined above. I have no comments to make with regards to air quality.

Ecology Officer:

1st comments received 28th November 2022:

Holding Objection – Further Information Required

The following information is required prior to determination of the application:

- Updated inspection of buildings and bat activity surveys in line with Bat Conservation Trust (BCT) Bat Surveys for Professional Ecologists: Good Practice Guidelines
- Updated nesting bird assessment of buildings
- Reptile Mitigation Strategy
- Biodiversity Metric (3.1 version) in excel format

2nd comments received 14th June 2023:

Summary

No objection, subject to conditions relating to a Construction Environmental Management Plan, European Protected Species Licence, Reptile Mitigation Strategy, Landscape and Ecological Management Plan and Lighting Design Strategy for light sensitive biodiversity are recommended.

Discussion

Information that was requested in our previous response (dated 22nd November 2022) was submitted including updated bat and nesting bird surveys, badger survey, reptile mitigation strategy and a biodiversity metric 3.1. The information submitted is satisfactory and I have no objection to the proposal.

Construction Environmental Management Plan

If you are minded to approve this application a Construction Environmental Management Plan (CEMP) should be produced to protect the adjacent Local Wildlife Site and take each notable habitat and protected and notable species into consideration.

The CEMP should include the following details in accordance with the British Standard on Biodiversity BS 42020:2013:

Proposed Ecological Impacts

- Details of what biodiversity features could be impacted (in that phase) and what development activities could be potentially damaging.

Timetables

- A rolling timetable of when and where specific measures to avoid / reduce impacts are to be carried out including any seasonal or legal implications (e.g. the bird nesting season) and who is responsible.
- The nature of the pre-commencement ecological checks / surveys required and details of the results of these surveys once they have been undertaken (for our approval).

Avoidance and Mitigation Measures

- Details of method statements for specific biodiversity issues (e.g. for specific destructive activities such as: vegetation clearance, hedgerow removal, tree felling, soil stripping and building demolition).
- Identify all practical measures (e.g. fencing, protective barriers and warning signs) and sensitive working practices to avoid impacts. We expect to see details of type, location and means of installation and maintenance FOR EACH PHASE.
- Specifically state the agreed buffer zones relevant to each phase. For example a minimum buffer of 5m around all on-site hedgerows and ditches has been agreed, but this will need to be increased in some phases to protect other biodiversity features (e.g. where badger setts and mature trees are present).
- Details of inspections to ensure wildlife (e.g. badgers and brown hares) do not become trapped in excavations or machinery.

On-site Personnel & Training

- The role and responsibility of the on-site Ecological Clerk of Works (ECOW) in each phase should be clearly stated including which works require supervision by the ECOW in relation to the current timetable for that phase.
- Evidence that an ECOW has been appointed for each phase and has an appropriate level of experience.
- Details of other responsible person and lines of communication on-site in relation to the implementation of the CEMP.
- Details of any awareness training of on-site non-ecological personnel such as tool box talks provided by the ECOW.
- Who will be responsible for erection and maintenance of on-site fencing, protective barriers and warning signs.
- Who is responsible for compliance with regulations, legal consents, planning conditions, environmental procedures and contractual agreements and the issuing of periodic reports on success and compliance. These periodic reports should feedback into the CEMP for the subsequent phase and ensure the results of this regular review are effectively communicated to on-site staff.

Monitoring, Compliance, Contingency and Emergency Measures

- Details of contingency measures in the event of an accident or other potentially damaging incident (e.g. pollution incidents; how to deal with previously unrecorded protected species found during construction and restoration; unexpected bad weather; repair of damaged features etc.).
- Details of procedures to avoid pollution incidents (e.g. from fuel spills and site run-off based on an understanding of the wildlife interest at risk).
- Regular review of the implementation of CEMP throughout the construction / restoration phase to monitor effectiveness of mitigation measures and compliance with legal, planning and/or contractual requirements.
- Details of biosecurity protocols / method statements to prevent spread of non-native species between sites.
- Temporary management of existing wildlife features during construction / implementation.
- Ensure copies of all ecological reports relevant to sites works, relevant planning conditions and any protected species licences are kept in the site office and are available to refer to at any time.

Bats

Updated activity surveys were undertaken in 2022 and in combination with the previous 2019-2020 results the following roosts were recorded:

- Building B - Soprano pipistrelle, common pipistrelle, Nathusius' pipistrelle day roosts and brown long eared-bat day/night roost.
- Building C/D - Soprano pipistrelle, common pipistrelle and brown long-eared bat day roosts
- Building F - Common pipistrelle and soprano pipistrelle day roosts

A Natural England European Protected Species licence will be required to proceed with the works. I would recommend that a condition relating to the licence is attached to any approval granted.

I agree with the following mitigation and compensatory features as stated in the report (in addition to ten crevice woodcrete bat boxes to be installed on trees):

“Building B – A ridge access tile with a gap in the concrete internally in the ridge tile and a bat tile on the roof pitch on the southern elevation, three gaps under weatherboarding on the western elevation and three gaps under weatherboard on eastern elevation – suitable for common, soprano and Nathusius pipistrelle bats.

Buildings C, D and E – Two ridge access tiles with corresponding missing concrete under ridge tiles allowing bats to access the ridge and two gaps under weatherboard planks on the eastern elevation. Two bat access tiles and a retained gap in an external wooden beam on the western elevation – suitable for brown long-eared, common and soprano pipistrelle bats.

New buildings J and M - Bat access voids (minimum roof to pitch height 2m) will be included in the new buildings J and M, with bitumen lining type 1F felt and exposed rough sawn beams that will be untrussed. Access will be via ridge access tiles and a gap at the eaves. Two wooden Kent bat boxes will be installed internally on the western elevation (Building M) and southern elevations (Building M) to provide roosting options internally – suitable for void dwelling brown long-eared bats and all pipistrelle bats.”

I would recommend that these bat access features and bat lofts and other biodiversity enhancements are detailed in the Landscape Ecological Management Plan (LEMP) to be secured via a condition to any approval granted.

A lighting design strategy for biodiversity would be also required to be secured via a condition to any approval granted. A plan illustrating lux levels across the site and details of light fittings should be submitted at condition discharge stage. Lighting needs to be designed in accordance with the 'Guidance Note 08/18: Bats and artificial lighting in the UK' (Institute of Lighting Professionals, 2018). There should be no lighting near the compensatory bat access features, and the main habitat creation area to the north of the site and dark zones should be maintained along mature trees.

Reptiles The revised reptile mitigation measures are satisfactory. We welcome the allocated area in the north of the site to target habitat creation and long-term habitat management to aim the survival of the grass snake breeding population. As detailed in the Reptile Mitigation Strategy (Davidson Watts Ecology, 12 January 2023) public access will be restricted and the area will be screened with wide scrub to prevent as much as possible pets entering the area. In order to secure these reptile mitigation measures I would recommend a compliance condition.

Nesting birds According to the Update Bat and Bird Surveys 2022 report "the old wren's nest from 2019 was still present in Building E and a recent swift nest was recorded in the same building during the internal inspection survey. There was no evidence of use by barn owl or swallow's nests in any of the buildings". As a swift nest was recorded and swift is a Red Listed species I would recommend that a number of integrated swift boxes and additional bird boxes on trees are incorporated in the proposed development. Details such as location and type of boxes should be included in the LEMP.

Biodiversity Net Gain:

Biodiversity Net Gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. The Environment Act 2021 sets out the key components of mandatory biodiversity gain. There is a transitional two_year implementation period with the mandatory requirement for 10% BNG due to come into force in November 2023.

During the transition period, the development proposals need to demonstrate measurable gains in biodiversity in accordance with the National Planning Policy Framework (NPPF) and relevant Local Planning policies.

Buckinghamshire Council has an adopted Biodiversity Net Gain Supplementary Planning Document (BNG SPD) (https://www.buckinghamshire.gov.uk/environment/ecology-and-biodiversity/biodiversity-net_gain/) which provides further information on how BNG can be achieved in Buckinghamshire. Buckinghamshire Council has an aspiration to achieve at least a minimum 10% net gain.

A revised biodiversity metric was submitted demonstrating that the proposed development will result in a biodiversity net gain of 32.91% net change in habitat units and 696.09% net change in hedgerow units. When revising some of the values of strategic significance to 'Area/compensation not in local strategy/ no local strategy' (as only priority habitats within the specific Biodiversity Opportunity Area can be assigned high significance) there is no material change in the result (28.00% net gain in habitat units). Therefore, it has been demonstrated that the development will result in a

biodiversity net gain in line with the NPPF and a net gain of over 10% in habitat units in line with the Environment Act.

To secure the creation of habitats, long-term management and ensure that biodiversity net gain will be delivered I would recommend that a Landscape and Ecological Management Plan (LEMP) is submitted and secured via a condition. The LEMP should include details of habitat creation and planting and long-term management in line with the habitat entries in the metric and the agreed bat and reptile mitigation measures. Additional enhancements should be included in the LEMP such as swift and other bird boxes (e.g. sparrow terrace boxes), amphibian/wildlife friendly kerbs or wildlife ladders in gully pots, deadwood piles for stag beetle (as stag beetle was recorded in the surrounding area) and gaps at ground level in all boundary fences to allow the movement of hedgehogs.

