



South Buckinghamshire Area Planning Committee agenda

Date: Tuesday 30 May 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, P Bass, M Bracken, S Chhokar, P Griffin, G Hollis, 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 26 June 2023, if required	

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



South Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the South Buckinghamshire Area Planning Committee held on Tuesday 2 May 2023 in Amersham Council Chamber, King George V House, King George V Road, Amersham HP6 5AW, commencing at 2.30 pm and concluding at 4.30 pm.

Members present

T Egleton, D Anthony, P Bass, T Broom, S Chhokar, P Griffin, G Hollis, Dr W Matthews and G Sandy

Others in attendance

D Gigg, L Hornby, R Marber, B Robinson and K Stubbs

Apologies

A Wheelhouse

Agenda Item

1 **Declarations of Interest**

Councillor W Matthews: Planning Application PL/22/2678/OA – declared an interest due to being a member of the Iver Parish Council but that she had not discussed the application at Parish Council meetings and that she had an open mind and would listen to the debate before reaching a decision.

2 **Minutes**

The minutes of the meeting held on 4 April 2023 were agreed as an accurate record.

- #### 3 **PL/22/2678/OA - Fourells Paddocks, Richings Way, Iver, Buckinghamshire, SL0 9DE**
- Outline planning permission for the demolition of existing residential and equestrian buildings to facilitate for the construction of up to 30 dwellings to include 40% affordable housing provision with First Homes, up to 2 self-build plots, public open space and associated infrastructure and landscaping. All matters to be reserved except for the creation of new site access.

After a very full debate, a motion was proposed and seconded to approve the application, in accordance with the officer's recommendation. However, following the vote, this motion was defeated.

Following further debate, a motion to refuse the application was proposed and seconded for the following reasons:

1. By virtue of the large, open expanse of paddock land within the application site, the site is not considered to be previously developed land, therefore the proposed development constitutes inappropriate development in the Green Belt, which is by definition harmful. The proposed development would also result in harm to the Green Belt Purpose of preventing encroachment into the countryside. The proposed development therefore conflicts with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. Substantial weight is attributed to this Green Belt harm. The harm to the Green Belt is not clearly outweighed by other material considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposed development is therefore considered contrary to Policy GB1 of the South Bucks Local Plan (1999) and Paragraphs 137, 138, 147, 148, 149, 150 of the NPPF (2021).
2. The proposed development would not provide for sufficient infrastructure provision in order to mitigate its impacts in relation to air quality, and thereby worsen the air quality conditions within the Iver Air Quality Management Area; contrary to Policy CP13 of the South Bucks Core Strategy (2011), Saved Policy TR5 of South Bucks Local Plan (1999), Policy IV7 of the Ivers Neighbourhood Plan (2022) and Paragraph 185 and 186 of the Framework (2021).
3. The proposed development would not provide a policy compliant level of affordable housing provision, contrary to Policy CP3 of the South Bucks Core Strategy (2011), the South Bucks Affordable Housing SPG (2013) and Paragraph 65 of the Framework (2021).

It was agreed that the application be delegated to the Service Director of Planning & Environment to refuse the application following the expiry of the relevant publicity period for harm to the setting of a listed building, and a departure from Local Plan policy, if no new material considerations have arisen, for the reasons given above.

Speaking on behalf of Iver Parish Council: The speaker was unable to attend and therefore the Democratic Services Officer read out a statement in her absence.

Speaking on behalf of the objectors: Mr G Young

Speaking on behalf of the applicant: Mr M Corcoran

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

Resolved: that the application be delegated to the Service Director of Planning & Environment to refuse the application for the reasons as stated above.

4 Date of Next Meeting

Tuesday 30th May 2023 at 2.30pm.

5 Availability of Members Attending Site Visits (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 Wednesday 17 May 2023 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF.

Members present

T Egleton, P Bass, P Birchley, M Bracken, S Chhokar, G Hollis, Dr W Matthews and G Sandy

Agenda Item

1 Apologies for Absence

D Anthony, P Griffin and A Wheelhouse.

2 Election of Chairman

Resolved: that Councillor T Egleton be elected Chairman of the South Buckinghamshire Area Planning Committee for the ensuing year.

