



## South Buckinghamshire Area Planning Committee agenda

Date: Tuesday 4 August 2020

Time: 4.15 pm

Venue: Microsoft Teams Meeting

### Membership:

D Anthony, M Bradford, S Chhokar, T Egleton (Chairman), B Gibbs, P Griffin, G Hollis, M Lewis, Dr W Matthews (Vice-Chairman) and R Reed

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<b>Agenda Item</b>	<b>Page No</b>
<b>1 Apologies for Absence</b>	
<b>2 Declarations of Interest</b>	
<b>3 Minutes</b> To note the minutes of the meeting held on 7 July 2020.	<b>3 - 4</b>
<b>Applications to be Determined</b>	
<b>4 PL/19/2305/FA - Land at Huntercombe Park (former Pfizer Pharmaceuticals), Huntercombe Lane South, Burnham, Buckinghamshire, SL6 0PH</b>	<b>5 - 76</b>
<b>5 PL/19/4036/FA - 121 High Street, Burnham, Buckinghamshire, SL1 7JZ</b>	<b>77 - 112</b>
<b>6 PL/19/4037/HB - 121 High Street, Burnham, Buckinghamshire, SL1 7JZ</b>	<b>113 - 126</b>
<b>7 Date and Time of the next meeting</b> Tuesday 1 September 2020 at 4:15p.m.	

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

For further information please contact: Tom Fowler on 01494 732009, email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).



Agenda Item 3  
**Buckinghamshire Council**  
**South Buckinghamshire Area**  
**Planning Committee**

## Minutes

**MINUTES OF THE MEETING OF THE SOUTH BUCKINGHAMSHIRE AREA PLANNING COMMITTEE HELD ON TUESDAY 7 JULY 2020 IN VIA MICROSOFT TEAMS, COMMENCING AT 6.30 PM AND CONCLUDING AT 8.12 PM**

### MEMBERS PRESENT

D Anthony, M Bradford, S Chhokar, T Egleton, B Gibbs, P Griffin, G Hollis, M Lewis, Dr W Matthews and R Reed

### Agenda Item

**1 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3 MINUTES**

The minutes of the meeting held on 9 June 2020 were agreed as an accurate record.

**4 PL/19/2423/FA - WEXHAM PARK GOLF COURSE, WEXHAM STREET, WEXHAM, BUCKINGHAMSHIRE, SL3 6ND**

Proposal: Construction of footgolf and adventure golf facilities

#### Notes:

- The Case Officer confirmed site visits had taken place prior to the outbreak of Covid-19. It was noted that pre-commencement conditions attached to this application had been agreed with the applicant.
- A further seventeen letters of objection had been received since the publication of the agenda. It was confirmed that these letters had not raised any additional material planning considerations.
- Councillors proposed to amend the hours of use condition such that the adventure golf be restricted to close at 7:30PM. Secondly, it was proposed to add an informative to the Decision Notice to highlight that the adventure golf facility has been approved on the basis that no buildings or structures were proposed on the submitted plans (other than the small bridges) and that the permission therefore does not infer or imply that any further such buildings or structures would be acceptable in connection with the facility.
- Speaking as an objector: Mr Alasdair Dorrat

**It was proposed by Councillor W Matthews, seconded by Councillor M Lewis and RESOLVED:**

**That planning permission be granted subject to the conditions set out in the report with the amended condition and added informative noted above.**

**5 PL/20/1103/FA - THE MIDDLEWOOD, 17 DUKES WOOD DRIVE, GERRARDS CROSS, BUCKINGHAMSHIRE, SL9 7LJ**

Proposal: Part two storey/part single storey rear extension, two storey front extension with part garage conversion, first floor side extension over existing garage, additional windows to side elevation, changes to existing windows and doors, replacement roof, incorporating rear dormer, two front dormers and three side rooflights.

Notes:

- The Case Officer advised the previous planning refusal decision had been subject to an appeal. The decision made by the planning inspectorate noted the daylight and sunlight report submitted. It was noted that the proposal exceeded the accepted 20% reduction in daylight set out in the BRE guidance and concluded that the proposal would be harmful for the living conditions of the neighbouring residents. The planning inspectorate did raise not any other objections.
- A written measurement was detailed incorrectly on the plans submitted by the applicant, the applicant therefore submitted an amended plan. Two corrections were made to the report. In paragraph 3.14, the measurement was amended to 0.9m. In paragraph 3.6, line 4, the measurement was amended to 2.3m.
- Speaking on behalf of Gerrards Cross Town Council: Councillor Jaspal Chhokar
- Speaking as the objectors: Ms Anne Williams, Ms Andrea Adams and Mr Paul Miller
- Speaking as the Agent: Mr Hashi Mohamed

**It was proposed by Councillor W Matthews, seconded by Councillor M Lewis and RESOLVED:**

**That planning permission be granted subject to the conditions set out in the report.**

**6 TIME OF FUTURE MEETINGS**

The Committee reviewed the start time for future meetings.

**It was proposed by Councillor T Egleton, seconded by Councillor S Chhokar and RESOLVED:**

**That future meetings start at 4:15pm.**



## Report to South Buckinghamshire Area Planning Committee

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<b>Application Number:</b>	PL/19/2305/FA
<b>Proposal:</b>	Demolition of the existing office buildings (Use Class B1) and erection of 3 nos three storey and 2 nos four storey buildings to provide 165 residential flats (Use Class C3) (comprising 45 x 1 bedroom units, 113 x 2-bedroom units and 7 x 3-bedroom units), incorporating car parking, open space, landscaping, drainage and infrastructure works.
<b>Site Location:</b>	Land at Huntercombe Park (former Pfizer Pharmaceuticals) Huntercombe Lane South Burnham Buckinghamshire SL6 0PH
<b>Applicant:</b>	Bellway Homes Ltd
<b>Case Officer:</b>	Gary Murphy
<b>Ward affected:</b>	Cliveden
<b>Parish Council:</b>	Burnham
<b>Valid date:</b>	16 July 2019
<b>Determination date:</b>	29 November 2019
<b>Recommendation:</b>	<p>It is recommended that the Committee delegate the application to the Director of Planning and Environment to:</p> <ol style="list-style-type: none"><li><b>GRANT planning permission</b> subject to:<ol style="list-style-type: none"><li>The satisfactory completion of a Section 106 Agreement to secure the requirements as set out in this report.</li><li>Finalising conditions (including agreement with the applicant/agent of 'pre-commencement' conditions) and any other minor changes.</li></ol></li></ol>

c) There being no new substantive, material planning matters being raised following the close of the consultation period on 21<sup>st</sup> August 2020.

Or

2. **REFUSE planning permission** if a satisfactory S106 Agreement cannot be completed for the appropriate reasons relating to affordable housing, the impact on Burnham Beeches Special Area of Conservation, flood risk, lack of sustainable travel measures, inability to secure open space provision, and absence of infrastructure payments to mitigate the impact on local healthcare facilities.

## **1.0 Summary & Recommendation/ Reason for Planning Committee Consideration**

- 1.1 Planning permission is sought for the redevelopment of the site involving demolition of existing office buildings and the erection of five replacement buildings of three and four storeys in height, comprising 165 dwellings. The site is located within the Green Belt, where the complete redevelopment of previously developed land is acceptable provided this would not have a greater impact on the openness of the Green Belt. In this case, the proposed redevelopment will not have a greater impact on openness and therefore the proposal is 'appropriate' development in the Green Belt, for which there is not a requirement to demonstrate 'Very Special Circumstances'.
- 1.2 The proposed redevelopment would result in the loss of a long standing vacant employment site. Marketing evidence provided submits that there is a lack of demand for continued office use, and alternate economic uses on site. The evidence provided supports the conclusion that there is no reasonable prospect of the site being used for its permitted economic use, or alternate economic use.
- 1.3 The proposed development would make efficient use of previously developed land and will positively contribute to meeting an identified housing need, including making a significant contribution towards affordable housing provision, helping to create mixed and balanced communities. The construction phase for a development of this size would benefit the local economy also through direct job opportunities as well as indirectly through the local supply chain. This is considered to represent sustainable development, and accords with the NPPF in this respect.
- 1.4 The existing highway network is found to be capable of accommodating the expected level of trip generation without the need for specific measures and/or mitigation to make the development acceptable. An adequate level of parking is

to be provided which, albeit is below the adopted parking standards, is based on assessed parking demand reflecting levels of local car ownership. The reduced parking is also justified based on the accessibility of the site to alternative modes of travel to private motor vehicles, and the proximity for future residents to local employment, services and facilities. As set out within the main body of the report, the development is not considered to adversely affect the amenity of nearby residential occupiers, nor the character and appearance of the locality or the landscape character of the area, due largely to the self-contained and screened nature of the site. The proposal will not result in any adverse impacts on existing biodiversity interests and there will be enhancements for fauna and flora.

- 1.5 The impacts of the development on designated heritage assets are required to be balanced against any public benefits to be delivered. Given that there are public benefits associated with the development, this justifies 'less than substantial harm' to nearby heritage assets. A range of s106 contributions and Community Infrastructure Levy (CIL) would also be secured in the event of planning permission being granted.
- 1.6 The application has been referred to Planning Committee following discussion between Officers and the Chairman. In the interest of the wider public it is considered that the application would benefit from further public scrutiny and consideration by the Committee.
- 1.7 It is recommended that the Committee delegate the application to the Director of Planning and Environment to:
  1. GRANT planning permission subject to:
    - a) The satisfactory completion of a Section 106 Agreement to secure the requirements as set out in this report.
    - b) Finalising conditions (including agreement with the applicant/agent of 'pre-commencement' conditions) and any other minor changes.
    - c) There being no new substantive, material planning matters being raised following the close of the consultation period on 21<sup>st</sup> August 2020.
  - Or
  2. REFUSE planning permission if a satisfactory S106 Agreement cannot be completed for the appropriate reasons relating to affordable housing, the impact on Burnham Beeches Special Area of Conservation, flood risk, lack of sustainable travel measures, inability to secure open space provision, and absence of infrastructure payments to mitigate the impact on local healthcare facilities.

## 2.0 Description of Proposed Development

- 2.1 The application site is 3.1 hectares in size and located within the Green Belt. There are three existing office buildings on site, these are flat roof buildings of a substantial size which extend up to 12m in height. These existing buildings are surrounded by areas of car parking and hard landscaping. The wider grounds are open landscaping with existing mature trees to the site frontage, and around the site edges, providing dense tree coverage in places. The site and buildings have been vacant since 2010 when they were sold by Pfizer (formerly Wyeth Laboratories). Currently the site is enclosed by hoardings and windows within the buildings are boarded up. This site is known as 'Huntercombe Park' and was the Head Office for the former pharmaceutical company, Wyeth Laboratories. It was a purpose-built development for this business. It was subsequently occupied by the pharmaceutical company, Pfizer.
- 2.2 Immediately to the north of the site, on Wyeth Close, is a residential development, within the adjoining authority of Slough Borough Council, where building heights are predominantly three storeys. Beyond Wyeth Close are predominantly 2 storey houses facing Huntercombe Lane South and to the east of these 2 storey properties is a residential development of 2.5/3 storey properties which rise to 4 storeys adjacent to the A4 Bath Road. The eastern boundary of the site is formed by the Huntercombe motorway spur, a north-south spur that links the A4 Bath Road with junction 7 of the M4, to the south. To the west of the site is Huntercombe Lane South beyond which are fields. In addition, to the south are open fields and formal gardens associated with Huntercombe Manor which is in use as a private hospital.
- 2.3 Immediately south of and adjacent to the site is Huntercombe Conservation Area, and the Grade II Huntercombe Manor Registered Park and Gardens (RPG). Huntercombe Manor which sits within this adjacent landscape is Grade I Listed.
- 2.4 Access to Huntercombe Park is gained via Huntercombe Lane South. Just before the access into Huntercombe Park is the road that leads into Wyeth Close. The site is located in an area of Flood Zone 1.
- 2.5 The application proposes the demolition of the existing office buildings (Use Class B1) and erection of 3 no. three storey and 2 no. four storey buildings to provide 165 residential flats (comprising 45 x 1 bedroom units, 113 x 2-bedroom units and 7 x 3-bedroom units and including x 53 units for affordable housing),

incorporating car parking, open space, landscaping, drainage and infrastructure works.

- 2.6 Surface and undercroft parking is proposed resulting in provision of 255 spaces on site (including 2 no. Car Club spaces), with 10% of spaces to be adaptable for the provision of electric vehicle charging points. Secure cycle parking spaces are proposed, with one space per dwelling provided.
- 2.7 Extensive areas of landscaping and communal amenity space are proposed around the buildings, most notably to the east of the site, where a generous area of communal open space is proposed. Childrens' play space will also be incorporated on site.
- 2.8 The proposed housing mix would be: -

1bed unit	x 45 units
2bed 3person	x 46 units
2bed 4person	x 67 units
3bed unit	x 7 units
Total	x 165 units

Overall 53 of the units would be for affordable housing (32%), comprising the following tenure mix; -

Affordable Rent	x27 units (1bed x 6, 2bed x 17 and 3bed x 4)
Shared Ownership	x26 units (1bed x 8, 2bed x 16 and 3bed x 2)

(All of the affordable units are accommodated within Block's 1 and 4.)