Legislation, Policy and Guidance

Bats

All bat species and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended) and are European Protected Species, protected under The Conservation of Habitats and Species Regulations 2017 (as amended). It is therefore illegal to kill, injure or handle any bat or obstruct access to, destroy or disturb any roost site that they use.

European Protected Species Licensing

A High Court ruling concluded that local authorities must consider all applications where European Protected Species are likely to be affected and a European Protected Species licence is required, by considering the three tests applicable to the Habitats Directive. The ruling stated the following: "When dealing with cases where a European Protected Species may be affected, a planning authority... has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercises of its functions. Further the Directive's provisions are clearly relevant in reaching planning decisions, and these should be made in a manner which takes them fully into account ...".

Before granting planning permission, the local planning authority should satisfy itself that the impacts of the proposed development on European Protected Species (EPS) have been addressed and that if a protected species derogation licence is required, the licensing tests can be met and a licence is likely to be granted by Natural England. As a EPS licence is required the applicant will need to provide the answers to all three licensing tests, alongside a mitigation strategy. The three tests are that:

1. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
2. there must be no satisfactory alternative; and
3. favourable conservation status of the species must be maintained.

Together with the ecologist's report, which answers test 3, the applicant should provide written evidence for tests 1 & 2. This can be contained within the ecological report or as separate document. If the competent authority is satisfied that the three tests can be met, it should impose a planning condition preventing the development from proceeding without first receiving a copy of the EPS licence or correspondence stating that such a licence is not necessary. This approach ensures compliance with the Conservation of Habitats and Species Regulations 2017(as amended) and enables a local planning authority to discharge its obligations under the Crime and Disorder Act and

its wider duties under Section 40 of the Natural Environment and Rural Communities Act 2006 in relation to protected species.

Reptiles

All reptile species are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally kill or injure a reptile.

All reptile species are listed in Section 41 of the Natural Environment and Rural Communities Act as Species of Principal Importance – Priority Species.

Biodiversity Net Gain

The Environment Act 2021 sets out the key components of mandatory biodiversity gain:

- Amends Town & Country Planning Act (TCPA);
- Minimum 10% gain required calculated using the Biodiversity Metric & approval of a biodiversity gain plan;
- Habitat secured for at least 30 years via planning obligations or conservation covenants;
- Delivered on-site, off-site or via a new statutory biodiversity credits scheme; and
- National register for net gain delivery sites

Biodiversity Net Gain Supplementary Planning Document

The BNG SPD was adopted by Buckinghamshire Council. It sets out a Buckinghamshire process for achieving net gain and aids planning applicants in ensuring their development would result in a biodiversity net gain. It also sets out a Buckinghamshire process for compensating for losses of biodiversity using off-site habitats and guides landowners in offering their land for BNG.

National Planning Policy Framework

Paragraph 174d of NPPF requires that: “Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure”.

The NPPF in section 179b states: “promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

The NPPF (2021) Paragraph 180a states “When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”

The NPPF (2021) Paragraph 180d states “When determining planning applications, local planning authorities should apply the following principles.... development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in 7 of 9 and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

Conditions:

Securing On-site Biodiversity Net Gains

Landscape and Ecological Management Plan (LEMP)

No development shall take place (including demolition, ground works, vegetation clearance) unless and until the Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed, including bat boxes and bat lofts, reptile compensatory habitat.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management which will (without limitation) include the provision of biodiversity net gain within the Site as shown within the Biodiversity Gain Plan
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall be for no less than 30 years. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details. Reason: In the interests of improving biodiversity in accordance with NPPF and Core Policy 9: Natural Environment of the South Buckinghamshire Core Strategy and ensuring that the development achieves biodiversity net gain.

Control to ensure EPS licence is provided ahead of commencement.

The following works shall not in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitat and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) and to protect species of conservation concern.

Construction Environmental Management Plan

Before any construction works hereby approved are commenced, a Construction Environmental Management Plan (CEMP) detailing, in full, measures to protect existing habitat during construction works and to safeguard protected and notable species, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should be completed in accordance with the British Standard on Biodiversity BS 42020:2013 with these details below:

- a) Details of what biodiversity features could be impacted on and what development activities could be potentially damaging;
- b) A rolling timetable of when and where specific measures to avoid / reduce impacts are to be carried out including any seasonal or legal implications (e.g. the bird nesting season) and who is responsible;

- c) Details of method statements for specific biodiversity issues (e.g. for specific destructive activities such as: vegetation clearance, hedgerow removal, tree felling, soil stripping and building demolition);
- d) Identify all practical measures (e.g. fencing, protective barriers and warning signs) and sensitive working practices to avoid impacts;
- e) Details of inspections to ensure wildlife do not become trapped in excavations or machinery;
- f) Details of other responsible person and lines of communication on-site in relation to the implementation of the CEMP;
- g) Details of contingency measures in the event of an accident or other potentially damaging incident (e.g. pollution incidents; how to deal with previously unrecorded protected species found during construction and restoration; unexpected bad weather; repair of damaged features etc.);
- h) Details of procedures to avoid pollution incidents (e.g. from fuel spills and site run-off based on an understanding of the wildlife interest at risk);
- i) Regular review of the implementation of CEMP throughout the construction / restoration phase to monitor effectiveness of mitigation measures and compliance with legal, planning and/or contractual requirements;
- j) Details of biosecurity protocols / method statements to prevent spread of non-native species;
- k) Temporary management of existing wildlife features during construction / implementation.

The development shall be undertaken and thereafter maintained in accordance with the approved CEMP.

Reason: To protect habitats and species of conservation importance.

Control to implement development in accordance with agreed document/plans

The development shall be implemented in strict accordance with the agreed reptile mitigation plan (Reptile Mitigation Strategy, Davidson Watts-Ecology, 12 January 2023). Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made. The condition will be considered discharged following; a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.

Reason: To safeguard protected priority species and enable their long-term survival.

Lighting design strategy for light-sensitive biodiversity

Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason: To safeguard protected species that may be otherwise affected from the development.

Heritage Officer:

1st comments received 29th November 2022:

For the reasons given above it is felt that in heritage terms: The following further information and/or amendments are required before the application can be determined/fully assessed:

- Assessment of existing foundation to Barn B and submission of details of proposed foundation

2nd comments received 28th February 2023:

Summary

As the NPPF states, heritage assets are an irreplaceable resource and it is important to conserve them in a manner appropriate to their significance. Further details as requested have now been submitted and in heritage terms this proposal is acceptable since it accords with the requirements of s. 16, 66 and 72 of the P(LB&CA)A 1990, the requirements of the heritage policy requirement of the Local Plan and guidance set out in Section 16 of the NPPF.

Heritage Assets

Barn B of Farmyard, Boveney Court Farm – Grade II listed building

Buildings C, D & E are also considered curtilage listed structures of Boveney Court

Boveney Conservation Area

The above are designated heritage assets

Discussion

This is my second consultation response and follows on from trial hole information previously requested being submitted for the listed building.

The site contains one Grade II listed building (Barn B) and also falls partially within the boundary of the Boveney Conservation Area. There is a further listed building (Grade II) within the setting of the site, as part of the former farm complex at Boveney Court Farm. As such the proposed redevelopment of this former farm complex, including proposed new residential uses, works of alteration to retained buildings and also new build, would therefore affect the significance (directly) and setting (indirectly) of each of these designated heritage assets.

The Blocks C, D & E are also considered curtilage listed structures of Boveney Court, whilst Blocks F & G are of interest as agricultural buildings. Two new build elements are proposed: Blocks H-J and K,L,M.

The application has been informed by two stages of pre-application and a detailed site inspection made by the Planning Officer and Conservation Officer.

The proposals for the site would see the reuse and adaption of Barn B and existing buildings to the east of the Site for residential use, and also the construction of new domestic properties and associated structures as well as hard and soft landscaping. In total there would be 12 new residential units provided. The existing dilapidated barn/shed to the north of the older listed barns would be removed, and the open fields / green space within the northern area of the site would be retained as such. Access would be gained (as existing) from Boveney Road to the west.

The buildings are all used as storage at the moment. In this situation, although the barns are well suited to their storage use, the deteriorating condition of barn A is a cause for concern. To fully refurbish this structure as part of a residential conversion may therefore provide some public

benefits in terms of preservation. Barn B has already been restored to a reasonable standard, complete with new plinths etc, and what looks like a bat box in its upper storey.

In heritage terms, I have no objection to residential use in principle as this relates positively to the established historic use of the former focal farmhouse to this grouping immediately to the south of the site boundary, and also to the now prevailing and dominant use of the wider conservation area and hamlet at Boveney. This change of use is also a means by which the listed barn and other associated historic buildings can be retained and repaired in active use in the interest of their future conservation.