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Report to South Area Planning Committee

Application Number:	PL/22/4395/VRC
Proposal:	Variation of condition 6 (parking and access) of planning permission 98/01200/OUT (Pay as you play practice golf facility (Renewal of Planning Permission S/92/0900/FF)) to allow revision of access design and amendment of visibility splay detail (part retrospective)
Site location:	Land South of Longbottom Lane & East of Amersham Road Beaconsfield Buckinghamshire
Applicant:	Learmount Castle Developments Limited
Case Officer:	Graham Mansfield
Ward affected:	Beaconsfield
Parish-Town Council:	Beaconsfield Town Council
Valid date:	13 January 2023
Determination date:	31 May 2023 (extended)
Recommendation:	Grant Planning Permission, subject to conditions

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Planning permission was originally granted on the site for the change of the use of the land to a six-hole golf course and conversion of an existing barn to an ancillary pay booth and toilet facilities.
- 1.2 Permission was granted pursuant to applications S/92/0900/FF and S/96/0095/RM (Reserved Matters) and renewed by 98/01200/OUT. Condition 1 of 98/01200/OUT granted on 14 April 1999 incorporated the reserved matters granted pursuant to the 1996 application referred to above.
- 1.3 In 2004 a certificate of lawfulness under reference 04/00513/EU, was granted certifying the lawfulness of the proposed building operations to complete and bring into use the works permitted by the original permissions as referenced as per the above. The original permissions are therefore extant and the golf facility is capable of completion. A copy of which is located at appendix c of this report.
- 1.4 This application is submitted under Section 73 of the Town and Country Planning Act 1990 which allows conditions of an existing planning permission to be varied or removed. The application seeks to vary condition 6 (parking and access) of planning

permission 98/01200/OUT to allow revisions of the access design, which would include the reduction of visibility splays onto Longbottom Lane.

- 1.5 The following report sets out the officers' assessment. The proposal seeks to reduce the visibility splays at the access point onto Longbottom Lane as a result of the reduction in speed limit. It is considered that the proposed variation to the access and visibility splays would have an acceptable impact on the surrounding area, including and in consultation with the Highway Authority who raise no objection to the application. Based on this, the application is recommended for conditional permission.
- 1.6 The application is subject of a three-member call-in by Ward Councillors, Cranmer, Jackson and Wheelhouse.

2.0 Description of Proposed Development

- 2.1 The application site comprises of an 11-hectare site which slopes upwards towards the south. The site is bound by the A355 Amersham Road to the west and Longbottom Lane to the north. A Public Right of Way runs to the east of the site and to the south of the site are a number of residential properties including Copshrews and Copshrews Cottages, which are Grade II Listed.
- 2.2 The application site is located within Metropolitan Green Belt. The site is not located in the Chilterns Area of Outstanding Natural Beauty (AONB). However, the boundary of the AONB forms the northern edge of Longbottom Lane.
- 2.3 As stated previously, the previous permissions on site, and as confirmed by the 2004 certificate of lawfulness are extant and capable of final implementation. Condition 6 of planning permission 98/01200/OUT states: "Before the development is brought into use, parking space (sic) for 30 cars with vehicular and pedestrian access only as shown on plan no. LL.92.01C shall be provided unless the District planning Authority gives written consent to any variation".
- 2.4 This application is submitted under section 73 of the Town and Country Planning Act 1990 and seeks to vary condition 6 by submitted revised access designs which would allow the visibility splays of the development to be reduced.
- 2.5 During the intervening years, the speed limit on Longbottom Lane has been reduced from the national speed limit to a maximum speed limit of 40mph and therefore the longer visibility splays associated with the original plans are no longer required.
- 2.6 The proposal would result in the reduction of the visibility splays from 4.5 x 215 metres to 4.5 x 120 metres. As such, the physical impact on the adjacent land and highway bank would be reduced.
- 2.7 The proposed variation of condition 6 to reduce the visibility splays is considered not to fundamentally change the previous implemented planning permission for the golf course.
- 2.8 The application is accompanied by:
 - a) Section 73 Supporting Statement
 - b) Plan denoting the revised visibility splays to the access
- 2.9 During the course of the application the applicant provided a legal opinion regarding the validity of the 2004 lawful development certificate and the approach to S.73 planning applications.