- 2.9 The application is accompanied by the following documents:
- a) *Planning Statement*
  - b) *Design and Access Statement*
  - c) *Transport Assessment and Framework Residential Travel Plan*
  - d) *Flood Risk Assessment*
  - e) *Ecological Appraisal and Shadow Habitat Regulations Assessment*
  - f) *Landscape and Visual Impact Assessment*
  - g) *Arboricultural Impact Assessment*
  - h) *Marketing Report*

- i) Archaeological and Heritage Assessment*
- j) Geo-Environmental Report (contaminated land)*
- k) Energy Demand Statement*
- l) Noise Assessment*
- m) Air Quality Assessment*
- n) Financial Viability Assessment and Affordable Housing Statement*

2.10 Amended plans were received during the course of the application, and these were subject to a further round of consultation. The amended plans resulted in the following design changes described below;

- Redesigned building entrances to increase their prominence and help with legibility for future residents and their visitors - each communal entrance is now two-storey's high with feature glazed bricks;
- Use of coloured glazed bricks to window recesses and around entrance doors, a different colour brick has been used on each building to reinforce an individual identity to each building;
- Introduction of additional balconies to upper floor units;
- Breaking up of blank areas of building facade through the introduction of oblique projecting windows;
- Redesign of some internal corridors to remove "hidden corners" and improve internal layout;
- Redesign of undercroft parking areas, and the replacement of previously suggested roller shutters with wooden shutters (these will also conceal refuse storage areas);
- Internal re-arrangement of cycle stores to improve access, and;
- Introduction of private terraces/patio's and defensible space for ground floor units, and;

2.11 In addition, following further consideration of viability this resulted in an increase in affordable housing provision from 8% (x14 units) as originally proposed, to 32% (x53 units) on-site.

### **3.0 Relevant Planning History**

3.1 The most recent relevant planning history for the site includes the following:

- 17/01277/JNOT - Notification under The Town and Country Planning (General Permitted Development) Order 2015, Part 3 of Schedule 2 Class O for: Change of Use of from office (Class B1) to 86 units comprising 35 one-bed, 42 two-bed and 9 three-bed flats (Class C3). (Prior Approval Not Required – decision dated 17 September 2017)

- 15/00803/FUL - Redevelopment of site for erection of part two storey/part three storey office building with associated car parking and landscaping. (Granted – permission now lapsed. Note – this permission was, in effect, a renewal of the permission ref. 11/01119/FUL)
- 11/01119/FUL - Redevelopment of site for erection of part two storey/part three storey office building with associated car parking and landscaping. (Granted – permission now lapsed)

3.2 The development has been screened under the Environmental Impact Assessment Regulations and the local planning authority has concluded that an environmental impact assessment will not be required in this case.

#### **4.0 Summary of Representations**

4.1 At the time of writing a total of seven individual representations have been received (refer to Appendix A for further details). In summary, the main areas of concerns raised within these objections relate to; impact of development on existing infrastructure, detrimental to neighbouring amenity, scale of development is too dense, insufficient parking provision, increased traffic on the highway network, loss of Green Belt, insufficient consideration given to existing SuDS on site that serve the neighbouring development, and adverse impacts on ecology.

4.2 Statutory publicity for the development proposed being a potential ‘Departure from the Development Plan’ and for affecting heritage assets is currently being carried out. In addition, ‘The Gardens Trust’ and ‘Historic England’ have been consulted. Consultation is due to end on 21<sup>st</sup> August 2020. Should any comments be received before the Planning Committee meeting, then there will be an update provided to Members. Should none be received before Committee, as per the recommendation above, delegation to the Director of Planning and Environment is requested to approve the application provided no new substantive, material planning considerations are raised after the Committee meeting.

#### **5.0 Policy Considerations and Evaluation**

The key areas for consideration in this proposed development are:

- Impact of the development on the Green Belt;
- Loss of employment;

- Whether the amount of affordable housing being proposed the maximum reasonable amount that can viably be provided;
- Whether the proposed design, layout and open space would be of acceptable quality;
- Effects of the proposals on the character and appearance of the surrounding area, including the setting and significance of any heritage assets;
- Quality of proposed accommodation for prospective residents;
- The impact of the development on the amenities of nearby residential properties;
- The effect of the development on ecology and biodiversity, including the impact on Burnham Beeches Special Area of Conservation (BB SAC);
- The impacts of the development on the surrounding highway network, acceptability of access and parking provision;
- Sustainability credentials and the strategy to reduce carbon emissions;
- Consideration of technical matters, including flood risk, drainage, land contamination, noise environment and air quality;
- Local infrastructure impacts and s106 / CIL contributions to be secured

The key policy documents and guidance for consideration are:

- National Planning Policy Framework (NPPF), February 2019.
- 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 Local Plan Appendix 6 (Parking standards)
- Draft Chiltern and South Bucks Local Plan 2036.
- 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
- South Bucks District Affordable Housing SPD – Adopted 21 February 2012
- South Bucks District Council Guidance Note: Implementation of Core Policy 10 (Employment) – Adopted 25 February 2015

### **Principle and Location/Context of Development**

Core Strategy Policies:

CP1 (Housing provision and delivery)

CP10 (Employment)

Local Plan Saved Policies:

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

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

***Impact on the Green Belt:***

5.1 The application site is an existing (long term vacant) employment site, located within designated Green Belt where development is strictly controlled.

5.2 Within the Green Belt most development is inappropriate and there is a general presumption against such development, however the site comes under the definition of previously developed land in the Green Belt. Paragraph 145 of the NPPF sets out a number of exceptions to inappropriate development in the Green Belt. As such exception '(g)' is most relevant to this proposal, and states the following:

"g) limited infilling or the partial or complete redevelopment of previously developed land, 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 reuse previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."

5.3 Saved Local Plan Policy GB1 sets out that within the Green Belt planning permission will not be granted for development other than for the change of use of existing buildings or the construction of new buildings, subject to achieving the exceptions set out within the policy. It should be noted that the exceptions set out within the policy do not refer to previously developed land. However, this saved policy pre-dates the NPPF. The NPPF contains the most up to date national policy and as such the sites status as previously developed land is a material consideration that is afforded significant weight. Paragraph 133 states that the Government attaches great importance to the Green Belt and that the fundamental aim is to prevent urban sprawl by keeping land permanently open. The essential characteristics are its openness and permanence. Of the five purposes of Green Belt as set out in paragraph 134 of the NPPF, the most relevant ones for this part of Buckinghamshire are:

- a) To check the unrestricted sprawl of large built-up areas;
  - b) To prevent neighbouring towns merging into one another;
  - c) To assist in safeguarding the countryside from encroachment;
- 5.4 Paragraph 143 emphasises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, paragraph 144 explains that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It adds that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.5 Paragraph 145 of the NPPF, as referred to above expresses exceptions to when new buildings can be deemed appropriate within Green Belt, sub paragraph (g) is of most relevance to this proposal. Exceptions can include the “complete redevelopment of previously developed land, 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”. The term “openness” is the absence of physical development to the site i.e. to the presence or absence of buildings, hardstanding and car parking.
- 5.6 This application proposes the complete redevelopment of previously developed land, in the Green Belt. In order to determine whether or not the proposal would be inappropriate development in the Green Belt, its impact on openness and Green Belt purposes has to be assessed.
- 5.7 A quantitative assessment of the impact of the proposal on the openness of the Green Belt has been undertaken to support this proposal, which seeks to demonstrate that the proposed development would not have a greater impact on the openness of the Green Belt when compared to the existing office buildings, and the previously approved office development.
- 5.8 The quantum of existing buildings, the previously approved office permission and proposed built form were compared, this compared building footprint, car parking and hardstanding (i.e. site coverage). A volumetric model of the associated built form was generated also, allowing comparisons in terms of massing/built volume.
- 5.9 The table below provides a breakdown of the comparisons between these different developments:

<b>Proposal</b>	<b>Site coverage (including building footprint, car parking and hardstanding)</b>	<b>Massing / Built Volume (m3)</b>	<b>Building height</b>
Existing commercial buildings	13, 315sqm which equates to 43% site coverage	51, 646m3	Up to 12m
Approved office developments (now lapsed)	13, 336sqm which equates to 43% site coverage	46, 698m3	< 12m
Proposed development	10, 773sqm which equates to 35% site coverage – an 8% reduction on the existing	41, 463m3	Ranging from 9.4m up to 12m

5.10 Having assessed the proposed development against the above quantitative factors (site coverage, building footprint, volumes and heights), it is shown that this proposal for residential redevelopment will result in a reduced amount of built form (i.e. coverage across the site), equating to 8% less site coverage when compared to the existing situation on site. Furthermore, the overall volume of buildings proposed will be less and the height of buildings proposed will be no greater (and less in part), when compared to both the existing and previously approved office development. This indicates that the proposed development will not have a greater impact on the openness of the Green Belt than the existing development, or the previously approved office development and is therefore in conformity with paragraphs 143 and 145, sub paragraph (g) of the NPPF.

5.11 Qualitative factors were also assessed to determine the impact on openness of the Green Belt. The siting of buildings and distribution of built form across the site were considerations. It was established from this that in terms of siting the proposed replacement buildings are broadly consistent with the existing building footprints on site, that said the footprint of some of the proposed buildings would extend further northwards, but not significantly. Any divergence of proposed building footprints from existing footprints is not considered significant in this instance and is in any event offset by the distribution and articulation of smaller flatted buildings on site. The proposed design and layout

approach results in smaller, broken down building volumes with physical gaps in between buildings, that provides a form of development which is both visually and physically more open than the existing situation on site.

- 5.12 In conclusion therefore, the quantitative and qualitative assessment undertaken has shown that the proposed development will not have a greater impact on the openness of the Green Belt than the existing development, in fact it will result in a betterment. Having regard to the previously developed nature of the site, the proposed development is considered to be in conformity with paragraph 145 of NPPF and does not amount to inappropriate development in the Green Belt. This is due to the proposed distribution and spacing between buildings and the overall mass of the proposed built form (i.e. buildings of reduced footprint with physical breaks, lesser volume overall and lesser height in places), which would not result in a greater impact on openness than the existing development. Additionally, it should be noted that – and while not being relied upon to justify this redevelopment – as affordable housing is being proposed on-site the NPPF test permits some harm to openness of the Green Belt on previously development land where this will not be ‘substantial harm’. Therefore, this will be a lesser development in the Green Belt than could be permitted under the requirements of the NPPF. The proposed development is considered appropriate development in the Green Belt and will not conflict with the relevant main purposes of the Green Belt. In light of these factors a case for very special circumstances for development in Green Belt will not need to be made.

***Loss of employment land:***

- 5.13 The site has laid vacant for approximately the past ten years following the sale of the site by previous owners the pharmaceutical company, Pfizer (formerly Wyeth Laboratories) who used this as their offices. South Bucks Core Strategy policy 10 seeks to secure the long-term retention of employment sites. There is a presumption that employment sites in the B-class of the Use Classes Order 1987 be retained in employment generating uses in this same class. In limited circumstances, including where there is ‘no reasonable prospect’ of the site being used for the permitted purpose, or where the site is creating significant amenity issues, the priority will be for the site to be redeveloped or reused for (where appropriate) for an alternative economic use.
- 5.14 When seeking to demonstrate there is no reasonable prospect of the site being used for the permitted purpose, or alternate economic use the applicant will need to have undertaken a prolonged period of unsuccessful marketing, with details submitted to the Local Planning Authority for consideration. The ‘no

reasonable prospect' test accords with paragraph 120 of the NPPF, which refers to allocated land, and how to treat proposals for alternative uses of the land, where there is considered to be no reasonable prospect of an application coming forward for the use allocated in the Plan.

- 5.15 This position is intended to be maintained through Submission Version Joint Local Plan policy DM EP3, which, sets out that planning permission will only be granted for the net loss of economic floorspace subject to the following criteria being satisfied:
- a. The site or building is no longer suitable for its existing or last economic use:  
and
  - b. Evidence is produced to show the site and building have been marketed for both their present use and for potential modernisation or regeneration for alternate economic uses for period of at least 12 months and that the marketing has been unsuccessful in identifying future occupiers.
- 5.16 Policy DM EP3 can only be afforded limited weight at this time, but the intention is that this allows for a more flexible approach to employment sites, which is more consistent with current policy set out in the NPPF.
- 5.17 If an applicant is able to satisfy certain criteria (as referred to above), which includes demonstrating through marketing evidence, no reasonable prospect of the site continuing to be used for its permitted purpose, and a lack of demand from alternative occupiers, then the net loss of economic floorspace may be accepted on existing employment sites. The South Bucks published guidance note titled 'Implementation of Core Policy 10 (Employment) (Nov 2013) also provides more detailed guidance for applicants seeking to address the requirements of policy CP10, including the marketing evidence required expected in order to demonstrate that there is no reasonable prospect of a site being used for its permitted economic use. The marketing evidence is an important part of this, but not the only part of the assessment that will assist in demonstrating "no reasonable prospect" of a site or premises being used for the permitted purpose. Paragraph's 4.2 and 4.3 of the guidance note refer to other material factors that will also need to be taken account of. The site or premises suitability for other alternate economic uses will need to be considered also, if no reasonable prospect for the permitted use has been demonstrated.
- 5.18 The "fall-back" permitted development conversion scheme that is secured through the Prior Notification application would result in the loss of employment floorspace in any event, setting a residential context for this site.