Block B – this listed building would be retained and adapted for new residential use as part of the proposed scheme. This structure has already undergone restoration and refurbishment, with the void being located in the central area, and the conversion proposes only a modest number of changes. Pre-application advice confirmed that Barn B has been moved from elsewhere in the past and that in light of previous conversion works, there could be a little more flexibility in its adaptation. Trial holes have recently been carried out to assess the foundations of this listed building. It is clear from the results that the foundations of the front elevation of this listed building have previously been reinforced to a depth of 525mm below ground level. The cross section under trial pit 2 showed that depth of the remaining foundations to be at 75mm.

Given that this listed building is not in its original position, that only modest changes are required to residential use and that the foundations of the structure have already been partially reinforced, I am willing to accept in heritage terms the foundations to be increased to a matching depth for the rest of the barn.

Heritage Policy Assessment

The Planning (Listed Building and Conservation Areas) Act 1990 The proposals would preserve the architectural and/or historic interest of the listed building and therefore complies with sections 16/66 of the Act. The proposals would preserve the character and/or appearance of the conservation area and therefore complies with section 72 of the Act. NPPF The proposal subject to conditions would cause no harm to the significance of the designated heritage asset.

Conclusion

For the reasons given above it is felt that in heritage terms: The application would not raise any heritage objection subject to the following conditions:

- All materials to be submitted to the LPA for approval
- Matching brick bond to plinth of listed building; mortar mix to be submitted for approval and sample panel constructed on site for approval
- schedule of structural repairs for Barn B is to be carried out in accordance with the Method Statement for this building
- All internal and external new joinery details (doors, windows) to be submitted at an appropriate scale including sections and glazing bars
- Details of contemporary glass framing system
- Details of insulation to be provided for both listed building and curtilage listed buildings
- Metal rainwater goods
- Details of roof lights and lanterns

Waste Officer:

I have looked at the plans and due consideration has been given to waste management and container provision aspects of the proposal. Waste collection point indicated on plans on and waste vehicular access tracking supplied on transport statement.

Therefore, Waste services have no objections towards the proposal for waste and recycling provisions at property.

Residents to present their waste and recycling at the property boundary. All collections to take place in accordance with Council policies.

The property developer is required to complete a 'Request Waste Assessment for New Development'. This form should be completed at least 6 weeks prior to the first date of occupation. This allows time for invoice to be raised and waste containers to be ordered and delivered ready in time for the new occupants.

Housing Officer:

Thank you for requesting comments on affordable housing.

This application falls within the South Bucks Local Plan area and also the Dorney Neighbourhood Plan area. Attention should be paid to the relevant policies with reference to the South Bucks Core Strategy and the Affordable Housing Supplementary Planning Document.

Number and tenure of affordable homes

The current South Bucks Affordable Housing Supplementary Document (SPD) states that at least 40% of all dwellings in schemes of 5 units and above (gross), or on sites of 0.16 hectares and above (where there is a net gain in the number of dwellings) should be affordable, unless it is clearly demonstrated that this is not economically viable.

Within a scheme of twelve homes, we would usually expect a total of five homes to be affordable. A minimum of 25% of affordable homes are required to be First Homes, and the Buckinghamshire Housing and Development Needs Assessment (HEDNA) recommends that the remaining 75% consists of 80% affordable housing for rent and 20% intermediate tenure (including other low cost home ownership options). The onsite provision of five affordable homes would consist of the following:

- 1 First Homes
- 3 Affordable homes for rent
- 1 Intermediate (including other low cost home ownership options).

Shared ownership is the preferred intermediate tenure. Further details of First Homes (constituting 25% of the affordable dwellings overall), including the discount and local connection criteria, can be found in the Bucks Council First Homes Interim Position Statement.

However, we note the following in the Affordable Housing Statement which accompanies this planning application:

Affordable Housing Statement

6.1 Summary

6.1.1 The FVA results indicate that the RLV of the proposed development creates a negative land value against the SVB and is therefore, under planning terms, unable to contribute towards any affordable housing provision.

6.1.2 The College intend to offer up 1 affordable unit from the proposed development by providing it as part of an alternative scheme or an alternative option for the College will be to contribute

financially towards affordable housing provision off-site. The potential approach to link the two planning applications via a legal agreement has been agreed between the College and the Council at pre-application stage.

6.1.3 If the 1 affordable housing unit is not supported by the council, it is likely that a financial payment may be proposed, in line with the guidance provided in Core Policy 3 of the South Bucks Core Strategy (2011).

Paragraphs 7.1 to 7.7 of the South Bucks Affordable Housing (SPD) provide information on the circumstances where a commuted sum payment in lieu of on-site affordable housing provision may be appropriate.

Paragraphs 7.8 to 7.16 and Annex 2 of the South Bucks Affordable Housing SPD gives guidance on establishing the value of a commuted sum payment.

We would require further information on the following:

- The possibilities for the provision of one affordable unit on an alternative scheme.
- The calculation of a financial payment in lieu of on-site affordable housing provision

Environment Agency:

Thank you for consulting us on the above application on 08 November 2022. As part of the consultation, we have reviewed:

- Boveney Court Farm Planning and Listed Building Consent Applications, Flood Risk Assessment, ref 49209/4002 Rev A, May 2022, Stantec
- Design and Access Statement, 5540-C1-01-J-D&A Statement, Edington Spink + Hyne Chartered Architects, May 2022
- Proposed Residential Development, Proposed Bin Store Floor Plans & Elevations, ref 5540-1300, Nov 2022, Dwg No. 1321

EA Position

Considering the above, we have no objection to the proposed development will be acceptable subject to the inclusion of the following condition on any grant of decision notice. We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and on any subsequent amendments/alterations.

Condition 1

The development shall be carried out in accordance with the submitted flood risk assessment (ref.49209/4002 Rev A, May 2022, Stantec) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 21.71 metres above Ordnance Datum (AOD) as detailed in section 6.1.3 of the Flood Risk Assessment.
- Level-for-level compensatory storage shall be provided as detailed in section 6.2 and drawing 'Boveney Court Farm Flood Storage Analysis' 49209/4001/002 revision B in Appendix D.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons The following condition has been put in place to reduce the risk of flooding to the proposed development and future occupants and prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in line with National Planning Policy Framework paragraphs 164 and 167.

Advice to applicant

Water Resources

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

Residential developments

All new residential development are required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulations 2015.

However, we recommend that in areas of serious water stress (as identified in our report Water stressed areas - final classification) a higher standard of a maximum of 110 litres per person per day is applied. This standard or higher may already be a requirement of the local planning authority.

Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Pre-Application Advice

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at HNLsustainableplaces@environment-agency.gov.uk

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

Highways Officer:

Boveney Road is an unclassified road which in this location is subject to a speed restriction of the National Speed Limit in the vicinity of the site. Proposals include the demolition of the existing storage barns and the erection of 12 residential dwellings. I apologise for the delay in my response.

In terms of trip generation, the data contained within the Transport Statement (TS) does not give an indication of existing trip generation, and assumes that the site would be subject to an intensification in use. In terms of the proposed use, I would expect a dwelling in this location to generate in the region of 4-6 vehicular movements (two-way) per day, and as such the site in total would have the potential to generate in the region of 48-72 vehicular movements (two-way) per day. Whilst I can confirm that the level of movements anticipated can be accommodated onto the Local Highway Network in this location, the access arrangements serving the site will need to be assessed in order to determine their suitability to accommodate the level of vehicular movements anticipated.

As Boveney Road is subject to a speed restriction of the National Speed Limit, visibility splays of 2.4m x 151m are applicable, commensurate with current Manual for Streets guidance. Whilst these splays are not achievable from the proposed access point, given the nature of Boveney Road in this location, and that Boveney Road culminates in a dead-end close to the application site, I consider that adequate visibility splays can be achieved from the existing access point. However, it will need to be upgraded to a commercial access specification. An application to the Secretary of State for Rural Affairs will need to be made to both upgrade the access point and to secure the visibility splays from the access point in perpetuity, as the access point would fall within Common Land. I can confirm that the access is of sufficient width, and would allow for simultaneous two-way flows of vehicles within the site.

When considering parking provision, I note that the site would comprise of 2x2 bed units, 6x3 bed units and 4x4 bed units. As this is the case, given the sites Zone B location in accordance with the Buckinghamshire Countywide Parking Guidance, 28 parking spaces would be required to serve the development, plus two visitor spaces, resulting in an overall requirement for 30 parking spaces to be provided. The proposed site plan demonstrates 28 spaces within the site, however there appears to be space within the site in which additional vehicles could park. I am therefore satisfied that adequate parking provision has been provided in this instance.

The site is located outside of the built up area, in a remote location, remote from any local services, footpaths and public transport links, the site is not considered sustainable in the context of the requirements of the NPPF and would be reliant on the use of the private motor vehicle, against the aims of local and national policy. However, it is recognised that other policies of the Framework support the principle of farm diversification and that accessibility to non-car modes will not be as good in rural areas as it will in urban areas. The diversification vs sustainable development issue may be a matter that you need to weigh in the planning balance.