3.0 Relevant Planning History

- 3.1 04/00513/EUC - Application for a certificate of lawfulness for: Proposed building operations to complete and bring into use the works permitted by planning permissions numbered S/92/0900 and S/96/0095/RM as renewed by 98/01200/OUT – Granted: 23 June 2004
- 3.2 98/01200/OUT – Outline planning permission for a pay as you play golf facility. Renewal of application number 92/0900/OUT – Conditional Permission: 14 April 1999
- 3.3 96/0095/RM – Reserved Matters Application for pay as you play golf facility. Conditional Permission: 25 February 1997
- 3.4 92/0900/OUT – Outline planning permission for a pay as you play golf facility

4.0 Summary of Representations

- 4.1 35 letters of objections were received in response to the planning application. The contents of which are summarised as follows:
 - Concerns regarding impact on the Green Belt
 - Back door application to allow further inappropriate development in the Green Belt
 - Golf course would be inappropriate use of Green Belt land
 - Revised access would be detrimental to the Green Belt
 - Impact on the character of the area
 - Impact on adjacent Listed Buildings
 - Impact of revised impact on protected trees and hedgerows
 - Ecology concerns
 - Residential amenity impacts in terms of views
 - Safety concerns for highway and public footpath users (i.e. golf ball strikes)
 - Traffic impacts on Longbottom Lane and area in general
 - Traffic and safety impacts in relation to the reduced visibility
 - Flooding and drainage concerns
 - No justification for new golf course
 - Area does not require further golf courses
 - Application for new golf course should not be permitted to be resurrected
 - Substantial and material changes since the application was approved
 - New application is required due to material changes which have occurred
 - 2004 certificate of lawfulness is invalid
 - 2004 certificate of lawfulness should be cancelled
 - Discrepancies with previously approved plans
 - Insufficient details to assess the current revisions sought

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- 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;
- Chiltern and South Bucks Townscape Character Study 2017
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
- Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020

- Buckinghamshire Parking Standards
- Buckinghamshire Council Biodiversity Netgain SPD – adopted June 2022

Principle and Location of Development

- 5.1 This application is submitted under Section 73 of the Town and Country Planning Act 1990 which allows conditions of an existing planning permission to be varied or removed. If the application is approved, the effect is the issue of a new planning permission, sitting alongside the extant permission, which for reason previously explained is capable of full implementation.
- 5.2 The Planning Practice Guidance states that when assessing these types of application, Local Planning Authorities should focus their attention on national or local policies or other material considerations which may have changed significantly since the original permission. In this instance the South Bucks District Local Plan (1999) was adopted at the time of when the previous permission was granted. However, in the time since, the South Bucks District Core Strategy (2011) has been adopted, together with the National Planning Policy Framework (NPPF) which has undergone a number of alterations since it was first produced in 2012.
- 5.3 As highlighted earlier in the report, the implementation of the planning permission for the golf course has been confirmed by the granting of certificate of lawfulness reference 04/00513/EUC. As such, irrespective of the outcome of this current application, the development could be completed without the need for any further approval of the local planning authority. In addition, it is important to note that the current application only seeks to amend the access arrangements. In this case this would result in the reduction in the development land required for the visibility splays, as such the report will focus on the assessment and implications of the reduced visibility splays in accordance with the development plan, national planning policy, site circumstances and other material planning considerations.

Green Belt

Local Plan Saved Policies:

GB1 (Green Belt Boundaries and the Control Over Development in the Green Belt)

- 5.4 A number of objections have been raised in terms of the impact of the proposed development on the Green Belt. As noted previously, the principle of the golf course development has been accepted and considered implemented. Notwithstanding this, the NPPF (para.150 e) allows material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) provided the openness of the Green Belt is preserved. The proposal to vary the access arrangements, in particular the reduction of the visibility splays to the access onto Longbottom Lane is considered not to result in any undue impacts on the Green Belt.
- 5.5 The variation sought would result in the reduction of land required for the access and visibility splays, and therefore the amended scheme would require less hardstanding. Officers consider this would result in a lesser impact on the Green Belt than the current scheme. As such, the proposed variation would align with the development plan and the NPPF in terms of Green Belt.

Raising the quality of place making and design

Core Strategy Policies:

CP8 (Built and historic environment)

CP9 (Natural environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

EP4 (Landscaping)

5.6 Objections have been raised in terms of the impact of the proposal on the character of the area. It is noted that Longbottom Lane benefits from a variety of adjoining access points including those of 'Falcon Hill' and 'Hinton House' opposite the application site.

5.7 As noted previously, the variation to the scheme seeks a reduction of the visibility splays. This would result in the reduction of hardstanding within the access point on Longbottom Lane and would reduce the need to remove the soft landscaping and hedgerow banks adjacent to the highway. Therefore, the proposed variation would lead to an overall improvement in terms of landscape impacts compared to the existing scheme.