- 5.19 In order to address Core Strategy policy 10 a large amount of evidence has been submitted in support of the application, seeking to demonstrate that the vacant premises have been unsuccessfully marketed over a sustained period of time, and that as such there is no reasonable prospect of finding an interested occupier.
- 5.20 By seeking to satisfy Core Strategy policy 10 a detailed Marketing Report and other associated marketing information has been submitted to support the current planning application, this report covers the extent of efforts undertaken to market the site from as early as 2011. It is submitted through this report that there have been extensive marketing efforts undertaken during this period of time to find a commercial tenant, or a purchaser for the site who intends a commercial use and these efforts have been met with no success, and that there is no reasonable prospect of the site continuing to be used for its permitted economic use. The report sets out the following marketing efforts: -
- Promotion of the speculative office development began pre grant of planning permission;
  - In 2011 existing owners confirmed the appointment of pre-letting agents to market the approved office development;
  - Letting agents carried out an extensive pre-let marketing campaign post grant of planning permission, involving direct targeting of agents and occupiers;
  - Targeted marketing approach from 2013 onwards;
  - Targeted marketing involved the use of national publications to the industry;
  - Quarterly mailing lists sent round to agents and potential occupiers;
  - Targeted mailing to global companies (E.G. Hitachi, Amazon);
  - Building marketed on a freehold and leasehold basis;
  - Rent free periods offered as an incentive to occupiers;
  - Competitive rents per sq ft offered in comparison to other, similar, new development under construction in competing areas such as Maidenhead and Uxbridge.
- 5.21 The conclusions of the marketing evidence submitted were that the prospects of a pre-let purpose built office building (of the size approved) was slim given the site's location (i.e. semi-rural) and the strong competition from nearby Slough due to the availability of office floorspace, and the better access by car and public transport that Slough can provide occupiers. Added to this the up-to-date Marketing Report hereby submitted sets out more detailed evidence in respect of the lack of demand for a pre-let purpose built office development due to site specific factors that count against this site and changing office occupier requirements.

5.22 Paragraph 121 of the NPPF says that local planning authorities should take a positive approach to applications for alternative uses of the land which is currently developed but not allocated for a specific purpose in plans, where this would help meet identified development needs. In particular, they should support proposals to use employment land for homes in high areas of housing demand. The proposed development will be consistent with this positive approach to alternate uses of land.

5.23 In summary, it is recognised that despite the wide ranging marketing efforts carried out over a sustained period there is not demand within the office market for a speculative office development of the size approved previously for this site, and in this location. The Employment Site Appraisal carried out by GL Hearn in 2013, on behalf of the Council, recognised that at that time the site was being actively marketed as a pre-let office development opportunity. It was considered then that the site had potential to provide good quality modern headquarters office floorspace, with the potential to attract a high-value international company. Changes within the office market and site location factors are no longer favourable conditions for such a sizeable form of office development to be implemented on this site, in what is a relatively rural location, which as demonstrated suffers from strong competition from nearby town centre, or edge of centre locations in places such as Slough, Maidenhead, and the wider Thames Valley region. Other alternate economic uses have also been explored through the marketing efforts, however these employment generating uses were discounted by potential occupiers for locational reason as the site is considered too isolated. Furthermore, the principle of residential development on the site has been established through the Prior Notification approval 17/01277/JNOT, and this residential context also needs to be given weight as part of the planning balance. This extant Prior Notification decision permits the ability to exercise 'permitted development rights' for the conversion of the existing vacant buildings into 86 residential units, comprising 35 one-bed, 42 two-bed and 9 three-bed flats, and as previously referred to sets a residential context for the site.

5.24 Due to the combination of all of these factors officers consider that it would be unreasonable to resist the loss of employment floorspace, in principle on this site.

### **Affordable Housing and Housing Mix**

Core Strategy Policies:

CP1 (Housing Provision and Delivery)

CP2 (Housing Type and Size)

### CP3 (Affordable Housing)

- 5.25 One of the primary aims of the NPPF is to significantly boost the supply of housing and the advice is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 8 of the Framework sets out that achieving sustainable development means supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Paragraph 61 of the NPPF also highlights that local authorities should plan for a mix of housing based on current and future demographic trends, and needs of different groups within the community.
- 5.26 Paragraph 64 of the NPPF further states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site). There is no exemption for viability on the requirement for 10%.
- 5.27 Policy within the Core Strategy, including the evidence base for both this and the emerging joint Local Plan identifies that as part of the overall housing needs generally, there is a specific unmet need for more affordable housing. South Bucks Core Policy CP3 sets out that for developments of this scale at least 40% of dwellings should be affordable, unless it is clearly demonstrated that this is not economically viable. The policy also sets out that on qualifying sites, about two thirds of the affordable units provided should be social rented, with the remainder as intermediate affordable dwellings, with recognition also that the precise tenure split will vary from site to site. The Emerging Chiltern and South Bucks Local Plan 2036 policy DM LP2, which can only be afforded limited weight also requires 40% of new homes on qualifying sites to be affordable.
- 5.28 The South Bucks District Affordable Housing SPD (July 2013) states that since the Core Strategy was prepared, 'affordable rent' has been added to the range of affordable housing products available. The introduction of affordable rent means that social rented housing is less likely to come forward in future. Affordable rent units are rents of up to 80% of market rent compared to social rent units which typically are offered at a much reduced level with rents set at around 50% of market rent. The SPD therefore states that in applying Core Policy CP3, references to social rent should be taken as also including affordable rent.
- 5.29 The application proposes to deliver 165 units overall, so to achieve policy compliance of 40% affordable housing, as set out in Core Policy CP3, then 66

units on site would need to be for affordable housing. To comply with paragraph 64 of the NPPF then at least 16 units (10%) would need to be provided for affordable home ownership (such as shared ownership). Notwithstanding the above targets, Core Policy CP3 does allow for a reduction in the amount of affordable housing where that is clearly justified in terms of viability. Core Policy CP3 recognises that there can be circumstances where an alternative to the provision of affordable housing on-site may be appropriate and therefore makes provision for a developer to make a financial contribution as a commuted sum to the Council to enable the affordable housing provision to be made elsewhere, if this is considered necessary.

- 5.30 The PPG sets out (paragraph 009) that viability can be reassessed over the lifetime of a development, and that in certain circumstances securing a review mechanism, via a s106 agreement, may be appropriate. Securing a viability review on schemes where policy compliance is not achieved at the point of determination can help to ensure policy compliance and optimal public benefits. Emerging joint Local Plan policy DM LP2, whilst it can only be afforded limited weight at this time supports the requirement for a review mechanism through a s106 agreement, if the Council determines that the full affordable housing contribution cannot be made at the time of the decision, to assess if circumstances have improved the position to increase the provision to the full policy compliant amount over the lifetime of a development. This emerging policy (DM LP2) is consistent with national policy, as set out in the PPG. As the proposed scheme is below policy compliance level then the 106 requires an early stage viability review, if development has not commenced within 18 months of planning permission being granted.
- 5.31 This is Previously Developed Land, which benefits from extant Prior Approval decision 17/01277/JNOT to convert the existing buildings into x86 units, generating an alternative use value. In addition, the development would be required to contribute to infrastructure to mitigate the impact of the development, and make a significant CIL contribution of £1.6m.
- 5.32 During the course of the application Officers have worked proactively with the applicant to ensure that the proposal achieves a viable amount of affordable housing on site. At the point of submission of the application 8% affordable housing was being proposed on site, which was subsequently increased following three reviews of the viability by independent viability consultants acting on the Council's behalf. This has led to the current proposal to provide 32% (which equates to 53 units) affordable housing on site, which it is agreed represents the maximum reasonable amount that the development can support.

As this level of provision is below 40% then it is recommended the Council secures an early stage review mechanism to re-assess viability if development has not commenced within 18 months of planning permission being granted. If development has not commenced by the trigger date then the owner/developer will be required to carry out a further viability review. Typically, the review trigger date would be 24 months after the grant of planning permission, in this case the applicant has accepted a shorter timeframe as they are confident that they will make a meaningful start in this time. In the event of a further review being triggered and this showing that there is an improvement in viability then a financial contribution for off-site affordable housing can be sought. This cap is calculated up to £1, 455, 350 towards off-site affordable housing, and is based on the formula set out in the Affordable Housing SPD.

5.33 In summary, the agreed maximum reasonable amount that the proposed development can viably deliver is 32% affordable housing (x53 units) comprising the following tenure mix; -

- Affordable Rent x27 units (1bed x 6, 2bed x 17 and 3bed x 4)
- Shared Ownership x26 units (1bed x 8, 2bed x 16 and 3bed x 2)

This represents a significant improvement in affordable housing provision from the initial proposal for 8% on-site provision. As well as this making a positive contribution to housing need, it will deliver significant public benefit through the notable affordable housing provision.

### **Transport matters and parking**

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR4 (Provision for those with special needs)

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

5.34 The site benefits vehicle access and continuous footpath connections from the site to the A4 Bath Road junction with Huntercombe Lane South. In the vicinity of the site Buckinghamshire Council (BC) and Slough Borough Council (SBC) have committed to / and already partly developed in places a cycle and bus improvement scheme along the A4 corridor between Maidenhead and Slough, known locally as the A4 Sustainable Travel Scheme (STS). This is primarily a cycleway that will provide enhanced sustainable connections and shorten cycle

travel distances. The Buckinghamshire Council section of the route is currently being implemented.

- 5.35 The nearest bus stops to the site are located on the A4 Bath Road, some 400m walk from the centre of the site. These bus stops are served by services 4 and 68, which provide regular connections between Maidenhead town centre, Taplow, Burnham and Slough Bus/Rail Station interchange. Bus Service 4 runs a service every 30 minutes on weekdays and Saturdays and every 60 minutes on a Sunday, linking Slough to Maidenhead via Cippenham, Burnham and Taplow. Stopping at Maidenhead Station, Sainsbury's in Taplow, Slough Bus Station and Heathrow. Service 68 runs once a day on Tuesdays and Fridays solely, linking Maidenhead to Slough via Taplow, Burnham and Eton Wick, stopping at Sainsbury's in Taplow and Slough Bus Station.
- 5.36 The site benefits from easy access to Burnham and Taplow railway stations. The closest railway station to the site is Burnham railway station, located approximately 1.5km (a 19-minute walk or 7-minute cycle) to the north-east of the site. Taplow railway station is located some 1.8km north-west of the site. Both stations provide regular services to London, Reading and Slough, and they are within a reasonable cycle distance with sustainable connections to the stations being improved with the introduction of the aforementioned A4 STS cycleway.
- 5.37 While there is good accessibility to and from the site by alternative modes of travel to the car the site is also well situated so that future residents will be able to sustainably access employment, services and facilities in nearby towns especially Burnham, and further afield in Slough and Maidenhead.
- 5.38 Huntercombe Lane South, which the site is to be accessed from, is a single lane two-way carriageway some 6m in width and is subject to a 30mph speed limit along the site frontage. To the north, Huntercombe Lane South forms a signal junction with the A4 Bath Road and Huntercombe Lane North. The site access, which would be shared with the existing adjacent development on Wyeth Close is situated approximately 18m from the junction with Huntercombe Lane North. The access is in excess of 4.8m wide. This is an existing access, with no alterations to it being proposed. The Highway Authority has confirmed the width and location of the access to be acceptable, with the required visibility splays also achievable in both directions. Separate 2m wide footway provision is currently provided for adjacent to the access into the site.

- 5.39 Traffic generation forecasting has been provided through the submitted Transport Assessment (TA). It is anticipated that that the proposed development would result in 66 vehicular movements (two-way) during the AM peak hour (08:00 – 09:00); and 68 vehicular movements (two-way) during the PM peak (17:00 – 18:00), equating to 623 two-way vehicle movements daily.
- 5.40 To robustly assess the trip generation from the proposed dwellings the applicant has used the TRICS (Trip Rate Information Computer System) database. Highway Officers have undertaken their own TRICS assessment, and have found the applicants figures for the proposed use of the site to be comparable to their own findings.
- 5.41 A TRICS comparison was also carried out in order to identify the trip generation potential from the previous planning permission for 10, 275sqm of B1(a) office floorspace (ref; 11/01119/FUL). This comparison data provides a clear indication that development of this scale and nature was previously considered acceptable on highway grounds, and therefore represents a useful benchmark for this proposal in terms of impacts on the highway network. Based on the amount of office floorspace that was approved, and using the TRICS database as a comparison it is considered that the proposed residential redevelopment would in fact result in an overall reduction in vehicle movements both overall, and in the AM and PM peak periods when compared against the expected office use trip generation. Use of the site as offices, as per planning permission 11/01119/FUL could be expected to generate 173 vehicular movements (two-way) during the AM peak hour, and 141 vehicular movements (two-way) during the PM peak hour, equating to some 1158 two-way vehicle movements daily. This is greater than the traffic generation forecasts for the proposed residential development.
- 5.42 The Prior Notification “fall-back” position for conversion of the existing buildings into 86 units, in accordance with 17/01277/JNOT was also assessed as this is a material consideration. It is expected that implementation of this conversion scheme could generate 46-47 vehicular movements (two-way) during the AM and PM peak hours, equating to some 541 two-way vehicular movements daily.
- 5.43 It is worth noting that both of the aforementioned schemes (i.e. the office development and the ‘permitted development’ conversion) were assessed as having an acceptable impact on the local highway network. These help to set a context for the proposed scheme in so far as traffic generation and impacts on the highway network are concerned.