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

Condition 1: No other part of the development shall be occupied until the existing means of access has been sited and laid out in general accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the

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

Condition 2: The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose. Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

Informatives:

- The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Highways Development Management at the following address for information: Highway Development Management (Delivery) Buckinghamshire Council 6 th Floor, Walton Street Offices Walton Street, Aylesbury Buckinghamshire HP20 1UY highwaysdm@buckinghamshire.gov.uk

Environmental Protection Officer – Contamination:

I have reviewed the Phase 1 Ground Condition Assessment prepared by Stantec (Report ref. 49209/3501).

The PRA has identified a number of plausible contaminant linkages. The Environmental Consultant has recommended that an intrusive investigation be carried out. This will allow the site to be fully characterised.

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

The application requires the following condition(s):

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - i. A site investigation, based on the Phase 1 Ground Condition Assessment prepared by Stantec (Report ref. 49209/3501), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
 - ii. The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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.

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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. The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. 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

BPS Chartered Surveyors:

Introduction

1.1 Following our addendum report, dated 25th May 2023, we have received a response from Savills, dated 9th June 2023, via email.

1.2 The response sets out the following areas of dispute: third party costs, Benchmark Land Value, Profit, and private sales values. We have addressed these areas within this addendum report.

1.3 Savills conclude that whilst they disagree with our position on some inputs the Applicant is willing to offer a £280,000 contribution package towards S106 payments and Affordable Housing.

Third Party Costs

1.4 As outlined in our previous addendum, without full transparency and disclosure of evidence to support the third party costs we are unable to accept them within our appraisal.

Benchmark Land Value

1.5 Savills disagree with our position on building no.3 in which we have applied a nil value. Simply stating that 'land does not sell for nothing' does not prove an EUV or AUV within the criteria of PPG. As mentioned in our review and subsequent addendum, Savills state that the building is in poor condition and of limited use, and as such in a strictly EUV context the value will be nominal (£nil).

1.6 That being said, the difference overall amounts to £17,000 which is nominal. In order to reach agreement, we have included a value of £17,000 for building no. 3 on a without prejudice basis which results in a revised BLV of £331,000.

Profit Target

1.7 Savills continue to dispute our profit target of 17% which compares to their position of 18.5%. They reference current market conditions resulting in the need for a higher profit but on their own numbers report that the scheme makes an actual net profit return of 12%. As such there is limited justification for anything above this. In addition, the typical life of a consent is three years and as such the developer presumably has an option to wait and build into more favourable market conditions.

1.8 Moreover, in our addendum we referred to two other recent instances whereby Savills have adopted 16.67% and 17.5% for larger schemes in the area. It would be inconsistent for them to insist that this scheme requires a higher profit level. We therefore maintain 17% within our appraisal.

Private Sales Values

1.9 Savills dispute our approach of adjusting the sales values using HPI. Whilst we acknowledge some limitations of HPI, in the absence of more recent transacted evidence we have worked with the indices available.

1.10 As established in our addendum, it would be unreasonable to use the BCIS TPI to adjust build costs upwards but then ignore indices relating to value increases simply because it serves the Applicant's position.

1.11 Ultimately we would suggest a meet in the middle position on the values and note that the actual achieved sales values can be picked up via a review mechanism.

Conclusion

1.12 We have amended our appraisal to include the following:

- Benchmark Land Value of £331,000
- Private Sales GDV of £8,242,279.3
- Total Contribution Package of £280,000

1.13 Overall, our appraisal generates deficit of -£90,000 which is nominal overall, equating to 1% on GDV. It is therefore an effectively breakeven viability position.

1.14 We would therefore recommend acceptance of the £280,000 package, of which any money not used for S106 contributions could be provided towards affordable housing.

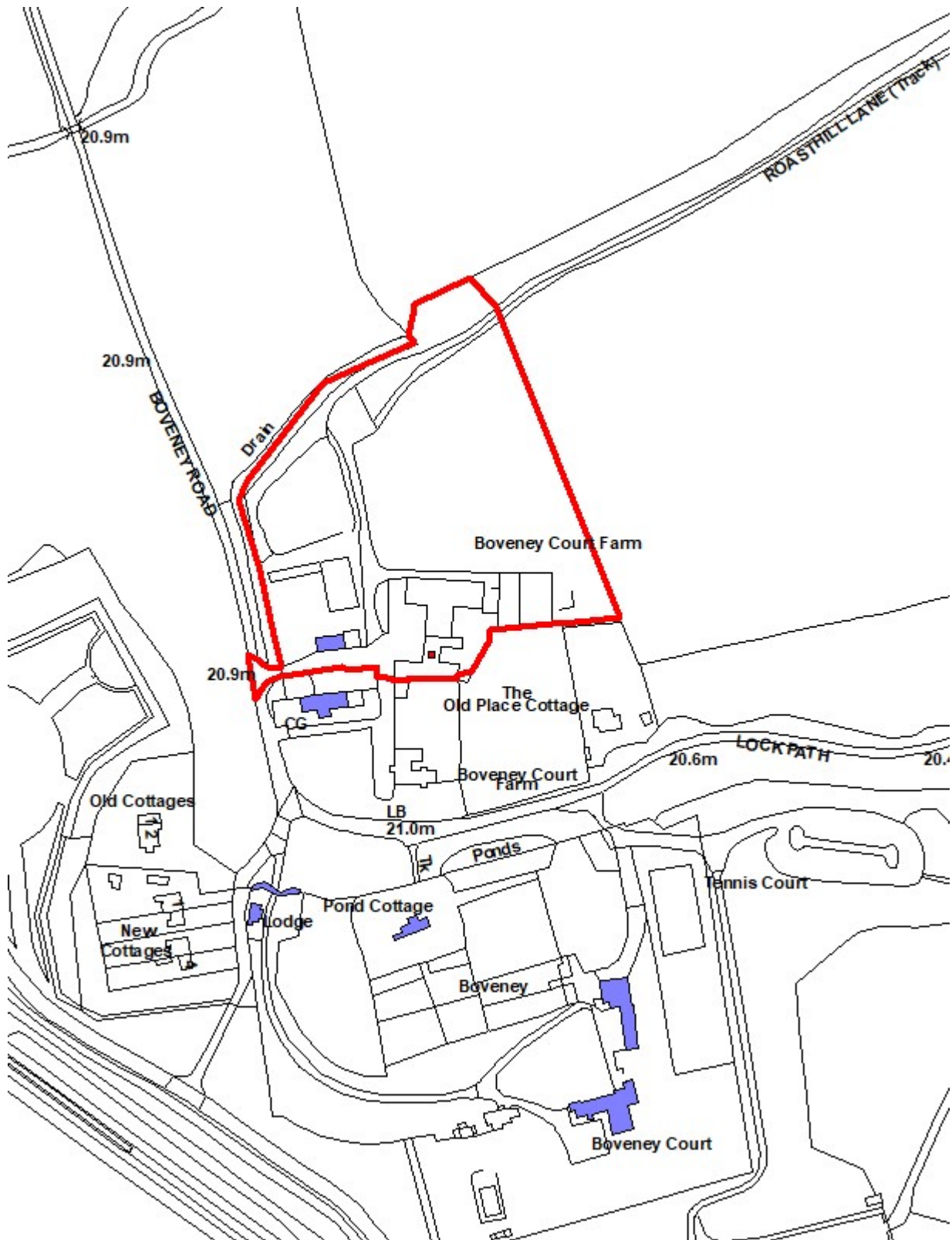
1.15 We also recommend that the scheme is subject to review mechanisms.

Representations

Objections have been raised by 5 separate sources. Concerns raised include the following:

- Misleading information;
- Impact on Green Belt;
- Highway implications;
- Damage to Road;
- Impact on Conservation Area;
- Flood Risk;
- Light Pollution;
- Impact on ecology;
- Noise, disturbance and odour;
- Overlooking and loss of privacy;
- No notice put up;
- Loss of employment;
- Out of scale and character;
- Contrary to Dorney Parish Plan;
- Inappropriate site for dwellings;
- Lack of parking;

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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Report to South Area Planning Committee

Application Number:	PL/22/3993/FA
Proposal:	Conversion of agricultural building into dwellinghouse including external and internal alterations, alterations to access, entrance gate and associated boundary fencing, and laying of hardstanding
Site location:	Dukes Kiln Farm Windsor Road Gerrards Cross Buckinghamshire,
Applicant:	The STEM Property Group Ltd
Case Officer:	Ian Severn
Ward affected:	Denham
Parish-Town Council:	Fulmer Parish Council
Valid date:	17 November 2022
Determination date:	28 July 2023
Recommendation:	Defer and delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and any others which he considers appropriate and the satisfactory completion of a Planning Obligation to secure a SAMMs payment for the Burnham Beeches Special Area of Conservation, or to refuse planning permission if a satisfactory Planning Obligation cannot be completed for the appropriate reasons relating to the impacts on Burnham Beeches Special Area of Conservation.