5.8 Considering the above, the variation sought would have an acceptable visual impact on the wider character of the area. Officers consider that the proposal to reduce the visibility splays would align with the development plan in terms of design and the character of the area.

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

5.9 A number of objections have raised amenity concerns in relation to the proposal. Officers consider that the reduction of visibility splays would not have a material impact on residential amenities over and above the extant scheme. The proposal is considered to comply with the development plan in terms of residential amenities.

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)

5.10 The application seeks to vary the design of the access, which would result in the reduction of the visibility splays at the entrance of the site. The application has been made in response to a change in site circumstances in that the maximum speed limit of Longbottom Lane has been reduced from national speed limit to 40mph. As such, it is no longer necessary to incorporate larger visibility splays on the adjoining Highway.

5.11 It is noted that a number of objections have raised objections on highway safety and traffic grounds. The traffic impact of the golf course scheme would have been dealt with under the previous applications. This application would focus solely on the implications of the amended access point.

5.12 Buckinghamshire Council Highways officers have been consulted as part of the amendments sought. It is considered that the visibility splays have been reduced accordingly in line with 'Manual for Street's guidance and therefore, the proposed amended sought would be acceptable in terms of highway safety considerations.

- 5.13 In addition to the above, highway officers note that the visibility splays would require technical approval before they are constructed. This would be sought through a Section 184 application which is considered under separate legislation to planning.
- 5.14 Overall, it is considered that the variation to seek reduced visibility splays would align with local and national planning policy in relation to the impact on the safety of highway users.

Flooding and drainage

Core Strategy Policies:

CP13 (Environmental and resource management)

- 5.15 The access to the site from Longbottom Lane is located within Flood Zone 1. It is noted that highway itself is located in zones of surface water flooding. The proposed variation to seek smaller visibility splays would result in the need for less hardstanding. Therefore, it is considered that the subject application would not result in any undue impacts in terms of flooding over and above the extant permission. As highlighted in the section above, the applicant would be required to have the technical aspects, including the construction of the access under a section 184 application. Overall, no objections are raised in terms of flooding.

Landscape and Ecology Issues

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP4 (Landscaping)

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

- 5.16 The boundary of the Chilterns Area of Outstanding Natural Beauty (AONB) lies to the north of the site on the opposite side of Longbottom Lane. In terms of the purposes of conserving and enhancing the natural beauty of the AONB (in line with Section 85 of the Countryside and Rights of Way Act 2000), the previously consented proposal was considered acceptable in terms of the impact on the setting of the AONB. The variation sought would not significantly alter the overall golf course scheme and therefore the proposal would not harm the setting of the AONB.
- 5.17 As noted in the character section previously, the proposal to reduce the amount of land required for the visibility splays is considered to have an acceptable impact on the wider character of the area, including the wider setting of the AONB located to the north of Longbottom Lane. The amendment sought under the current application would retain a greater amount of soft landscaping (adjacent to the highway) than the extant scheme. as noted previously, this would lead to improvements in the overall landscape.
- 5.18 A number of protected trees are located in close proximity to the access point with Longbottom Lane. The Council's Tree officer has been consulted as part of the amendments sought. No objections are raised in terms of the impacts on protected trees and landscape features subject to conditions regarding protective measures during the construction phase.

5.19 As noted previously, the golf course scheme is extant and can be fully implemented without any further planning applications. In addition, the variation sought to reduce the visibility splays would result in less soft landscaping needed for the access. In terms of Ecology, this would be considered a marginal benefit and no further information in this regard is considered necessary or proportionate.

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)

5.20 There are a number of designated heritage assets which adjoin the site these being Copshrews Cottages to the south and Drummers yard located to the north and east of Amersham Road opposite the application site. In terms of the previous application for the golf course scheme it was considered that there would be no harm to any of the designated heritage assets surrounding the site.

5.21 In terms of the amendment sought to the access and the location in relation to the designated heritage assets noted above, it is considered that the proposed alterations sought would be minor in the wider context of the scheme. As such, the changes in association with amendment to the visibility splays would continue not to result in harm to the setting of adjoining listed buildings. Due to the location, separation distances and surrounding landscape the designated heritage assets are not visually prominent from the access to the site.

5.22 Section 66 Planning (Listed Buildings & Conservation Areas) Act 1990 sets out the special regard to the desirability of preserving the setting of listed buildings. In this instance it is considered that no harm would occur to the setting of adjacent designated heritage assets as result of the reduced visibility splays sought.