- 5.44 Impacts from development traffic on the existing highway network has been looked at in relation to the proposed residential development. It is identified that Slough is to be the main traffic attractor for future residents, and it is estimated that the majority of traffic (78.5%) from the site would travel north via Huntercombe Lane South and then east bound towards Slough. It is estimated that 13.5% of the traffic generated from the site would travel west onto Buckinghamshire Council's highway network (which would equate to 83 vehicles per day).
- 5.45 The site would generate low levels of movements in the AM and PM peaks that would not severely impact on the capacity of Huntercombe Lane South / A4 Bath Road junction, and less movements than the previously consented office development; -
- During the AM peak hour the proposed residential development is anticipated to result in a net increase in traffic of some 16 vehicle movements through this junction, equating to approximately one two-way vehicle movement every three minutes;
  - During the PM peak hour it is anticipated to result in a net increase in traffic of some 22 two-way vehicle movements through this junction, equating to one two-way vehicle movement every three minutes
- 5.46 The applicant submits that it has been demonstrated that the net change and increase in vehicular trips on the local highway network for this residential development will be negligible, this is when considered against the previously consented office use that was judged to have an acceptable impact on the highway network. The Highway Authority considers that the level of traffic associated with the proposed residential development impacting on Buckinghamshire's highway network will not be a significant increase given both the existing traffic flows on Bath Road and the lawful (and previously consented) office use of the site. The Highway Authority did not consider it necessary to carry out a modelling exercise for the A4 Bath Road / Huntercombe Lane South junction (located within Slough BC). Slough Borough Council, in responding to the consultation has raised a concern that the junction in question already suffers from congestion, which is only likely to be made worse by the proposed development. Highways England confirmed that no modelling exercise was necessary, to look at any increase in vehicular movements (two-way) onto / off of the M4 motorway, as any increase in movements arising from the development would be negligible.

- 5.47 Adopted parking standards are set out in the 1999, South Bucks District Local Plan, consolidated in 2011. Policy TR7 requires developments to demonstrate compliance with the parking standards set out in Appendix 6 of the Plan.
- 5.48 In accordance with adopted Local Plan parking standards the proposed development of the site for 165 dwellings (with a mix of one, two and three-bedroom units) should be provided with 287 spaces (parking ratio of 1.74 per dwelling). It is proposed that 255 parking spaces (parking ratio of 1.55 per dwelling) are provided on site to serve the development, this would be split as 173 residents parking spaces and 83 for visitor parking, representing a shortfall in provision of 32 spaces overall on-site. A Parking Management Plan is to be secured by condition, setting out arrangements for the allocation of residents and visitor parking spaces. Of the total parking provision 10% of the spaces on site will be adaptable for the provision of electric vehicle charging, and this commitment can be secured through condition.
- 5.49 The proposed parking provision is summarised as: -
- 1-bed units x 43 = 1 space per unit (43 spaces)
  - 2-bed units x 115 = 1 space per unit (115 spaces)
  - 3-bed units x 7 = 2 spaces per unit (14 spaces)
  - Visitor spaces = Unallocated parking 0.5 spaces per dwelling (83 spaces)
  - Total = 255 spaces overall, with a parking ratio of 1.55 per dwelling
- 5.50 Based on the above provision all one and three bedroom units are provided with parking in line with the current adopted parking standards (i.e. 1 and 2 spaces per unit provided respectively). The two bedroom units have been provided with a lower number of allocated spaces (i.e. less than 2 spaces per dwelling), however there is provision for 83 visitor spaces within the overall parking provision on site, and these spaces will be able to be used more flexibly should the need arise. The overall parking ratio proposed is 1.55 per dwelling, which is a higher ratio (equating to an extra 18 spaces) than the identified likely demand, based on levels of car ownership derived from the census data (2011), which identified a local level of car ownership of 1.36 cars per dwelling. Whilst the proposed quantum of parking on-site represents a reduction of 32 spaces below the current adopted standards it is recognised that these standards were adopted before the NPPF and are in need of updating. The emerging joint Local Plan parking standards (though these are afforded limited weight) would require more than the proposed number of 255 spaces. However, the proposed level of 255 parking spaces is higher than the anticipated likely demand based on current ownership levels for the area. As such this should help to guard against problematic overspill parking occurring outside of the site.

- 5.51 As the previous paragraph acknowledges there is a shortfall in the parking proposed. The justification for this shortfall is set out below.
- 5.52 Given the site's location relative to Burnham and Taplow railway stations (both within 2km walking distance) and the availability of bus routes close to site the Highway Authority does consider this to be a sustainable location from a transport perspective. There are opportunities for the uptake of sustainable modes of travel other than by private car. Local levels of car ownership have been analysed by the applicant and used to inform the proposed level of on-site car parking provision. The proposed parking provision is based on the latest available census data (2011), which shows that 11.5% of households do not own a car; some 81.4% of households own one or two cars and only 7% of households own three or more cars. These levels of ownership are lower than the identified parking standards. Developed areas in the vicinity of the site which have similar characteristics to the proposed development have also been used for parking comparison purposes. Parking demand associated with the proposed development has been informed using this valid approach as evidence shows that parking demand will be lower than the standards. The resulting proposed car parking ratio per dwelling is 1.55 (equating to 255 parking spaces overall to serve 165 dwellings).
- 5.53 In addition to the site being in a sustainable location, on-site cycle parking to adopted standards is proposed, as well as on-site Car Club spaces (x2) and the implementation of a residential Travel Plan, which sets targets to reduce single occupancy car journeys and achieve modal shift in travel methods. These commitments, combined with the sites good accessibility and the evidence of local car ownership levels support the proposed parking provision, notwithstanding the shortfall, and will provide future residents with alternative modes of travel (other than by private car). The sustainable credentials are considered to be valid considerations for assessing parking demand arising from this development and supporting the proposed provision.
- 5.54 Taking into account when the Council's parking standards were adopted, the emergence of the current version of the NPPF and given the aforementioned census data based assessment of likely parking demand for the development, and the commitments to more sustainable modes of travel (through a Residential Travel Plan), as well the sites good accessibility, on balance officers consider that it would be likely to be difficult to sustain a reason for refusal based on a deficiency of parking spaces on site.

- 5.55 165 cycle parking spaces are proposed in the form of secure and covered “Sheffield” stands within an internal cycle store for each building, which is considered by the Highway Authority to be an acceptable level of provision, resulting in at least one cycle parking space per dwelling.
- 5.56 Increased pedestrian and cycling need is anticipated to result from a residential redevelopment of the site. It is considered there would be increased walking and cycling trips by commuter residents to nearby existing stations, as well as trips to nearby school and local amenities within a reasonable walking / cycling distance of the site. A large number of these trips would utilise the A4 Bath Road, and within the vicinity of the site the A4 Sustainable Travel Scheme (STS), is being developed. This is a cycle and bus improvement scheme being constructed along the A4, and will provide improved connections to nearby stations. The works will include a widened footway / cycleway along the A4, but at this time the STS requires further funding in order to be fully delivered. In order to ensure the proposed development helps meet the submitted Travel Plan objectives, to encourage increased walking and cycling, and to help reduce the dependency on car journeys (given the level of parking proposed) this new route would need to be in place. Initially a s106 contribution towards implementation of this route was requested to be secured from this development, and to this end the Highway Authority sought a contribution of £79, 000 towards the A4 STS. However, now that the CIL Charging Schedule for South Bucks District Council has been introduced contributions for infrastructure will come out of the CIL liability, which could include contributions towards the A4 STS. The CIL amount (1.6m) attracted by this development could help towards the delivery of the STS, if funds are committed to the scheme.
- 5.57 A Framework Travel Plan (Nov 2019) has been submitted in support of the application, which sets out a sustainable strategy for the developer as well as the developer’s commitments to influencing modal choice and reducing single occupancy car journeys. The main aims of the Plan are to reduce the number of single occupancy car journeys to the site, and improve accessibility to the site by non-car modes of transport. The overarching target is to achieve a year on year reduction in single occupancy car trips from the development to achieve a 10% reduction by end of year five of implementation. More specific targets shall be set out in the Full Travel Plan, which is secured through condition.
- 5.58 In addition to modal shift targets a number of action targets are also identified, and will help ensure the developers commitments are delivered. These include the nomination of a Travel Plan co-ordinator to oversee promotion, implementation and management of the Plan, commitment to undertake

monitoring of the Plan after year one of implementation, and monitoring and review of targets. So called 'soft' measures are also proposed for future residents that will include measures to encourage residents to walk, cycle, use public transport, encourage car-sharing, the provision of information and issuing of resident travel pack's.

- 5.59 It is the view of the Highway Authority that this Framework represents a good starting point for encouraging modal shift, however the Plan would need further consideration and refinement before being implemented. It is therefore recommended a more developed Full Travel Plan be secured through condition, which is acceptable to the Highway Authority and applicant.
- 5.60 Also linked to the Travel Plan measures, the developer has committed to providing two Car Club spaces on site, which is secured through the s106 agreement. This commitment to encouraging sustainable travel is welcomed and will help to reduce future occupant's reliance on car ownership, reduce the number of single car occupancy car journeys, whilst also helping mitigate against the acknowledged shortfall in parking provision on site.
- 5.61 No concerns are raised in relation to the site layout or access requirements for refuse and emergency vehicles, the swept path analysis drawings confirm that access and space to manoeuvre within the site is acceptable. Similarly, the Waste Authority has confirmed that suitable access can be provided, with refuse collection vehicles able to access, manoeuvre within the site and get to within acceptable distances of the buildings. A Refuse Management Strategy is to be required through condition.
- 5.62 Paragraph 109 of the NPPF says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. As set out within this section, there are no overriding concerns that this proposal would result in an unacceptable impact on highway safety, either in terms of traffic distribution, traffic generated, parking provision, or cumulatively, to the extent that impacts associated would be considered to be severe enough to warrant refusal.

### **Impact on the character and appearance of the area**

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)

- 5.63 South Bucks Core Strategy Policy 8 requires that all new development is of a high standard of design and makes a positive contribution to the character of the surrounding area. Development proposals will also be expected to adhere to Secure by Design principles. Local Plan Policy EP3 (Design and Layout of Development) requires that scale, layout, siting, design and external materials are compatible with the surrounding area and amenities within the site itself and adjoining sites. Poor designs that are out of scale and character with their surroundings will not be permitted. Emerging policy in the Chiltern & South Bucks Local Plan (2036) strengthens the importance of good design and well-designed places, and this is through emerging policy DM DP1.
- 5.64 The importance of good design principles is also reflected within the NPPF (paragraphs 124 – 132). Where it is stated that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The key aspects to good design are: visually attractive development; schemes being appropriate for their context; creation of a sense of place; safe; high standard of amenity and integration/support for transport and services.
- 5.65 Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.66 More recently South Bucks Design Guidance, and the National Design Guide (2019) has been published, the latter forms part of the Government's collection of planning practice guidance and should be read alongside the NPPF and the NPPG. These illustrates how well-designed places can be achieved, which is set out through ten key characteristics.
- 5.67 The application proposes demolition of the existing bulky, flat roof commercial buildings that are visually unattractive and fail to make a positive contribution to the area. In its place the erection of five separate flatted buildings are proposed, these are also flat roof buildings ranging between three and four storeys' high, set within a generous landscaped setting, including native planting. Each building has been designed so that there is a coherence across the development, but also so that each building displays its own character, and this is achieved

through the use of ‘feature’ materials, such as glazed bricks that are specific to each building (i.e. used to define entrances and window recesses) and bespoke balcony treatments. Commonality and coherence to the design concept is still achieved however through the use of bricks and similar finishes throughout the development, and the arrangement of fenestration. Contrasting brickwork is proposed to the upper floor of each building, with the floors below a lighter buff brick, with the applicants keen to achieve the same brick treatment to each building to tie the individual buildings together. The flat roof design, materials palette and articulation of buildings results in a well-considered, well detailed contemporary form of architecture.

5.68 Amendments have been negotiated during the course of the application to improve the design quality, with advice provided from the Council’s Urban Design advisor to help achieve this. This resulted in the design changes and scheme amendments referred to in paragraph 2.10 of this report being secured.