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application proposes the conversion of an existing unused agricultural building for use as a dwellinghouse. An extension to form a 'winter garden' also forms part of the proposal, along with boundary treatment and hardstanding.
- 1.2 The application has been called before the Planning Committee for determination by Councillors Hollis and Chhokar. Councillor Bass had also requested that the proposal be determined by the Planning Committee.
- 1.3 The recommendation from Officers is that this application be granted planning permission subject to appropriate conditions and informatives, and the completion of a Planning Obligation to secure a financial contribution towards Burnham Beeches mitigation.

2.0 Description of Proposed Development

- 2.1 The application site comprises an existing disused agricultural building set within open land. The application site restricts the area proposed for residential amenity.
- 2.2 The application site is located on the South East side of Windsor Road, Gerrards Cross. It is located opposite the residential properties of Tranquillity and Tranquillity Cottage. A row of terraced dwellings known as Dukes Kiln Cottages lie to north of the application site, with open land buffering the site from the M40 to the South. Open agricultural land would bound the rear of the proposed associated garden land for the proposed dwelling. The application site is within the Metropolitan Green Belt, and within 5.6 kilometres of Burnham Beeches SSSI (SAC).
- 2.3 The application is accompanied by:
- a) Noise Impact Assessment Report 25891.NIA.01 Rev B (09 June 2023)
 - b) Flood Risk Assessment (17 March 2023)
 - c) Design and Access Statement (17 November 2022)
 - d) Structural Report (17 November 2022)
 - e) Highways Report (17 November 2022)
 - f) Ecology Report (17 November 2022)
- 2.4 Plans:
- Proposed Floor Plan – 2793-PL104 Rev. C (09 June 2023)
 - Proposed Access Plan and Access Elevation – 2793-PL103 Rev. C (09 June 2023)
 - Proposed Roof Plan and Elevations – 2793-PL105 Rev. B (09 June 2023)
 - Proposed Site Plan – 2793-PL102 Rev. C (09 June 2023)
 - Existing Topographic Plan and Site Plan 2793-PL100 Rev. B (17 March 2023)
 - Existing Floor Plan 2793-PL101 Rev. A (17 March 2023)

3.0 Relevant Planning History

Relevant planning history for the site:

PL/20/2432/FA - Withdrawn, 24 November 2020 - Redevelopment of site to provide one detached dwelling.

PL/21/0929/FA - Refused, 14 July 2021 - Change of use of buildings to B8 (Storage and Distribution)

AP/21/0083 - Dismissed, 24 February 2022 - Change of use of buildings to B8 (Storage and Distribution)

4.0 Summary of Representations

- 4.1 Objections have been received from 3 addresses in relation to plans as originally submitted and following amended plans, these are summarised in Appendix A. Supporting representation has been received from 1 address, this is summarised in Appendix A. Some representations comment on land outside of the application site but within the blue line area delineating land within the same ownership but not subject to the application. As this land does not form part of any decision, these comments cannot be taken into account.
- 4.2 Fulmer Parish Council has objected to the application, their full representation is within Appendix A.

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 Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
- Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020
- Buckinghamshire Parking Guidance, September 2015

Principle and Location of Development

- Core Strategy Policies:
CP1 (Housing provision and delivery)
- Local Plan Saved Policies:
GB1 (Green Belt boundaries and the control over development in the Green Belt)
GB2 (Re-use of buildings in the Green Belt)
GB9 (Agricultural diversification)

5.1 The NPPF was revised on 20th July 2021 and whilst this replaced the previous Planning Policy Statements and Guidance Notes, it does not replace existing local policies that form part of the development plan. It does state however, that the weight that should be given to these existing local policies and plans will be dependent on their degree of consistency with the NPPF. Therefore, the closer the policies in the development plan to the policies in the Framework, the greater the weight that may be given to them.

5.2 The application site is within a Green Belt location. Development in the Green Belt is generally considered inappropriate under the National Planning Policy Framework (NPPF) and relevant Local Plan Policies. The NPPF provides national policy guidance relating to appropriate development within Green Belt locations which is specifically detailed within section 13 of the NPPF under 'Protecting Green Belt land'.

5.3 Paragraph 150 d) of the NPPF states in full that:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

d) the re-use of buildings provided that the buildings are of permanent and substantial construction.”

5.4 A Structural Report has been submitted with the application, and the building can be considered to be of permanent and substantial construction. This is consistent with the Council's Officer Report for a refusal for a change of use of the building in July 2021. The refusal was appealed with a decision issued by the Planning Inspectorate in February 2022, the Inspector did not disagree with this consideration. The building is therefore considered to be of permanent and substantial construction.

5.5 The existing lawful use of the building is for agricultural purposes. For this use it would not be unusual for the building to have a small number of vehicles parked outside, this

would be comparable to the proposed dwelling and the Highways team's assessment has found that the potential number of vehicle movements would again be similar to the potential of the existing use.

- 5.6 Likewise a very limited amount of outside storage or paraphernalia (farming equipment etcetera) would not be unusual within the vicinity of the agricultural building, this would again be comparable with a small amount of garden furniture, play equipment or a washing line, as would be expected for a bungalow akin to that proposed.
- 5.7 The proposal includes boundary treatment which would be considered appropriate to both an agricultural holding, and a domestic property. The proposed hardstanding is likewise a common feature to either. These aspects are therefore not considered to present greater harm to the Green Belt in the context of the change of use of the building and site.
- 5.8 Local Plan Policy GB2 is consistent with the NPPF in allowing for the conversion of agricultural buildings of permanent and substantial construction provided that they have no greater impact on the openness of the Green Belt. This Policy also allows for an extension as part of the conversion, but only where:
- I. they are essential to facilitate a new use which is otherwise acceptable in planning terms; and
 - II. they would be strictly ancillary to the main use; and
 - III. they would not detract from the open and undeveloped character of the Green Belt; and
 - IV. they are of a very limited size and floorspace and subordinate in height, form, bulk and scale to the main building; or
 - V. in the case of proposals within the settlements listed in Policy GB3 the proposal is in accordance with Policy GB5
- 5.9 Due to the site's location close to the M40 motorway, the proposed building would include a 'winter garden' as an additional largely glazed amenity space. Due to initial noise concerns raised by the Council's Environmental Health team this would be regarded as essential to facilitate the use. It would remain strictly ancillary to the main use. It's size, position and the materials used mean that it is not considered to detract from the open and undeveloped character of the Green Belt. And it is of very limited size and floorspace and subordinate in height, form, bulk and scale to the main building. The 'winter garden' is therefore considered to be compliant with the requirements of Local Plan Policy GB2.
- 5.10 Therefore, overall, the proposed change of use is not considered to have a greater impact on the openness of the Green Belt and is considered to comply with relevant Local Policies and the NPPF. As such the proposal is not considered to amount to inappropriate development.
- 5.11 In terms of the general matter of the provision of additional residential accommodation, this scheme would provide a benefit of a single additional dwelling. Whilst this benefit would be small, its contribution to the Council's shortfall in its 5 year housing supply would be positive, and would attract limited weight in favour of the scheme.

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)

- 5.12 The Council's Highways team have reviewed the proposal and consider that sufficient parking is provided for the size of dwelling proposed. They also have no objection to proposed access subject to conditions allowing vehicles to clear the highway without obstruction.
- 5.13 A number of representations note that a previous application for conversion of the building for warehouse and distribution use was refused and dismissed on the grounds of highway safety. However, on that occasion the highways safety matter related to the use of the access by large, slow moving commercial vehicles which would need turning space into the road, presenting a highways hazard. The proposed use as a dwelling would not result in an increase of vehicles of this nature.
- 5.14 Taking these factors into account, it is therefore considered that the proposal complies with relevant local and national planning policies and would not lead to any adverse 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)
 - EP6 (Designing to Reduce Crime)
 - H9 (Residential development and layout)

- 5.15 The proposal involves the conversion of an existing building which is already established within the street scene and wider locality. The existing building is not readily visible within the street scene due to being low level and set close to boundary treatment of similar height.
- 5.16 Although a 'winter garden' extension is proposed this would not be visible from the street scene. Any changes required to the materials of the building to meet habitable standards could be incorporated by way of condition to ensure that there is no harm by way of appearance.
- 5.17 Overall therefore, it is considered that the proposal would not adversely impact upon the character or appearance of the site or locality in general.

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)

- 5.18 The dwelling would be single storey with windows on inward facing elevations, as such no overlooking of neighbouring property would occur. The proposal does not result in loss of light or overshadowing of neighbouring properties.
- 5.19 The property is in relatively close proximity to the M40 motorway. The applicant has worked with the Council's Environmental Health team to overcome concerns regarding

noise. The proposal includes a 'winter garden' in addition to outdoor amenity space, concerns regarding noise relating to the use of the outdoor space have been sufficiently mitigated.

5.20 In addition to the 'winter garden' the proposal includes sufficient outdoor amenity space for a dwelling of the proposed size. Conditions are proposed to ensure appropriate landscaping.

5.21 Sufficient light is provided into each of the proposed habitable rooms, and both the dwelling and the outdoor amenity space are sufficiently sized.