Planning Conditions

5.23 As part of the assessment of this variation of conditions application, it also necessary to review the conditions imposed on the previous permission 98/01200/OUT and whether these are still required. Officers will need to take account of the Planning Practice Guidance in relation to planning conditions. Paragraph 55 of the NPPF sets out that planning conditions should be kept to a minimum, and only used where they satisfy the following (otherwise known as the 6 tests):

- Necessary
- Relevant to Planning
- Relevant to the development to be permitted
- Enforceable
- Precise; and
- Reasonable in all other respects

5.24 In regards to the above, any proposed condition that fails one of the 6 tests should not be used. Condition 1 of 98/01200/OUT sets out that the development should be completed in accordance with the previously approved reserved matters. Officers consider that this would be reasonable to re-attach and would meet the 6 tests.

- 5.25 Conditions 2 and 3 attached to 98/01200/OUT refers to a time limit for the reserved matters and time limits for commencement. These conditions are no longer considered necessary as the development has commenced and capable of implementation.
- 5.26 Condition 4 (relating to landscaping) is not considered necessary. It is noted that the Council's Tree officer has recommended conditions in relation to preserving and protecting existing landscaping features adjacent to the access. It would be necessary to ensure tree protection details are in place before construction on the access commences. Condition 5 relating to landscaping refers to the planting out of landscaping, this condition is still relevant and recommended to be re-attached.
- 5.27 Condition 6 (subject of the current application) is considered reasonable to reattach to ensure that the access of the approved scheme is built in accordance with the plan and to allow for any variation to the access and parking which may arise.
- 5.28 Condition 7 relates to the safety of public footpath users and highway users. Officers consider that in the interests of public safety, the buffer zones from the trees and greens would be necessary to re-attach to the current permission.
- 5.29 Condition 8 relates to a restriction on retail at the site. The previous permissions did not include such facilities and it would be reasonable to continue the imposition of this restrictive condition. Condition 9 ensures that the development is completed in accordance with the current and previously approved plans, and therefore deemed reasonable and necessary to attach.

Other Matters

- 5.30 As highlighted previously in the report, the golf course scheme permission under 98/01200/OUT remains extant and capable of completion by virtue of the certificate of lawfulness granted under reference 04/00513/EU. A number of concerns have been raised in relation to this certificate of lawfulness with comments to its validity or potential cancellation.
- 5.31 However, there is no evidence to suggest that the 2004 certificate of lawfulness under reference 04/00513/EU was granted in error. A copy of the certificate is provided within the appendix of this report. Officers also note that there has been no changes in terms of site circumstances or any other planning permissions granted on the site since the 2004 certificate, which would render the original permission incapable of implementation or that would conflict with it.
- 5.32 Noting other comments received. The fact the NPPF has been adopted and other planning policies have evolved since the granting of the 2004 certificate of lawfulness would not affect its status. This would have been a legal exercise, and as such, planning policies are not considered as part of a consideration of a certificate of lawfulness.
- 5.33 In addition to the above, a number of objections have been received which outline concerns regarding the potential of other uses on the site including housing. However, officers can only assess applications based on the plans submitted and on their own merits. The site has an extant planning permission for the use as a golf course and has been assessed as such. Any other potential use on the site would have to be subject of a separate planning application.

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 As set out above it is considered that the proposed development would accord with most of the development plan policies.
- 6.3 Local Planning Authorities, when making decisions, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 6.4 The concerns and objections received, alongside the representations in support of the proposals have been duly noted, considered and addressed within the above report.
- 6.5 The principle of the development has been established and the previous scheme on site capable of full implementation. As set out above, it is considered that the proposed variation sought would achieve overall compliance with the development plan. The Council has also had regard to its statutory duties under s.66 of the P(LB&CA) Act 1990 (and has given great weight to the conservation of the setting of the designated heritage assets) and s.85 of the Countryside and Rights of Way Act 2000 and has found that the development proposed does not harm the setting of nearby listed buildings, nor the AONB. Therefore, it is recommended that the application is approved, subject to conditions.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (2021) the Council approaches decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and works proactively with applicants to secure developments.
- 7.2 The Council works 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 application was considered acceptable by officers as submitted and no further assistance was required.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