5.69 Having reviewed the revised plans, the Council’s Urban Design advisor is of the view that considerable improvements have been secured to the scheme, and that on balance a good standard of design has been achieved, subject to further details being secured through conditions.

5.70 The form, scale, massing and footprint of buildings across the site has been carefully considered in the context of the existing buildings on site, mindful of the Green Belt designation and the need to be sensitive to any Green Belt impacts. For this reason the proposed buildings are largely confined to the existing built footprint, with some modest encroachment northwards, and are also reflective of massing volumes and overall heights of the existing. Careful consideration has been given to the relationship to the neighbouring housing development to the north (in Slough BC administrative area). A response to these constraints has been to deliberately locate proposed buildings, broadly on the location of the existing buildings, and reduce mass and visual appearance of the built form by breaking this down into a series of smaller individual buildings with gaps and views in between, to create a more visually permeable layout, giving views to the treescape beyond. This approach will increase the openness of the built form when compared to the existing buildings (as well as the previously consented office development) which read as a single building mass, and by doing so helps to avoid detrimental impacts on neighbouring amenity.

5.71 The introduction of new high quality landscaping will reduce the perceived scale and massing of the proposed built form (in comparison to the existing office buildings), and enhance the site generally. Views of the site will be possible from

the adjacent residential development (Wyeth Close), but this is no different to the existing situation as the existing office buildings are currently visible from this adjoining residential development. Views of the site from the adjacent designated Registered Park and Gardens (RPG) are very limited, and generally views into the site from the RPG are not possible due to existing dense tree coverage around the site edges. What limited intervisibility there is from adjacent Huntercombe Hospital into the site will be reduced further by proposed tree planting. For these reasons it is concluded that the visual impact of the proposed development would not have a greater impact on openness of the Green Belt, or be harmful visually from the adjacent designated RPG and/or Conservation Area, especially when viewed in the context of the quality of the existing buildings.

- 5.72 Height and scale of the proposed buildings has been carefully considered in the context of the existing built form on site, to ensure that volume and massing is comparable with what is currently on site and that it is sensitive to neighbouring sites. Proposed blocks 1, 2 and 3 to the eastern side are three storey's and will not exceed the existing building envelope, in fact these are to be lower in height than the existing built form. Blocks 4 and 5 are four storeys', and these are generally set within the envelope of existing buildings, as set out in the table in paragraph 5.9.
- 5.73 Direct overlooking and loss of privacy between facing elevations has been designed out as much as possible. Secondary flank wall windows are predominantly obscurely glazed to prevent overlooking and flank elevations have in places incorporated oblique projecting windows that allow additional light into units without compromising on privacy, or increasing overlooking opportunities between buildings.
- 5.74 With the exception of Block 4, each block has undercroft parking provided at grade. Access to these parking areas will be well overlooked and benefit from good levels of natural surveillance from the residential units and activity, which will help prevent opportunities for crime, or fear of crime. The undercroft parking spaces will be, for security reasons, enclosed by timber shutters and this treatment is carried through to refuse store openings. This form of enclosure was suggested by the Council's Urban Design advisor as an alternative to generic roller shutters and doors, and is considered more appropriate for the contemporary design.
- 5.75 Pedestrian footways on the approach to the site, and within the site will provide adequate and level pedestrian access for users, and there are no concerns in this

respect from the Highway Authority, subject to a condition requiring further details.

- 5.76 Cycle parking is all provided internally, at ground floor, within each of the blocks. All spaces are covered and in secure communal areas. As a result of some internal re-arrangement of these spaces there are no concerns in respect of access, location, or level of provision – which is such that it also accords with the emerging Local Plan cycle parking standards.
- 5.77 Communal refuse storage is provided for each building, and these areas are easily accessible from within and externally for collection purposes. It has been demonstrated that waste collection operatives can gain access to within 10m of all waste storage points, as confirmed by Waste Services, who raise no objection in terms of access arrangements. A Refuse Collection Strategy to be implemented for the lifetime of the development will also be required through condition.
- 5.78 A Landscape and Visual Appraisal (LVA) of the site has been submitted in support of the application, part of this considers the visual impact of the development in Green Belt terms. Whilst the site is adjacent to the Huntercombe Conservation Area and RPG, it is not subject to any qualitative landscape designations at either a national or local level, and is not considered to represent a “valued” landscape, with reference to paragraph 109 of the NPPF. The LVA notes that the site is relatively well contained, which it is, which ensures that there is a highly limited degree of intervisibility with the localised and wider visual environment. This is reinforced by mature trees that surround the site, in part and will be further reinforced through the additional tree planting proposals. The LVA findings are that there will be no harm to the openness of the Green Belt from the site’s localised or wider visual environment as a result of the proposed development.
- 5.79 Views from the site have been tested from a number of agreed locations. There is some inter-visibility into the site from adjacent residential properties to the north, on Wyeth Close, and the proposed development will be visible from these properties. However, these properties currently have visibility of the existing large scale office buildings that are present on site and unattractive visually. The proposed replacement buildings will be reflective of the heights and location of these existing buildings and from a visual amenity perspective there will be an enhancement due to the quality of their design. Moreover, physical gaps are to be provided between the new buildings which helps breaks down the massing and will allow views through these gaps from adjoining sites. The visual impacts

therefore, for neighbouring residents are not considered to be unacceptable and are to be no worse than existing, in fact there would be some degree of improvement due to the layout of buildings, improved visual appearance and the reduced massing. The scheme will create new buildings within a mature landscape setting, in keeping with how the site was developed initially for commercial development.

5.80 Views of the site from the adjacent RPG are not generally possible (due to dense tree coverage), accordingly the LVA concludes that there will be no harm from within the formal garden settings within the RPG. Some minor glimpses will be possible from the access road to Huntercombe Hospital (Grade I Listed) adjacent to the site's western boundary. However, inter-visibility will be reduced further due to the introduction of new reinforcement tree planting, proposed as part of the site landscape strategy.

5.81 In summary, the site is considered to be of low to medium landscape sensitivity and the landscape proposals will provide a long term strategy that will retain and enhance the important treescape within the site, resulting in an improvement to the site and its immediate landscape setting. Visual impacts will be highly localised as a result of the compartmentalised nature of the site, and large scale built form already characterises the site. Replacement of the existing commercial buildings which are of unkempt appearance with a sympathetically designed scheme that respects existing building heights, scale, massing and existing relationships is considered a betterment. No adverse landscape visual impacts are identified to the adjacent Conservation Area, Listed Building (Huntercombe Hospital), or the RPG, for the reasons set out above (i.e. the visual containment of the site).

#### **Amenity of existing and future residents**

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

#### ***Amenity of prospective occupiers:***

5.82 Local Plan policies EP3 and EP5 safeguard the amenities of existing and adjoining neighbouring properties and seeks to ensure that good standards of amenity are provided for future occupiers. The NPPF refers to the need to achieve well-designed places, and that developments should achieve a high standard of amenity for future occupiers.

- 5.83 Core Strategy policy CP2 refers to the need for new homes to meet Lifetime Homes Standards, and this has since been superseded by the Building Regulations, Part M requirements. It is proposed to provide a proportion of the 2-bedroom, 3 person apartments as Part M4(2) compliant, wheelchair accessible dwellings. Furthermore, the proposed dwellings exceed the nationally described technical space standards in respect of the size of units, thus ensuring acceptable internal living conditions for future occupiers. Adhering to these national standards will represent a betterment in terms of residential amenity over the consented Prior Notification consent for conversion of the existing office buildings, as this conversion is not required to meet minimum technical internal space standards.
- 5.84 The layout and spacing of the buildings ensures that outlook and levels of daylight / sunlight are not compromised for future occupiers. There are no purely north facing units, these have been designed out. Single aspect dwellings account for 41% of units, and these have either N/E, S/E, S/W or N/E orientation. The 'L' shaped form of the buildings is a considered solution to maximise outlook and daylight for all units. Secondary, projecting windows have been included to the flank elevations in places, these allow more natural light into the units, provide an additional means of outlook, but without compromising privacy of other units. Again, in terms of outlook this proposal represents a betterment when compared to the Prior Notification conversion.
- 5.85 Local Plan policy H9 seek provision for conveniently located, usable amenity space; and Core Strategy policy CP5 says that new residential development should be supported by adequate open space and recreation facilities, in terms of quantity, quality and accessibility. The generous provision of residential amenity space is a major benefit of this proposed development.
- 5.86 The landscape strategy for the site includes a generously sized area of communal amenity space, to the east of the proposed buildings. This site wide landscape strategy will provide opportunities for general recreation, walking, play and informal play (a 'Local Area of Play' is proposed on site also). The landscape is to be enhanced with planting, hedgerows and new trees and these will help to define a hierarchy of external open space. Ground floor units are to have their own private terrace / patio areas and useable balconies are afforded to a high proportion of units on the upper floors.

5.87 The daylight and sunlight assessment concludes that the proposed development would provide accommodation, which meets, or in the majority of cases exceeds the average daylight factor criteria.

***Neighbouring residential amenity:***

5.88 It is noted that third party objections have been received on the grounds of impact of the proposed development on neighbouring residential amenity (i.e. impact on Wyeth Close properties). In consideration of the possible impacts from this relationship it is important to note that the siting of proposed buildings intentionally respects the siting and footprint of the existing office buildings. As well, the proposed development is contained within the existing building envelope in terms of height, scale and massing. The proposed development has been laid out so that there are physical breaks in between individual buildings (something which is not a feature on site at present), and generous separation distances of c. 14-15m separation to neighbouring properties, and at an oblique angle. This is comparable to the existing separation distances and building relationships.

5.89 Concerns have been raised by third parties about the use of the site for residential use in relation to impact additional homes will have on local infrastructure (i.e. schools), noise pollution adversely affecting surrounding residential development, impact on neighbouring privacy and effects of overspill parking. All of these concerns are addressed within this report, and at the same time it is also important to recognise that the principle of residential use on the site has previously been established through the extant Prior Notification application 17/01277/JNOT.

5.90 There are existing residential neighbours to the north and north-east, on Wyeth Close. Existing mature trees currently provide an effective screen and buffer between these neighbouring sites, though these trees are not relied upon to maintain privacy due to the adequate separation distances. A number of existing mature trees along this edge are Oak species and set within the neighbouring site (Wyeth Close), and so will not be affected by the proposals. It is proposed to remove a small number of trees within the site, these are offset from the shared boundary, as identified within the submitted Arboricultural Impact Assessment (AIA), and worth noting these have been assessed to be category U tree's, either in poor or indifferent condition. The proposed landscape strategy will provide replacement boundary tree planting to reinforce this edge.

- 5.91 The layout and orientation of the three proposed blocks to the eastern side of the site (blocks 1, 2 and 3) will not result in directly facing windows between the proposed development and existing neighbouring properties on Wyeth Close. Views between the existing and proposed building's will only be at an oblique angle, and as discussed, effective screening is provided by existing mature trees though not relied upon to maintain amenity as the physical separation is deemed to be adequate, and in any event tree screening will be reinforced as part of the site wide landscape strategy. Because of this there are not any significant concerns relating to overlooking or loss of privacy.
- 5.92 A noise assessment has been undertaken to determine if the current noise from existing sources (i.e. road noise to the east) will result in acceptable living conditions for future occupiers of the proposed units, and where required, identify appropriate measures to optimise the acoustic design of the development and achieve acceptable noise levels in habitable areas. The existing background noise climate was established, and this determines the proposed acoustic strategy. Background noise levels from the site were dictated by constant road traffic noise from the M4 (east of the site). Bath Road also contributed to the background noise levels at the north-western edges of the site. Noise was also identified from aircraft movements however noise from aircraft was generally insignificant when compared with noise from road traffic. Areas of the development at the eastern and western edges of the site will be subject to the highest noise levels (road traffic noise). The assessment has found that internal conditions would be considered to be acceptable subject to the adoption of acoustically upgraded glazing and ventilation, which can be covered through planning condition. Noise levels in the communal external amenity area generally predicted to marginally exceed the 55 dB LAeq,T guideline value. Noise levels in the most eastern extent of the communal open space are predicted to exceed the BS8233 recommended upper value by approximately 5dB. However, whilst this is not ideal, it is not uncommon for noise levels in external amenity areas to be higher than the BS8233 recommended levels. It should be noted that the noise levels in the areas of the communal amenity area closest to the apartment blocks are predicted to achieve the BS8233 recommended upper guideline value. Therefore, residents have access to quieter areas if they desire due to the generous amount of external open space being provided.
- 5.93 Noise associated with the intended residential use of the site is not expected to present any adverse impacts on existing nearby residential properties. Vehicle parking areas are not located close to Wyeth Close properties, and the open space proposed within the site is unlikely to be intensively used all the time. Furthermore, any noise associated with these external activities on site will be in

the context of the existing background noise from nearby rounds, so is unlikely to be noticeable. The separation distances between existing and proposed dwellings will also lessen any potential for noise disturbance from the proposed development creating a nuisance.

5.94 A lighting plan submitted indicates that luminance levels from external lighting will not have a noticeable impact on the adjoining sites, so neighbouring amenity will not be unduly affected. In any event further details of the external lighting strategy will be secured by condition.