Environmental issues

- Core Strategy Policies:
CP12 (Sustainable energy)
- Local Plan Saved Policies:
EP3 (The use, design and layout of development)
EP5 (Sunlight and daylight)

5.22 The proposal involves the re-use of a barn and agricultural land. The Council's Environmental Health team have looked at the possible risk of the land being contaminated and have recommended conditions which haven't been reviewed by Officers and agreed as being reasonable and necessary.

Flooding and drainage

- Core Strategy Policies:
CP13 (Environmental and resource management)

5.23 The property lies in Flood Zone 1 (the lowest possible risk category). A Flood Risk Assessment has been submitted with the application. The conclusion sets out a number of recommended measures regarding floor heights, materials and other practicable steps. The proposal will not increase the risk of flooding to future occupants or neighbouring properties. It is recommended that a condition be added requiring the measures set out within the conclusion be undertaken prior to occupation of the building.

Landscape and visual Impact

- Core Strategy Policies:
CP9 (Natural environment)
- Local Plan Saved Policies:
EP3 (The use, design and layout of development)
EP4 (Landscaping)

5.24 Although the proposed plans show indicative areas for planting, details regarding species and size of planting will be required. Conditions are therefore proposed to enable the Council to ensure that landscaping is appropriate and retained for a reasonable minimum period.

Ecology

- Core Strategy Policies:
CP9 (Natural environment)
CP13 (Environmental and resource management).

5.25 The Council's Ecology team have recommended that a net gain in biodiversity enhancement is achieved in line with the NPPF. Whilst they have recommended a

condition for the installation of a bat box within the building, as the building is single storey and with no roof void, it is considered that alternative methods of biological enhancement would be more effective. As such a condition requiring the agreement and installation of appropriate enhancement measures is recommended.

- 5.26 The development site is located within 5.6km of Burnham Beeches. Recreation within Burnham Beeches has resulted in an adverse impact on the health of the site. Impacts include trampling, soil compaction, climbing damage to trees, dog fouling, the spread of disease and an import of non-native species.
- 5.27 Natural England have advised that due to new evidence coming to light as part of the evidence base for the emerging Chiltern and South Bucks Local Plan, it is recognised that new housing within 5.6km of the internationally designated Burnham Beeches Special Area of Conservation (SAC) can be expected to result in an increase in recreation pressure. They advise that the 5.6km zone represents the core area around the SAC where increases in the number of residential properties will require Habitats Regulations Assessment.
- 5.28 In light of the new evidence relating to the recreation impact zone of influence, Natural England advise that planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species Regulations 2017 (as amended), to housing development within 5.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.
- 5.29 Development in accordance with the new evidence would not be likely to have a significant effect on the SAC because it will provide, or make an appropriate contribution to, acceptable avoidance and mitigation measures. The planning authority can grant planning permission to such developments in accordance with the Regulations.
- 5.30 The mitigation would be in the form of a financial contribution towards the Burnham Beeches Access Management Scheme, or any subsequent scheme which replaces it, and this would be secured by way of a legal agreement.
- 5.31 However, development proposals which are not in accordance with the new evidence would be likely to have a significant effect on the SAC, either alone or in combination with other plans and projects.
- 5.32 In this instance, an HRA undertaken by the Council concludes that the proposed development is likely to lead to significant effects on the SAC as a result of increasing recreational pressure, and that mitigation is required to address it. An Appropriate Assessment undertaken by the Councils for this application concludes that the Strategic Access Management and Monitoring Strategy (SAMMS) which has been agreed with Natural England is robust and capable of mitigating the likely significant effects of the proposal provided the proposal pays a contribution towards the Strategic Access Management and Monitoring Strategy and legal fees to the Council. A copy of the Appropriate Assessment can be found attached as Appendix C.
- 5.33 Provided a legal agreement is completed which secures this financial contribution, Natural England are satisfied with the development and do not raise an objection on grounds relating to its impact on Burnham Beeches.
- 5.34 The applicant has provided written confirmation of their agreement to enter into a legal agreement.

Infrastructure and Developer Contributions

- Core Strategy Policies:
CP6 (Local infrastructure needs)

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

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 6.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.3 It is acknowledged that the Council cannot demonstrate a 5 year supply in the South Bucks Area and paragraph 11(d) of the NPPF is engaged. As set out above it is considered that the proposed development would accord with development plan policies.
- 6.4 Housing delivery is a strategic aim of the Core Strategy. The proposed development would make a positive contribution to the Council's housing needs and supply. This housing provision represents a benefit that weighs in favour of the proposal. It is considered that this should be attributed limited weight.
- 6.5 Compliance with Core Strategy and Local Plan policies have been demonstrated in terms of Green Belt, visual impact, preserving residential amenities, parking and access, flooding, and conserving and enhancing the natural environment, however these do not represent benefits of the scheme but rather demonstrate an absence of harm to which weight should be attributed neutrally.
- 6.6 In terms of applying paragraph 11 d of the NPPF it is concluded that there are no policies that protect areas or assets of particular importance, that provide a clear reason for refusing the development proposed and there are no adverse effects of the proposal that would significantly and demonstrably outweigh the benefits.
- 6.7 Taking all of the above into account it is considered that the proposal would provide for a sustainable form of development that meets the requirements of the NPPF and relevant Development Plan policies.

6.8 It is considered that a fair and reasonable balance would be struck between the interests of the community and the human rights of the individuals concerned in the event planning permission being granted in this instance.

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

7.0 Working with the applicant / agent

7.1 In accordance with Section 4 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

7.3 In this instance:

- The applicant was provided the opportunity to submit amendments and supplementary information to the address concerns raised.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Recommendation:

Defer and delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and any others which he considers appropriate and the satisfactory completion of a Planning Obligation to secure a SAMMs payment for the Burnham Beeches Special Area of Conservation, or to refuse planning permission if a satisfactory Planning Obligation cannot be completed for the appropriate reasons relating to the impacts on Burnham Beeches Special Area of Conservation.

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.

Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990. (SS01A)

2. Prior to the conversion of the building to a dwellinghouse a schedule of materials to be used in the elevations of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. (SM01)

Reason: To safeguard and enhance the visual amenities of the locality. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

3. No development shall take place above slab level until details of biodiversity features of 1 bat box to be integrated into the proposed building on site have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in

accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development and retained thereafter.

Reason: To ensure that the development provides gains in biodiversity through ecological enhancements.

4. Notwithstanding the information already submitted, the dwellinghouse hereby approved shall not be occupied until there has been submitted to and approved by the Local Planning Authority, flood risk prevention measures, ensuring that the proposed development would be resilient and resistant to the risk of flooding within the site and neighbouring land. Thereafter the development shall be implemented in accordance with this approved scheme.

Reason: To ensure satisfactory natural drainage from the proposed development in the interests of the application site and neighbouring properties. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999), Core Policy 13 of the South Bucks Core Strategy (adopted February 2011) and Section 14 of the National Planning Policy Framework refer.)

5. Notwithstanding any indications illustrated on drawings already submitted, the dwellinghouse hereby permitted shall not be occupied until a scheme of landscaping which shall include indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained has been submitted to and approved in writing by the Local Planning Authority. None of the trees, shrubs or hedgerows shown for retention shall be removed or felled, lopped or topped within a period of five years from the date of this permission, without the prior written permission of the Local Planning Authority. (ST01)

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

6. 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.)

7. Prior to the commencement of the conversion of the building to a dwellinghouse, a plan detailing the erection of protective fencing for trees and other vegetation shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented prior to the commencement of the conversion of the building to a dwellinghouse and shall include the accurate representation of the crown spreads of all trees, shrubs and other significant vegetation. All protective fencing erected to protect existing trees and other vegetation during construction shall conform to British Standard 5837:2012 'Trees in relation to design, demolition and construction' or any replacement thereof or EU equivalent and

shall consist of a vertical and horizontal scaffold framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. Onto this, weldmesh panels shall be securely fixed with wire or scaffold clamps. The fencing shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without the prior written consent of the Local Planning Authority. (ST14A)

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

8. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- ii. A site investigation, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- iii. The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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.

9. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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.

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

10. 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 in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 in accordance with condition 8.

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.

11. Development shall not begin until a written scheme for protecting the residents of the proposed dwelling, including the proposed winter garden, from noise from nearby traffic sources has been submitted and approved in writing by the Local Planning Authority. The scheme shall comprise of such measures as are necessary to ensure compliance with sound levels as outlined in the BS 8233:2014 standards. Any measures which form part of the scheme approved, which shall also include external amenity areas, by the Authority shall be carried out in accordance with the approved scheme, prior to the first occupation of the development and shall thereafter be retained.

Reason: To accord with the terms of the application and to safeguard the amenities of the area. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

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

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

13. Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order) no gates, fences, walls or other means of enclosure other than those shown on the approved plan shall be erected along the site frontage within 5 metres of the edge of the carriageway.

Reason: To enable vehicles to draw off clear of the highway for the safety and convenience of the highway users.