8.0 Recommendation:

8.1 The recommendation is that the application is granted subject to the following conditions:

1. The development hereby permitted shall be constructed in accordance with the details as submitted as part of application reference S/96/0095/RM, unless the Local Planning Authority gives written consent to any variation.
Reason: To safeguard and enhance the visual amenities of the locality. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999).
2. Before any construction works commences on the access hereby permitted, all trees, shrubs and hedgerows identified for retention on plan/drawing number 523/001 Rev C shall be protected by fencing 1.5 metres in height, erected to enclose the perimeter of the branch spread of each shrub or tree to be retained and a minimum distance of 1 metre from hedgerows. The fencing shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out within the fenced area without the prior written consent of the Local Planning Authority. (ST03)
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.)
3. In implementing this planning permission, the developer shall ensure that the existing soil levels around the boles of the trees to be retained are not altered. (ST04)
Reason: To ensure that the trees are not damaged during the period of construction. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)
4. The destruction by burning, of materials within the site shall not take place within 8 metres of the furthest extent of the canopy of any tree or group tree to be retained on the site or on land adjoining as shown on submitted plan 523/001 Rev C. Similarly, no building materials, equipment, vehicles, plant, oil or other petroleum products shall be stored or allowed to stand within the branch spread of the trees to be retained on site. (ST12)
Reason: To ensure that the trees to be retained are adequately protected, in the interests of visual amenity. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)
5. 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.)

6. Before the development is brought into use, parking space for 30 cars with vehicular and pedestrian access only as shown on plan no. LL.92.01 C and 523/001 Rev C shall be provided unless the Local Planning Authority gives written consent to any variation.

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

7. Notwithstanding any indications illustrated on the submitted drawings, the trees and greens hereby approved shall be positioned no nearer than 60 metres from any access way, public highway or residential boundary, to the satisfaction of the Local Planning Authority.

Reason: In the interests of public safety and to safeguard the amenities of adjoining residential premises.

8. There shall be no retail sale of food and drinks from the site.

Reason: To safeguard the amenities of adjoining residential premises and the character of the area.

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

Plan Reference	Date received by Local Planning Authority
523/001 Rev C	22.12.2022
Location Plan	22.12.2023
LL.92.01C	22.12.2023
LL.92.04b	07.06.1996
LL.92.07b	18.09.1996
LL.92.08A	18.09.1996
LL.92.03D	29.01.1997

INFORMATIVE(S)

1. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980 (as amended). (SIH24)
2. It is contrary to section 163 of the Highways Act 1980 (as amended) for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system. (SIH11)
3. It is an offence under S151 of the Highways Act 1980 (as amended) for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore

be provided and used on the development site for cleaning the wheels of vehicles before they leave the site. (SIH23)

4. This permission shall not be deemed to confer any right to obstruct the public footpath / bridleway now crossing the site which shall be kept open and unobstructed until legally stopped up or diverted under section 257 of the Town and Country Planning Act 1990 (as amended). (SIH14)
5. The applicant is advised that advisory signs denoting the presence of the public footpath or bridleway crossing the site are required. Please contact the Rights of Way Officer at the Buckinghamshire Council in this respect. Tel (01296) 382171. (SIH15)
6. The applicant is advised that the off-site works will need to be constructed under a section 184 of the Highways Act 1980 (as amended). This agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 8 weeks is required to draw up the agreement following the receipt by the Highway Authority of a completed Section 184 application form. Please contact the Transport Development Management Section at the following address for information:

Buckinghamshire Council Transportation
Transport for Buckinghamshire
10th Floor County Hall
Walton Street
Aylesbury
Bucks HP20 1UY
Tel: 0845 230 2882

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Councillor Jackson Ng:

I would like to call in this planning application because the residents feel strongly against it and I believe it warrants further scrutiny

Councillor Anita Cranmer:

I wish to call in this application in view of the considerable number of objections raised by residents covering many issues of contention. This is an amendment/revival to an old planning application and has many aspects of concern.

Councillor Alison Wheelhouse:

In light of significant public interest in this application and changes to the original scheme, this application warrants scrutiny by the planning committee and I would like to call this in. I understand that this will be a 3 Member call-in

MP Letters

Two letters were received from the Member of Parliament for Beaconsfield, Joy Morrissey MP which brings to the attention concerns from two constituents who have responded to the planning application.

Beaconsfield Town Council Comments

The Committee RESOLVED to OBJECT stating that they do not believe what has been submitted is sufficient for the release of conditions of variation (6). Furthermore, they expressed concern for the lack of transportation studies, ecological reports and lack of consideration to Longbottom Lane, noting previous fatalities.