### **Environmental issues**

Core Strategy Policies:

CP12 (Sustainable energy)

CP13 (Environmental and resource management)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

### ***Contaminated land:***

5.95 A desk study and ground investigation undertaken has established some contamination on site. Accordingly, a remediation strategy is proposed to address the requirement of Core Policy CP13. Environmental Health Officers consider some supplementary ground investigation should be carried out beneath the existing buildings (once demolished), and if any further contamination is found then a revised remediation strategy shall be submitted and approved. Conditions have been recommended if the application to be approved.

### ***Air quality impact:***

5.96 It is noted from the representations received that SBC has raised concerns about the negative impact the proposal would have on air quality, due to there being an increased number of vehicle trips through nearby Air Quality Management Areas (AQMA) within Slough. To address potential impacts on air quality an Air Quality Assessment (AQA) has been submitted. This AQA establishes whether the site location is suitable for residential development and quantifies any likely pollutant impacts on the surrounding areas, more specifically the AQMA's in both the South Bucks area and Slough, as a result of the construction and/or operation of the proposed development.

- 5.97 The site itself does not fall within any of the declared AQMA's within the South Bucks Area. In terms of potential effects, dust impacts during the construction and demolition phases is identified, along with construction traffic and plant. During the completed/operational phase development traffic and building emissions are identified as potential effects.
- 5.98 The AQA concludes that the proposal does not raise any significant or other residual adverse impacts on existing or future receptors, as a result of any anticipated changes to air quality. Any mitigation for future residents can, if considered to be necessary be secured through conditions. Environmental Health Officer's have not raised any air quality concerns in relation to the proposal either.

***Sustainability and energy strategy:***

- 5.99 At the heart of the NPPF is a presumption in favour of sustainable development, and to achieve this development shall mitigate and adapt to climate change, and support a reduction in carbon emissions.
- 5.100 Core Strategy Policy CP12 sets out sustainable energy requirements for new development, with all new major development expected to have regard to this policy. The policy seeks to ensure that new development is sustainable, and that it helps contribute towards national targets to reduce overall CO2 emissions. There is a requirement with all 'major' development for at least 10% of energy to come from decentralised and renewable or low-carbon sources, unless demonstrated that it is not viable or feasible to do so.
- 5.101 Supporting the application is an Energy Demand Statement, setting out the energy strategy proposed for the site to reduce carbon emissions. This strategy been based on the established energy hierarchy of: Be Lean (reduce energy demand), Be Clean (supply energy efficiently) and Be Green (use renewable energy). This strategy incorporates a range of energy efficiency design measures, and seeks to utilise passive design measures in order to mitigate and reduce energy use, including high levels of insulation and air tightness to reduce heating demands. Highly efficient mechanical ventilation will ensure the dwellings will remain well ventilated. The overall fabric energy efficiency specification significantly improves on the requirements of Part L1A 2013, and shows that through these measures the development will reduce CO2 requirements and supply energy efficiently.

5.102 A range of renewable technologies have been considered in terms of feasibility and cost, and PV panels are proposed on the roof of each building. This will result in a PV array of 355 units, further details of the amount and location of PV panels will be required by condition. The reduction in carbon emissions through a fabric and renewables approach is in excess of the 10% reduction required by Core Policy CP12, and satisfies the NPPF requirements. The renewables strategy will reduce CO2 emissions by 22.1%, with a total reduction of 26.6% when fabric efficiency energy measures are included also. In the event of an approval these sustainability measures would need to be secured through condition, to ensure compliance with policy and the NPPF. Green roofs have been discounted for practical reasons, with greater priority being given to maximising the extent of PV on the roof.

5.103 Water saving measures are to be achieved through the use of water saving appliances, and this will ensure that water use is reduced to a maximum 105 litres per person, per day, in line with policy requirements.

### **Flooding and drainage**

Core Strategy Policies:

CP13 (Environmental and resource management)

5.104 The site is located within Flood Risk Zone 1; having a less than 1 in 1000 annual probability of river or sea flooding in any given year, and the Environment Agency (EA) through its consultation response has raised no concerns with the proposal in this regard. Residential ('more vulnerable') development is considered appropriate in this location, within Flood Zone 1.

5.105 EA flood risk mapping shows the site is at 'low' to 'high' risk of surface water flooding. It is worth noting that an FRA undertaken for a previous application on site noted that the risk of surface water on site had been mitigated to an extent through the provision of a pluvial flood compensation route. This relates to the existing drainage infiltration pond on site that was delivered as part of the flood mitigation for the neighbouring residential development to the north, on Wyeth Close. This drainage feature captures runoff from the adjacent residential development and is to be retained on site so that it will continue to help mitigate against surface water flooding to the site, and adjacent sites to the north. It has been confirmed that the proposed development does not encroach into this existing compensation area. It is also worth noting that there are no recorded incidents of surface water flood incidents at the site, within the Chiltern and South Bucks District Councils Strategic Flood Risk Assessment (dated Dec 2018).

5.106 A drainage strategy has been developed to address local and national policy, noting the NPPF requires that flood risk to nearby land and property is not increased as a result of new development.

5.107 Soakage tests were undertaken and these established that infiltrating SuDS will be feasible for the site. It is proposed therefore that surface water runoff from the development will be managed via infiltration and discharged to the ground via permeable paving to soakaways. The drainage system is designed to accommodate flows from a 1 in 30 year storm event, with all surface water attenuation systems designed to accommodate a 1 in 10 year plus 40% climate change storm.

5.108 The Lead Local Flood Authority (LLFA) had advised in their initial consultation response that further information was required, this was in respect of pluvial floodplain and surface water drainage for the site to the north; surface water drainage for the site; groundwater and infiltration.

5.109 In their most recent response the LLFA confirms that following the submission of the further technical information requested, their concerns in respect of the above have been addressed. It is understood that the existing infiltration pond accommodates surface water runoff from the north of the site, and that there is an existing wetland and pond area which acts as a pluvial compensation area. It has been confirmed that surface water generated is to be managed via infiltration, with permeable paving across the site, with bio-retention areas and rainwater harvesting also incorporated into the drainage scheme. Concerns raised to do with groundwater and potential contamination have been addressed with the submission of additional information.

5.110 The LLFA has no remaining concerns, subject to recommended planning conditions / s106 obligations related to implementation, long term management and maintenance of the drainage strategy.

### **Landscape Issues and open space**

Core Strategy Policies:

CP9 (Natural environment)

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)

5.111 Saved Local Plan policy L10 is relevant where a proposal will involve felling or other works affecting trees covered by a Tree Preservation Order (TPO).

5.112 An Arboricultural Impact Assessment (AIA) supports the planning application which assessed the existing tree stock on site, and identifies there are a number of trees within influence of the site covered by an existing group Tree Preservation Order (TPO). Some limited tree removal is proposed, as set out within the AIA. Those trees proposed for removal are where: a) it is necessary and unavoidable to site development within proximity to existing trees, such that they cannot be confidently retained, and / or: b), where the amenity value of the tree will be significantly reduced as a result of the proposals, particularly if already of a low retention priority.

5.113 Of the trees proposed for removal seven of them are Category B, ten are Category C 'individual' and nine are part of Category C 'groups', and these trees are required to be removed to facilitate the proposed development whilst enabling the retention of the enhanced parkland area within the eastern part of the site. The AIA also recommends removal of trees T6, T26 and T27 irrespective of the development proposals, on account of their classification as Category U trees. None of the trees proposed for removal are subject to a TPO.

5.114 A replacement tree planting strategy is proposed as mitigation for the proposed removal, as set out in the submitted Landscape Strategy Plan. This replacement planting strategy will result in a net increase in tree stock on site, and this planting will help reinforce the site edge with the adjacent development to the north as well as preserving the setting of the adjacent RPG and Conservation to the immediate south and west, and will have biodiversity benefits. Some proposed development will encroach into the root protection areas of some trees being retained, but the Council's Tree Officer considers that it will be possible to manage and safeguard these trees with appropriate construction methods, secured through appropriate planning conditions. In addition, also to be secured through appropriate planning conditions will be a more developed Arboricultural Method Statement to ensure tree retention / ground protection measures during any site clearance and construction. This will be secured by condition.

5.115 The comprehensive landscaping strategy developed is considered appropriate as this will ensure a well-designed place that includes new Green Infrastructure (GI)

that is sensitive to the adjacent sites to the south and west. The proposed landscape strategy will see a mature parkland setting provided for the development, and this will retain the majority of existing trees on site. The landscape will be enhanced with new native tree planting, including Oak tree's around the site edges, and wild meadow planting. The new tree planting proposals will help to integrate the development with existing tree belts and will strengthen existing GI by increasing the overall tree stock on site. More formal planting such as hedgerows and ornamental shrub planting is intended to reflect the more formal grounds adjacent, within Huntercombe Manor grounds. The planting proposals will establish a hierarchy of private and communal areas within the site.

5.116 The enhanced parkland opportunity is a significant benefit of this scheme. It affords a communal area of open space that is of more than adequate size to serve the level of development proposed, and will benefit future residents, as well as the wider community who will also be able to access it. The planting proposals will ensure a hierarchy of spaces within the site are created, and it will include 'doorstop' and natural play features as well as play for younger children, and walking routes in the form of a no-dig construction woodland path. Further details of shrub planting, new trees, boundary treatments, hard landscaping, play equipment and a maintenance schedule will be secured through planning conditions.

5.117 A LAP (Local Area for Play) is proposed within the site, typically to serve younger children (under 6 age), which is supported given the child yield that the proposed development would generate, and the identified need for such facilities in the South Bucks and Chiltern Council's, Joint Open Space Study (Aug 2018). The proposed LAP is located in-between blocks 4 and 5, where it will be well overlooked and benefit from good levels of natural surveillance. Proposed planting nearby this area will help prevent any noise and disturbance issues for units at ground floor level in blocks 4 and 5. Provision of this facility will be secured through s106 / conditions.

### **Heritage (Conservation Area or Listed Buildings) and Archaeology**

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)

5.118 Sections 66(1) and 72(1) of the Planning (listed Buildings and Conservation Areas) Act of 1990 sets out the duties of Local Planning Authorities in respect of the treatment of listed buildings and conservation areas through the planning process. As far as Section 72 is concerned, there is no statutory duty to enhance the character or appearance of a conservation area, developments that preserve them are acceptable. Paragraph 194 of the NPPF transposes s66(1) and s72(1) of the 1990 Act in national planning policy. The balancing exercise to be performed, between any harm arising from a proposal and the benefits which would accrue from its implementation, is then subsequently presented in paragraph's 195 and 196 of the NPPF.

5.119 Core Strategy policy 8 sets out the Council's approach to heritage protection. It refers to the protection and, where appropriate, enhancement of the District's historic environment being of great importance. The protection and where appropriate enhancement of historic landscapes (including Historic parks and Gardens) will also need to be considered.

5.120 The Archaeological and Heritage Assessment supports the application and confirms the application site does not contain any listed buildings, scheduled monuments or conservation areas. It does however contain a small portion of the RPG Huntercombe Manor, which is Grade II Listed, this very minimal encroachment of the RPG boundary is a historical anomaly between the site boundaries. The Council's Archaeology Officer has advised that the nature of the proposed works/development is such that they are not likely to significantly harm the archaeological significance of any assets within the site or sufficiently close by, and as such no objection is raised, nor is it considered necessary to attach any conditions to safeguard archaeological interest.

5.121 The Listed Huntercombe Manor building will not receive any physical effect from the proposed development, but is the nearest listed building to site (located c.150m to the south-west of existing buildings). Due to its high grade and proximity to the site it is considered in terms of the potential for the site to form part of its setting or experience. The setting of the manor house is defined by its immediate gardens and park, which are registered and contain two additional listed buildings comprising the walls of the walled garden and further wall and ruins.

5.122 In terms of any contribution to the setting of the Manor House made by the proposed site, it is not possible to experience any element of the Manor House, the walled garden or the walls or ruins within its grounds, from within the application site, due to the established extensive and dense boundary planting

and tree coverage. The conclusion of the submitted heritage assessment is therefore that the proposed site does not form part of the setting of the Grade I listed Huntercombe Manor or its associated and curtilage listed buildings

5.123 The adjacent Grade II RPG at Huntercombe Manor bounds the western and southern site boundaries, in addition and as mentioned a small portion on its north-eastern extent, extends into the application site. The RPG extends to c.7ha in total, and originally formed part of the 14<sup>th</sup> century Manor belonging to Burnham Abbey. The gardens were developed throughout the 19<sup>th</sup> century but were sold to Buckinghamshire County Council and now form the grounds of the adjacent private hospital, the construction of which removed part of the earlier designated landscape. As a very small portion of the RPG extends into the application site it is highlighted that there is the potential for it to be physically affected by the proposed development. However, due to the extensive woodland and dense tree coverage in situ between the respective sites and recent expansion of undergrowth in this part of the site it is not possible to physically identify the boundary between the RPG and the application site. A site visit established that this part of the site had been utilised for plant rooms and utilities associated with the previous commercial use, there are also a number of small outbuildings located in this area. Due to these factors the small area where the RPG encroaches into the application site has historically been heavily disturbed, and any features relating to the RPG when it was constructed no longer survive.