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

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
9 Jun 2023	2793-PL104 Rev. C
9 Jun 2023	2793-PL103 Rev. C
9 Jun 2023	2793-PL105 Rev. B
9 Jun 2023	2793-PL102 Rev. C
17 Mar 2023	2793-PL100 Rev. B
17 Mar 2023	2793-PL101 Rev. A

INFORMATIVE(S)

1. Whilst it would appear from the application that the proposed development is to be entirely within the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over any adjoining property. (SIN06)
2. Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.

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

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

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

If you have not received a CIL Liability Notice, the development may still be liable for CIL. Before development is commenced, for further information please refer to the following website <https://www.southbucks.gov.uk/CIL-implementation> or contact 01494 475679 or planning.cil.csb@buckinghamshire.gov.uk for more information.

4. Protection of breeding birds during construction The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and other vegetation are likely to contain nesting birds between 1st March and 31st August inclusive.

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

Appendix C: Appropriate Assessment

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Santokh Chhokar (following amendments):

Stance: Customer made comments neither objecting to or supporting the Planning Application.

Comment: I believe that due to the issues raised this Application would benefit from consideration by the Planning Committee.

Cllr Santokh Chhokar (as originally submitted):

Stance: Customer made comments neither objecting to or supporting the Planning Application.

Comment: The Application raises issues which would benefit from consideration by the Planning Committee.

Former Cllr Paul Bass

Stance: Customer made comments neither objecting to or supporting the Planning Application.

Comment: Call-in request. This PA would benefit from scrutiny at the Southern Region planning committee due to concerns about green belt and existing groundworks - detail that isn't exposed by the PA.

Cllr Guy Hollis

Stance: Customer made comments neither objecting to or supporting the Planning Application.

Comment: I think that this application might benefit from the extra layer of scrutiny and as a result would like to request a ' call in ' to the Planning Committee

Parish/Town Council Comments

Comment: Fulmer Parish Councils has resolved to object to object to this change of use on the following grounds: It is within the Green Belt and there are no special circumstances to support going against the Council's Green Belt policy. The accompanying paraphernalia would result in an intensification of use. Significant unauthorised development of the paddock area associated with this property has already started and is advanced. Hardcore and membrane having been laid, the site dug out and a large retaining wall built. Also a road into the area has recently been built. Finally, the area included in the application includes land owned by a neighbour as can be seen in the Land Registry document for their property. This encroachment on someone else's land is totally unacceptable. Approaches to resolve this matter have, according to reports, been met with aggressive behaviour.

Consultation Responses

Ecology

Summary

No Objection – Informatives for nesting birds provided. Condition required to secure biodiversity enhancement of one bat box.

Natural England are required to be consulted on this application if the proposed development will result in a net gain in residential units as it falls within the Burnham Beeches Special Area of Conservation 5.6km Zone of Influence.

Discussion

Documents submitted to inform the application a combine Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) (Arbtech, November 2022), aerial and street photography and site and species records held by the Buckinghamshire & Milton Keynes Environmental Records Centre (BMERC) have been reviewed.

The site falls within the 5.6km Zone of Influence (Zoi) for Burnham Beeches Special Area of Conservation (SAC). **If the proposed development will result in a net increase in residential units, the Local Planning Authority is required to consult Natural England on this application.**

The PEA/PRA survey was undertaken on 24th October 2022 and the building was concluded to have negligible potential for roosting bats. It is considered that there is not a reasonable likelihood of protected species being present and/or affected by the proposed development. **The applicant should be reminded of the legislation that protects nesting birds. An informative has been provided below.**

Opportunities to improve biodiversity in and around developments should be integrated as part of their design in line with recognised good practice and national policy on biodiversity and sustainability (National Planning Policy Framework 2021). One bat box should be integrated into the proposed building on a southerly aspect/orientation (south, south-east and south-west). Example specifications include the Habibat Bat Box shown below or Schwegler 1FR/2FR Bat Tube. Boxes should be located a minimum of 2 metres, but ideally 5-7 metres above ground, in a position near the eaves or gable apex. Placement should avoid windows, doors and wall climbing plants. Please note that in order to secure access for bats to the bat box, a hole would need to be cut in the proposed timber cladding. **Should this application be granted, a planning condition should be applied to secure the provision of biodiversity enhancement within the proposed development.**

Conditions

Restrictions on stage of development until specific biodiversity outcomes are achieved Condition: No development shall take place above slab level until details of biodiversity features of 1 bat box to be integrated into the proposed building on site have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development and retained.

Reason: To ensure that the development provides gains in biodiversity through ecological enhancements.

Informatives

Protection of breeding birds during construction

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and other vegetation are likely to contain nesting birds between 1st March and 31st August inclusive.

Legislation, Policy and Guidance

Opportunities to improve biodiversity

The NPPF (2021) Paragraph 180d states “When determining planning applications, local planning authorities should apply the following principles... development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

Environmental Health (Buckinghamshire Council - contamination)

The Councils historical maps show that there were buildings on site in the 1920s, a feature is shown to the north, the feature is depicted as having sloping sides and appears to be a pit or quarry, further buildings are shown on site during the 1955-1974 epoch, the buildings are likely to have been associated with Dukes Kiln Farm, the M40 Motorway is shown adjacent to the site to the south on the map for the 1970s.

Online historical mapping shows that there was a small building on site in 1899.

Our records indicate that the land to the south of the site has had a previous potentially contaminative use (clay bricks & tiles (manufacture) & Unknown Filled Ground (Pit, quarry etc.)).

The proposed development site has had an agricultural use. There are associated risks from landfilling, storage and use of fuels, fertilisers, pesticides and herbicides, asbestos containing materials in buildings and other activities as outlined in the Department of Environment Industry Profiles.

The site has had a previous potentially contaminative use. An assessment of the risks associated with the site is considered necessary.

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

The application requires the following condition(s):

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - i. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - ii. A site investigation, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments
 - iii. The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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.

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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.

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at

<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. 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 in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1, 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 in accordance with condition 1.

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.

Environmental Health (Buckinghamshire Council - noise – final comments)

Further to my initial response dated 27th March 2023 and follow up response dated 28th April 2023, please accept this subsequent submission which based on the most recent amendments made to the application.

As previously stated, given the close proximity of the development site to the M40 there is a significant potential for noise to materially impact on the amenity of the future residents of the proposed dwellings. However, Environmental Health have reviewed the Noise Impact Assessment Report prepared by KP Acoustics Ltd. (report ref: 25891.NIA.01 Rev B, dated 18/05/2023) submitted in support of this application and agree with its main conclusion – with careful acoustic design the dwelling can be adequately insulated against excessive external noise.

In order to address the issue of external amenity, the acoustic consultant has recommended a 'typical residential-sized winter garden area'. Following our previous comments, the winter garden has been repositioned and recommendations on the minimum required glazing performance has been provided within the acousticians report.

BS8233 recommends that for external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T. It is clear from the provided Noise Impact Assessment Report that these levels would be exceeded in the proposed external amenity spaces. However, the proposed winter garden demonstrates an effort to design the development to achieve an acceptable level within the winter garden, in place of acceptable levels in the remaining external amenity areas.

Ultimately the LPA will need to consider the level of compromise for this development between elevated noise levels and the desirability of the development. However Environmental Health accept the steps taken by the applicant propose mitigation/alternatives that are practically achievable within the setting of the development.

Recommendation

For the avoidance of doubt, whilst the findings of KP Acoustics Ltd. are accepted, that with careful acoustic design, the dwelling can be adequately insulated against excessive external noise; the glazing specification is still only in the form of a recommendation to the applicant from a third party. The acoustician provides minimum glazing and ventilation performance for the main dwelling in tables 5.2 & 6.1 and the winter garden in tables 7.1 & 7.2.

As such, it is recommended that in order to ensure such acoustic design and internal levels are achieved, including the proposed winter garden, should the LPA grant permission, they may wish to impose a condition in respect of such controls.

The below condition aims to ensure acceptable noise levels are achieved:

Development shall not begin until a written scheme for protecting the residents of the proposed dwelling, including the proposed winter garden, from noise from nearby traffic sources has been submitted and approved in writing by the Local Planning Authority. The scheme shall comprise of such measures as are necessary to ensure compliance with sound levels as outlined in the BS 8233:2014 standards. Any measures which form part of the scheme approved, which shall also include external amenity areas, by the Authority shall be carried out in accordance with the approved scheme, prior to the first occupation of the development and shall thereafter be retained.

Reason: To safeguard the amenities of future occupiers.

Should you require any further information please do not hesitate to contact me.

Highways Management (Buckinghamshire Council)

Windsor Road is classified as the B416.

When considering trip generation, the site as it currently operates is likely to generate vehicle trips comparable to that of the proposed dwelling. Therefore, I do not consider the overall development to result in an intensification of the site. The Highway Authority is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.

The site is not considered sustainable in the context of the transport requirements of the National Planning Policy Framework (NPPF) and would be reliant on the use of the private motor vehicle. However, it is recognised that other policies of the Framework support the principle of farm diversification and that accessibility to non-car modes will not be as well provided for in rural areas as they would be in urban areas.