Policy TR5 - Accesses, Highway Works and Traffic Generation

Policy R9 - Golf Courses (with respect to the potential need of an ecological assessment).

Consultation Responses

Buckinghamshire Council Highways Development Management – dated 2nd February 2023

Thank you for your letter dated 16th January with regard to the above planning application.

Longbottom Lane is a 'C' class road which in this location is subject to a speed restriction of 40mph. Proposals include the variation of condition 6 of planning permission 98/01200/OUT to allow for a revised visibility splay.

Since the previous consent was granted, the posted speed limit on Longbottom Lane has been reduced from the National Speed Limit to 40mph, and as such the visibility splay requirements have also been reduced, in line with Manual for Streets guidance. I can confirm that the proposed visibility splays as shown on the drawing are acceptable.

However, having discussed with the Highways Development Management Delivery section, I note that the Section 184 application has not received technical approval and will need to be progressed. I would ask that the applicant contacts the Delivery team for further information.

Mindful of the above, I have no objection to the variation of condition 6 of planning permission 98/01200/OUT

Buckinghamshire Council Tree Officer – dated 19th January 2023

I have not visited site and based on desk top assessment of information submitted the three oak trees subject to a TPO known as no.21, 1996 are in close vicinity to access so I recommend planning conditions ST3, ST4 and ST12.

Representations

Amenity Societies/Residents Associations

The Beaconsfield Society:

I would like to submit an objection on behalf of The Beaconsfield Society to planning ref PL/22/4395/VRC. I believe the new proposals are unsuitable for a VRC application, and as such merit the submission a completely new application.

Chiltern Society:

The Chiltern Society objects to variation of condition 6. We are concerned the proposal will be detrimental to the local biodiversity on this land, which is designated as Green Belt, is adjacent to the Chilterns Area of Natural Beauty (AONB) and is within 100 metres of Ancient Woodland designated as Priority Habitat Inventory - Deciduous Woodland.

Our objections are as follows:

1 Longbottom Lane is significantly busier than when the scheme was first proposed. The revised access to the site exacerbates the potential traffic hazard particularly towards the junction with the Amersham Road.

2 The plans show an earth track leading to parking provision for 30 cars. We are concerned that the likely volume of traffic and the size and weight of modern-day vehicles using the earth track will cause damage detrimental to the viability of the trees, hedgerow and flora bordering the access track. We note that 3 oak trees have Protection Orders.

3 The plan (NEW ACCESS ARRANGEMENTS 5253-001 REV C) shows a barbed wire fence on the boundaries of the site as well as separating the earth track that provides access to the proposed car park. We are concerned that this will constrain the biodiversity on the site which is currently open grassland and close to Ancient Woodland.

We note that this scheme for a practice golf facility on 11 hectares of land designated as Green Belt has not progressed for almost 25 years. In that time both environmental standards and planning policy to protect vital green space and support net gain in bio-

diversity have been enhanced to protect our vital landscape, particularly within the Green Belt and AONB.

Given that the scheme will require significant earthworks to this existing open grass landscape as well as material changes to both the access road junction with a busy main road and the onsite road and parking, we believe the scheme merits re-examination by the Planning Authority.