5.124 The proposed redevelopment has potential to form part of the RPGs' wider setting or experience. However, there is very little intervisibility at present, except for that heavily disturbed part that historically extends into the site, as illustrated through the submitted views assessment. As mentioned, this is due to the dense boundary planting and wooded edge to the RPG. As such, it is concluded that there is no experience of the wider RPG or the associated listed buildings within it from the application site. The existing built form in the small area of the RPG that extends into the site is currently having a negative effect both physically and in terms of the setting of the RPG. There is the opportunity to enhance this area as part of the redevelopment of the site, to restore the character/landscape features of the RPG. These proposed enhancements form part of the proposed landscape strategy.

5.125 The Council's Conservation Officer advises from a building conservation point of view that in consideration of the impacts of the proposal then, in accordance with paragraph 196 of the NPPF it would be a case of balancing the less than

substantial harm posed to the aforementioned heritage assets against the public benefits delivered.

5.126 When balancing any harm that might be caused it is considered the proposed design and form of the proposed buildings, including the materials palette may not be the most appropriate in this context. More depth and variation to the elevation is encouraged, and a greater residential feel achieved throughout the development. Exploration of different roof forms was also encouraged. In summary, it was considered the design would cause a degree of harm to the designated heritage assets and their settings.

5.127 Since these comments were provided the original submission was amended and a number of design changes have been negotiated, as previously set out within this report. As a result, officers consider that the changes to the materials palette do help to soften the appearance of the development, and do give the this more of a residential character. Greater interest, depth and variation has been achieved to the elevations through the introduction of subtle changes in materials (between blocks), greater articulation to elevations, introduction of additional balconies, softer treatments to the undercroft parking areas and bin enclosures and the breaking up of areas of blank façade. These changes are supported by the Council's Urban Design Advisor, and are considered to have a positive effect on the quality of the development overall. Flat roof buildings are still proposed; it was not considered appropriate to explore different roof forms. The reason for this being the existing and surrounding context is varied; the existing buildings are flat roofed and institutional like in appearance, these in themselves create an established existing context for the site. In contrast the neighbouring development to the north (Wyeth Close) features buildings with pitched and gabled roofs. Then to the south, Huntercombe Hospital has a more ornate roof form. As a result, there is no single building form, typology or dominant character to replicate. The site is quite well self-contained and proposes a contemporary form of architecture, which is well considered and detailed and in the absence of a dominant established local character it will create a character of its own for the site.

5.128 Balancing any harm posed to the designated heritage assets and their settings requires one to weigh up this harm against the public benefits that would be delivered by the proposed development, as required by the NPPF. A significant public benefit that would be delivered is the provision of much needed new housing, and in this case will include a significant proportion of affordable housing for the area, meeting an identified housing need. Officers give this benefit significant weight. Some public benefit will also derive from the

proposed enhanced landscape areas, which will be publicly accessible, and will deliver some biodiversity benefits. As well as the infrastructure contributions to be secured through s106 contributions and the Community Infrastructure Levy (CIL), as set out in more detail later on in this report also weigh in the proposals favour. These benefits overall are such, that that any harm caused to the nearby designated heritage assets and their settings as a result of the proposed design, which officers consider would be limited in any event given the siting, scale and appearance of the buildings that are to be replaced, and due to the self-contained nature of the site and the limited inter-visibility, would be significantly and demonstrably outweighed by the public benefits resulting from the development delivering housing generally, including a significant proportion of this as affordable housing.

### **Ecology, Biodiversity and Impact on Burnham beeches Special Area of Conservation**

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

5.129 The application is supported by an Ecological Assessment and Shadow Habitat Regulations Assessment due to its proximity to (within 5.6km) Burnham Beeches Special Area of Conservation (BBSAC). Overall the habitats within the application site are found to be of relatively low ecological value and habitats of key ecological concern are to be avoided. It is considered that the impact of the proposed development on protected species has been given due regard. The Council's consultant Ecology Officer raises no concerns, subject to the imposition of conditions, including the need to submit updated protected species and habitat surveys depending on the timings of works on site.

5.130 Soft landscape features within the site are mostly unmanaged and overgrown. Features of any ecological value include an area comprising an area that is a mixture of former amenity grassland, tall ruderal, short perennial, scrub and trees and an area of woodland. The majority of these habitats are to be retained and will be protected during construction. Any loss of habitat can be compensated through the new landscape proposals.

5.131 Core Policy CP9 seeks to conserve and where possible enhance biodiversity. The NPPF also promotes the conservation and enhancement of ecology/biodiversity. It is therefore recommended that a detailed scheme of ecological mitigation and enhancements be secured through condition. Biodiversity benefits that are to be secured will include enhancement of retained habitats,

additional native tree planting, creation of new brash piles, new roosting opportunities for bats and more diverse nesting habitats for birds.

5.132 The application site is located 3.6km from Burnham Beeches Special Area of Conservation (SAC). As well as being designated a European Site, Burnham Beeches is also designated as a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). The SSSI boundary covers the same area as the SAC boundary. SSSI designations underpin the European site SAC designation.

5.133 All areas in England classified as SAC or Special Protection Areas (SPAs), collectively known as European sites, receive statutory protection under the Conservation of Habitats and Species Regulations 2017 as amended (the 'Habitats Regulations'). These Regulations transpose into UK legislation the 'Habitats Directive' 1992 (92/43/EEC) and the 'Birds Directive' 2009 (2009/147/EC). The Regulations impart a duty on Local Planning Authorities (competent authorities) to carefully consider the potential effects of any proposals on a European site, either alone or in combination with other plans or projects. At the screening stage the competent authority is required to be satisfied that there will be no likely significant effect, whilst at the Appropriate Assessment stage, the decision maker has to be sure that there will be no adverse effect on the integrity of the European site. In most circumstances, permission may only be given for a plan or project to proceed if it has been ascertained that it will not have an adverse effect on the integrity of any such designation. The Regulations also set out that a person applying for any such planning permission must provide such information as the local authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

5.134 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). 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.

- 5.135 However, recent Case Law (People Over Wind and Sweetman (2018)), has concluded that mitigation measures should not be taken into account at the screening stage of HRA. Having regard to this case law and given that the HRA Screening Report acknowledged that mitigation was necessary, the Council is not able to issue a decision without having undertaken an Appropriate Assessment.
- 5.136 In order to comply with the above, the applicant has submitted a Shadow Habitat Regulations Assessment (HRA), including an Appropriate Assessment. The Shadow HRA and Appropriate Assessment (AA) concludes that the screening exercise has identified the proposed development at Huntercombe Park has the potential to adversely affect Burnham Beeches SAC as a result of air quality and recreational pressure impacts. At screening stage any adverse effects on the integrity of BB SAC in terms of air quality have been ruled out. The recreational pressure impacts were found to be only a potentially nugatory increase in additional recreational visits, due to the distance of the SAC from the application site and the availability of other nearby areas of open space for recreational use.
- 5.137 Natural England (NE) has reviewed and commented on the applicant's Shadow Habitats Regulations Assessment. NE has agreed that further distant designated sites can be screened out, and that hydrological changes at Burnham Beeches Special Area of Conservation (SAC) can also be screened out due to the location of the application. NE has also agreed that there will be no adverse effect on air quality at Burnham Beeches SAC as a result of the application.
- 5.138 However, NE does not agree entirely with the conclusion of the Shadow Habitats Regulations Assessment that a potential 0.037% increase in recreational visits to Burnham Beeches SAC would be 'nugatory'. Therefore, NE is not satisfied that adverse effects on the integrity of the SAC as a result of increased recreation disturbance can be ruled out in the absence of mitigation measures.
- 5.139 NE highlights that an Access Management Scheme has been prepared to provide on-site mitigation for additional visits arising from new residential development within 5.6km of the SAC. Under the Council's published Burnham Beeches Mitigation Strategy (March 2020) and joint Local Plan Policy DM NP3, development within this zone of influence will need to make financial contributions towards this or any subsequently agreed mitigation scheme. Natural England recommends that the applicant commits to comply with the requirements of the Mitigation Strategy and draft Policy DM NP3 to contribute to the Access Management Scheme, or any subsequent scheme that replaces it.

5.140 Accordingly, the applicant has confirmed agreement to provide a s106 financial contribution towards the Burnham Beeches Access Management Scheme, or any subsequent scheme that replaces it, in accordance with the Burnham beeches Mitigation Strategy. This commitment will ensure that any adverse effects on the integrity of the Burnham Beeches SAC as a result of any additional recreational visits will be fully mitigated, thereby ensuring that no adverse effects on the integrity of the SAC will occur. It is therefore considered that with this commitment in place, the development will fully accord with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), as such no objections are raised.

### **Infrastructure and Developer Contributions**

Core Strategy Policies:

CP6 (Local infrastructure needs)

5.141 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 signed section 106 agreement if the application is considered to be acceptable:

#### **Affordable Housing:**

- The provision of x53 units (32%) on site for affordable housing, comprising of x27 affordable rent and x26 shared ownership.
- An early stage review mechanism to require a revised financial viability assessment, in the event that the approved development has not commenced within 18 months of the date of permission. If there is shown to be an improved viability position, then a financial contribution to be secured towards off-site affordable housing.

#### **Sustainable Travel:**

- To pay to the Council a Framework Travel Plan monitoring fee for the Council to spend on monitoring compliance with and the effectiveness of the Framework Travel Plan.
- Provision of on-site Car Club spaces and to implement the approved scheme.

#### **Healthcare:**

- To pay the Secondary Healthcare Contribution of £84, 705.00 to the NHS Trust for use towards the provision of secondary healthcare and integrated

acute and community services in the hospitals serving the residents of Burnham.

**Open Space:**

- Submission of specification of the Open Space Scheme (to include details of children's play equipment on the LAP) to be made available for public use and maintained in perpetuity and to continue to maintain and manage this in accordance with the Open Space Scheme.

**Management Company:**

- To establish a limited company as the Management Company and per dwelling an annual charge to be paid to the Management Company sufficient to cover the annual cost of the management and maintenance of the Open Space.

**SuDS obligations:**

- Submission of a detailed SuDS scheme, its implementation and details of how the scheme is to be maintained and managed in perpetuity.

**Burnham Beeches SAC Contribution:**

- To pay the Burnham Beeches SAC Contribution in full to the Council prior to Commencement of Development. The amount to be paid is £333,938.55.

5.142 The applicant has confirmed that they agree to these contributions/obligations and they are willing to enter into a legal agreement to secure these.

***Community Infrastructure Levy (CIL):***

5.143 The CIL Charging Schedule was adopted by (former) South Bucks District Council on 15 January 2020. It came into effect on 17 February 2020. In accordance with the adopted Charging Schedule C3 residential development is charged at £150 per sqm on new development such as this. The CIL liability would be calculated on the total floorspace of the development as the existing floorspace does not qualify for relief. However, relief could be sought on all parts of the buildings that are to be used for social/affordable housing (subject to the applicant/owner applying for CIL relief). The proposed development will attract a CIL liability of £1.6m, due to be paid on commencement of development, and this is to be allocated by the Council towards infrastructure projects.

## **6 Weighing and balancing of issues / Overall Assessment**

- 6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 6.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
  - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - c. Any other material considerations
- 6.3 Due regard has been had to any local finance consideration in the consideration of this application. As referred to within the report the proposal is CIL liable development, and this will generate a CIL liability of c£1.6m, which is in relation to the gross floorspace, which is a material consideration in the consideration of this application. S106 contributions for healthcare and towards the Burnham Beeches Access Management Strategy are also material. The proposal will also generate New Homes Bonus and additional Council Tax, though neither are considered material to the consideration of this development.
- 6.4 As set out above, it is considered that the proposed development would accord with most of the development plan policies, and where it does not there are material considerations why this is the case, and why the proposed development is considered acceptable. The proposal does not comply fully with the development plan policies in respect of Green Belt development, Local Plan policy GB1 exceptions do not include provision for replacement of buildings in the Green Belt for a different use. However, the NPPF is more up-to-date and in Green Belt terms this does, where it states the complete redevelopment of previously developed land can be acceptable provided this would not have a greater impact on the openness of the Green Belt. More weight is given to the NPPF in weighing up the Green Belt effects. The other are where policy compliance is not achieved is in respect of parking provision, which is less than

the adopted standards. The shortfall is considered to be acceptable for the reasons already discussed, relating to the sites good sustainability, access to other modes of non-car travel, Travel Plan commitments and the demonstration of more up-to-date car ownership levels locally.