Two spaces are proposed in line with the Buckinghamshire Countywide Parking Standards. The parking standards specify that each parking space should be a minimum of 2.8m x 5m wide. I can confirm that these spaces are of adequate dimensions and would allow for vehicles to park, turn and leave the site in a forward gear. The existing access is to be retained.

The proposals involve the additional of gates access point. The Highway Authority requires gates to be set back a minimum of 5m from the carriageway edge to allow vehicles to pull clear of the highway. I can confirm this measurement is met.

Mindful of the above, I do not have any objections to this proposal subject to the following conditions imposed in any consent you may grant:

Condition: The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

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

Condition 2: Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order) no gates, fences, walls or other means of enclosure other than those shown on the approved plan shall be erected along the site frontage within 5 metres of the edge of the carriageway.

Reason: To enable vehicles to draw off clear of the highway for the safety and convenience of the highway users.

Waste Management (Buckinghamshire Council)

I have looked at the amended plans, and there is now a clear indication of bin storage area, in a designated area inside the gates. On collection days, bins will be moved to kerbside outside the gates. Therefore, Waste services have no objections towards the proposal for waste and recycling provisions at property. Residents to present their waste and recycling at the property boundary. All collections to take place in accordance with Council policies.

Representations

Amenity Societies/Residents Associations

None.

Other Representations

Supporting (representation from 1 address summarised below)

- Would enhance the site

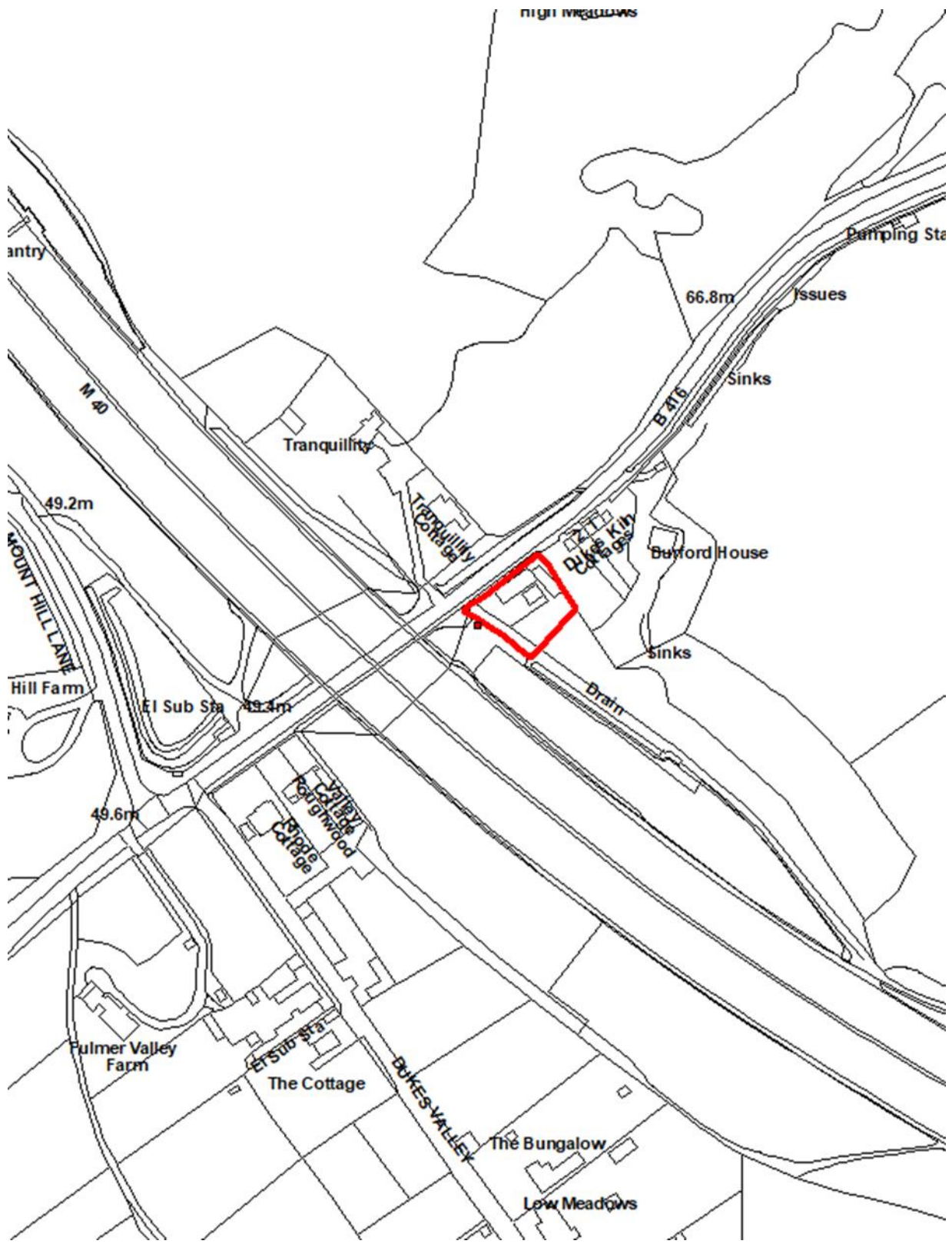
Objecting (representations from 3 addresses received in relation to plans as originally submitted and following amended plans – all summarised below)

- Green Belt impact / No 'very special circumstances'
- No local desire or need for a dwelling
- Insufficient / incorrect information (ecology report photographs are not recent; highways report may not be accurate)
- Recent appeal dismissed on grounds of highway safety
- Trees have been removed near to entrance point
- Additional planting along front boundary would impair visibility
- Not in keeping with locality
- Hardstanding and boundary treatment already undertaken
- Wildlife impact
- No community benefit
- Encroachment onto neighbouring land (Officer Note: Comment received prior to receipt of amended plans which address the site boundary, the applicant has confirmed that all of the application site is in their ownership.)

Officer note: Some representations comment on land outside of the application site but within the blue line area delineating land within the same ownership but not subject to the application. As this land does not form part of any decision, these comments cannot be taken into account.

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APPENDIX B: Site Location Plan



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APPENDIX C:**Appropriate Assessment****Application Ref. PL/22/3993/FA****Proposal: Conversion of agricultural building into dwellinghouse including external and internal alterations, alterations to access, entrance gate and associated boundary fencing, and laying of hardstanding****Summary**

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

Informing individual Appropriate Assessment of Planning Applications and Permitted Development

Evidence from the Council's Consultants Footprint Ecologyⁱⁱ has concluded that likely significant effects on the integrity of the BB SAC from recreational disturbance would derive from a net increase in new homes within a linear distance of 5.6 kilometres from the boundary of the BB SAC. The disturbance is from additional human and dog presence.

Using this evidence, Buckinghamshire Council's HRA determined that the likely significant effects within a 500 metre linear distance of the BB SAC boundary zone were so likely to harm the integrity of the conservation purposes of the BB SAC that net new homes should be avoided as it would not be possible to mitigate the impacts from the recreational disturbance. It also determined that net new homes within a linear distance between 500 metres and 5.6 kilometres of the BB SAC's boundary would need to be mitigated.

The HRA concluded that Planning Applications and Permitted Development, which provide for a net increase in new homes within the 500 metres to 5.6 kilometres zone would have a significant likely effect on the conservation features of the BB SAC and that such applications and permitted development can only be permitted if the applicant enters into a legal agreement with Buckinghamshire Council, as Local Planning Authority, to pay towards Buckinghamshire Council's Strategic Access Management and Monitoring Strategy.

Natural England (NE), the Government's conservation advisor, agreed with the findings in the HRA.

Appropriate Assessment of Planning Application reference number PL/22/3993/FA**1. The Conservation of Habitats and Species Regulations (2017)**

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

- a. is likely to have a significant effect on a European site...(either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site

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

A person applying for any such consent, permission or other authorisation must provide such information as Buckinghamshire Council may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

Buckinghamshire Council must, for the purposes of the assessment, consult the Conservation Body, NE, and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), Buckinghamshire Council may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

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

2. Stages 1-3 Screening for Likely Significant Effects

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

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

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

3. Stage 4 Appropriate Assessment

500 metres or more to 5.6 kilometres

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

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

a. Fees and Mitigation

For this proposal the following apply:

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

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

Legal Fees

To cover Buckinghamshire Council's reasonable legal costs and disbursements incurred in connection with the Unilateral Undertaking and the Council's Monitoring Fee. The monitoring fee is £541.02 and the legal costs will be determined on a case by case basis.

Strategic Access Management and Monitoring Strategy Contribution

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

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

4. Conclusion

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SAC with the result that the Council would be required to refuse this planning application.

Buckinghamshire Council considers, following consultation with NE, that the above measures will prevent a likely adverse effect on the integrity of the BB SAC. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017), and permission may be granted subject to any other planning considerations.

Conclusion

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

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

5. Reasons for Refusal

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

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

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