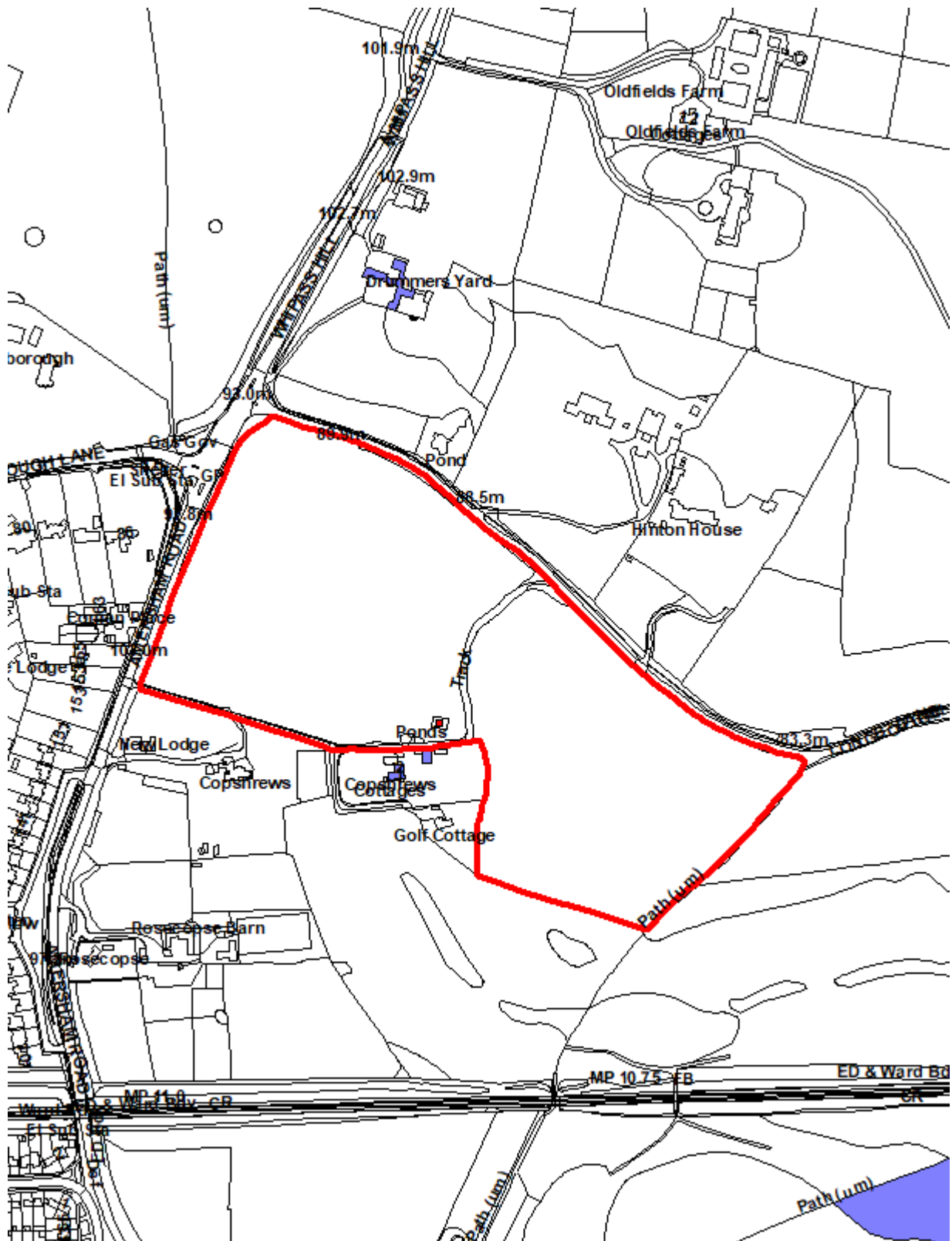
Other Representations

35 letters of objections were received in response to the planning application. The contents of which are summarised as follows:

- Concerns regarding impact on the Green Belt
- Back door application to allow further inappropriate development in the Green Belt
- Golf course would be inappropriate use of Green Belt land
- Revised access would be detrimental to the Green Belt
- Impact on the character of the area
- Impact on adjacent Listed Buildings
- Impact of revised impact on protected trees and hedgerows
- Ecology concerns
- Residential amenity impacts in terms of views
- Safety concerns for highway and public footpath users (i.e. golf ball strikes)
- Traffic impacts on Longbottom Lane and area in general
- Traffic and safety impacts in relation to the reduced visibility
- Flooding and drainage concerns
- No justification for new golf course
- Area does not require further golf courses
- Application for new golf course should not be permitted to be resurrected
- Substantial and material changes since the application was approved
- New application is required due to material changes which have occurred
- 2004 certificate of lawfulness is invalid
- 2004 certificate of lawfulness should be cancelled
- Discrepancies with previously approved plans
- Insufficient details to assess the current revisions sought

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APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

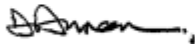
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NOTES:

- 1 This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).
- 2 It certifies that the use/operational development/activities specified above taking place on the land described was lawful, on the specified date, and thus, was not liable to enforcement action under section 172 of the 1990 Act on that date.
- 3 This certificate applies only to the extent of the use/operational development/activities described above and to the land described above. Any use/operational development/activities which are materially different from that described or which relate to other land may render the owner or occupier liable to enforcement action.
- 4 The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

GR
Dated: 23rd day of June 2004



David Green
Head of Development Control
for and on behalf of the Council

APPENDIX D: Site Photos



Approx. location of access onto Longbottom Lane



Looking east towards Seer Green



Looking west towards A355.