- 6.5 The proposal is considered to represent 'appropriate' development in the Green Belt, and will not have a greater impact on openness than the existing development. At the same time the site's proposed redevelopment will make effective and efficient use of previously developed land and bring back into use a longstanding vacant site that fails to contribute positively to the character of the area.
- 6.6 The NPPF supports the effective use of previously developed land, supports the supply of new housing and has a presumption in favour of sustainable development. It sets out the need to support economic growth, taking into account both local business needs and wider opportunities for development. The NPPF places provision of new homes at the heart of sustainable development, recognising that a range of homes to meet the needs of present and future generations is key to meeting the overarching social objective. Delivering a sufficient supply of new homes is a key objective of the NPPF, and affordable homes should be sought on all major developments.
- 6.7 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, and provide a significant contribution to affordable housing, which is agreed as representing the maximum reasonable amount that the scheme can support. This housing provision, and more specifically the affordable housing provision is a public benefit that weighs in favour of the proposal.
- 6.8 Other direct benefits will be realised in the form of on-site landscape enhancements, public access to open space, biodiversity and ecological enhancements, the construction of energy efficient buildings that will help to reduce carbon emissions and the commitments to sustainable travel and helping to achieve modal shift.
- 6.9 The range of s106 contributions and the CIL liability that this scheme attracts also weigh in favour of the proposal.

- 6.10 The extant Prior Notification consent that allows for the buildings conversion into 86 units could be implemented by the applicant. This “fall-back” position would result in a significantly reduced quality of residential development, would see the existing unattractive buildings retained on-site and would fail to deliver the range of benefits the proposed development will, namely the lack of affordable housing, open space, sustainability and ecological/biodiversity.
- 6.11 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.
- 6.12 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 6.13 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 of planning permission being granted in this instance. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

## **7 Working with the applicant / agent**

- 7.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 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 the applicant/agent was updated of any issues after the submission of the application. Negotiation took place to agree design changes and to increase the amount of affordable housing on site from 8% to 32% (x53 units), as such amended plans and other amended technical information was received during

the course of the application, as set out within this report. Officers also worked with the applicant to allow the necessary surface water drainage solutions to be agreed with the Local Lead Flood Authority.

**Recommendation:** delegate the application to the Director of Planning and Environment to:

1. GRANT planning permission subject to:
  - a) The satisfactory completion of a Section 106 Agreement to secure the requirements as set out in this report.
  - b) Finalising conditions (including agreement with the applicant/agent of 'pre-commencement' conditions) and any other minor changes.
  - c) There being no new substantive, material planning matters being raised following the close of the consultation period on 21st August 2020.

Or

2. REFUSE planning permission if a satisfactory S106 Agreement cannot be completed for the appropriate reasons relating to affordable housing, the impact on Burnham Beeches Special Area of Conservation, flood risk, lack of sustainable travel measures, inability to secure open space provision, and absence of infrastructure payments to mitigate the impact on local healthcare facilities.

Subject to the following conditions:-

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.

2. No works of site clearance, demolition or construction shall take place on site until:
  - a) European Protected Species Mitigation Licences have been granted by Natural England in respect of roosting bats. A copy of the licence is to be provided to the Local Planning Authority; and
  - b) A Great Crested Newt Mitigation Strategy is provided to, and approved in writing by, the Local Planning Authority.

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

3. No development shall take place (including demolition, site clearance, ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in

writing by the Local Planning Authority. The CEMP (Biodiversity) shall include, but is not limited to, the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones" in respect of protected and notable species and habitats;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person, and times and activities during construction when they need to be present to oversee works;
- h) Measures for removal of invasive species within the site; and
- i) Use of protective fences, exclusion barriers and warning signs;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The prevention of harm to species and habitats within and outside the site during construction in accordance with Core Policy 9: Natural Environment of the South Buckinghamshire Core Strategy.

4. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the Local Planning Authority prior to substantial completion of the first building or the development overall whichever is the sooner. The content of the LEMP shall include, but is not limited to, the following:
  - a) Description and evaluation of features to be managed within and outside the scheme boundary;
  - b) Ecological trends and constraints on site that might influence management;
  - c) Aims and objectives of management;
  - 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; and
  - 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 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 fully in accordance with the approved details thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: The prevention of harm to species and habitats within and outside the site during construction in accordance with Core Policy 9: Natural Environment of the South Buckinghamshire Core Strategy.

5. The protected species and habitat surveys shall be considered valid for a period of no more than twelve months from the date of completion (Badger surveys no longer than six months). Updated ecological assessments shall therefore be submitted in writing to the Local Planning Authority before any works commence on site (including demolition, site clearance, ground works and vegetation clearance), unless otherwise agreed in writing with the Local Planning Authority. The results of the updated survey(s) and any required amended mitigation will be agreed with the Local Planning Authority prior to the commencement of works on site (including demolition, site clearance, ground works and vegetation clearance) and work shall be carried out in accordance with the approved details thereafter, unless otherwise agreed in writing by the Local Planning Authority. Any revised mitigation shall be retained thereafter.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Protection of Badgers Act 1992 and Wildlife and Countryside Act 1981 (as amended).

6. Prior to occupation of any of the buildings hereby approved, a site wide Lighting Design Strategy and luminance level details (including for Biodiversity) for buildings and external features or areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. Where possible no lighting shall be directed towards existing or new vegetation. All external lighting shall be installed in accordance with the approved Lighting Strategy prior to occupation of any of the buildings and in the locations set out in the Strategy. Such lighting shall be maintained thereafter in accordance with the approved Strategy unless otherwise agreed in writing by the Local Planning Authority and no other external lighting shall be installed without prior consent from the Local Planning Authority.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Core Policy 9: Natural Environment

of the South Buckinghamshire Core Strategy, and in the interests of the visual amenity of the development residential amenity.

7. Prior to the commencement of any works above slab level, a detailed scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved on site.

The scheme shall include details of artificial roost features, including bird and bat boxes, dedicated swift boxes, hedgehog domes, dead wood habitat for saproxylic invertebrates and other refugia of benefit to wildlife.

Full details of planting of known benefit to wildlife shall be provided, including berry-bearing trees and shrubs and night-flowering species. Any fencing to be installed will include holes suitable to allow safe passage of Hedgehogs.

A timetable for the implementation of these ecological enhancements shall also be provided. Thereafter the approved scheme of ecological enhancements shall be provided in full and in accordance with the agreed timescales, unless otherwise agreed in writing by the Local Planning Authority. Following the ecological enhancements being implemented they shall be retained.

Reason: To comply with the National Planning Policy Framework, and policies of the Development Plan, and to ensure ecological enhancements and a net gain in biodiversity are achieved.

8. No works or development (including for the avoidance of doubt any works of demolition, site clearance, ground works and vegetation clearance) shall take place until a Tree Constraints Plan and Arboricultural Method Statement (in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction' (or any replacement thereof or EU equivalent)) has been submitted to and approved by the Local Planning Authority in writing, notwithstanding the submitted Arboricultural Method Statement. The Method Statement shall provide, as required, details of a no dig driveway; methods of construction within root protection areas, phasing of demolition and construction operations; siting of work huts and contractor parking; areas for the storage of materials and the siting of skips and working spaces; the erection of scaffolding. Protective fencing detailed in the Method Statement shall consist of a vertical and horizontal scaffold framework, braced to resist impacts, with vertical tubes spaced at a maximum level of 3m. On to this, weldmesh panels shall be securely fixed with wire scaffold clamps. The fencing shall be erected to protect existing trees and other vegetation during construction and shall conform to British Standard 5837:2005 'Trees in Relation to Construction' or any replacement thereof or EU equivalent.

The approved fencing shall be erected prior to the commencement of any works or development on the site including any works of demolition, vegetation or site

clearance. The approved fencing shall be retained and maintained until all building, engineering or other operations have been completed on site. No work shall be carried out or materials stored within the fenced area without prior written agreement from the Local Planning Authority.

The development shall be carried out in accordance with the approved Tree Constraints Plan and Method Statement unless otherwise agreed in writing by the Local Planning Authority.

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)).

9. No dwellings shall be occupied until confirmation has been provided to the Local Planning Authority that either: -
  1. Capacity exists within the off site waste water network to serve the development, or;
  2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan, or;
  3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason: As network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

10. Prior to the commencement of development, with the exception of the demolition of the existing buildings on the site, 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 supplementary site investigation shall be undertaken to provide information regarding the ground conditions found beneath the existing buildings, so that a detailed assessment of the risk to all receptors that may be affected, including those off site can be carried out. 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) If further contamination is identified, the site investigation results and the detailed risk assessment (i) shall be used to prepare a revised remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iii) A revised 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 unless otherwise agreed in writing by 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.

11. Following completion of measures identified in the approved remediation scheme (Remedial Methodology prepared by Enzygo Geoenvironmental Ltd (Report ref. CRM.1265.008.GE.R.002.A)) 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 in full thereafter unless otherwise agreed in writing by 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.

12. 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. Any necessary remediation shall then be carried out and following completion of measures identified in any such 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.

13. No works (other than demolition and site clearance) 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. Unless otherwise agreed in writing by the Local Planning Authority the approved scheme shall subsequently be implemented fully in accordance with the approved details before the development is completed. The scheme shall also include but is not limited to the following:

- Groundwater level monitoring over the winter period
- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the following hierarchy:-
  - o into the ground (infiltration);
  - o to a surface water body;
  - o to a surface water sewer, highway drain, or another drainage system;
  - o to a combined sewer.
- 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 163 of the National Planning Policy Framework, to ensure that there is a satisfactory solution to managing flood risk.

14. Prior to first occupation of any of the buildings hereby approved a whole-life drainage 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. Thereafter the plan shall subsequently be implemented for the duration of the development in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

15. Prior to the occupation of the last dwelling, as-built drawings and/or photographic evidence of the site drainage scheme, carried out by a suitably qualified person shall be submitted to the Local Planning Authority to serve as a record and verification that the works have been implemented in accordance with the approved drainage system.

Reason: In order to demonstrate that the drainage scheme has been implemented in accordance with the approved plans.

16. The development hereby approved shall be served by means of estate roads and footways which shall be laid out and constructed in accordance with details to be first approved in writing by the Local Planning Authority, and no dwelling shall be occupied until the estate roads and footways which provide access to that particular dwelling from the existing highway have been laid out and constructed fully in accordance with the approved details.

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

17. Prior to the first occupation of any of the buildings hereby approved a Parking Strategy Implementation Programme and Parking Management Plan shall be submitted for the approval in writing of the Local Planning Authority, which shall show how the approved scheme for vehicle parking (including Electronic Vehicle Charging Points and on site Car Club spaces), manoeuvring and cycle parking will be laid out and provided in full on completion of the final building(s), and also confirm management arrangements for the allocation of vehicle parking spaces on site for the completed development. Thereafter the vehicle and cycle parking as implemented shall be permanently maintained as approved and used in accordance with the approved Management Plan for the duration of the development as not used for any other purpose, unless otherwise agreed in writing by the Local Planning Authority.

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

18. No part of the development hereby approved shall commence (including demolition and/or site clearance works) until a Construction Traffic Management Plan including details of, but not limited to the following: -

-Phasing of the development

- Construction access arrangements
- Management and timing of deliveries
- Routing of construction traffic
- A condition survey of the surrounding highway network
- Vehicle parking for site operatives and visitors
- Site compound details
- Storage of materials
- Precautions to prevent the deposit of mud and debris on the adjacent highway

has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall thereafter be carried out fully in accordance with the approved Management Plan for the duration of any construction activities (including demolition, site clearance and groundworks), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise danger and inconvenience to highway users.

19. Prior to the commencement of development above ground floor slab level further details of all external plant, mechanical ventilation and extraction equipment, including the associated noise levels and any necessary means of noise mitigation, as well further details of all external external gas piping and rainwater goods are to be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with these approved details thereafter, unless otherwise agreed in writing by the Local Planning Authority. Following implementation of the approved details they shall be retained thereafter.

Reason: In the interests of the visual appearance of the development, and to minimise any noise impacts.

20. In order to limit the number of satellite dishes and external aerials being installed on the buildings hereby approved, details of a communal television system/satellite dish/aerials shall be provided and the details of this submitted for the approval in writing of the Local Planning Authority, and any approved details fully installed prior to first occupation of any of the buildings. The equipment approved shall be located so as to have the least impact on the external appearance of the development and a communal television system/satellite dish shall be maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority. No other satellite dish or aerial shall thereafter be placed on any part of the buildings without the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

21. Notwithstanding any indications illustrated on drawings already submitted, prior to the commencement of works above slab level, a scheme of soft landscaping

works shall be submitted to and approved in writing by the Local Planning Authority. It shall include indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those that are to be retained. 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.

The landscaping scheme submitted shall include details of, but is not limited to, proposed planting heights, spacing and species. The submitted details shall also include provision for new hedgerows and newly planted trees, as well as boundary screen planting where necessary.

Details of existing contours and any proposed alteration to ground levels such as earth mounding shall also be provided.

Details of maintenance and management of the landscaping to ensure that it is maintained over the lifetime of the development shall be provided.

The development shall be carried out fully in accordance with the approved soft landscape details thereafter, in accordance with an agreed timescale and shall be fully maintained in accordance with the approved maintenance and management plan, unless otherwise agreed in writing by the Local Planning Authority.

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.)

22. All planting, seeding or turfing comprised in the approved details of soft 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.

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.)

23. Prior to the laying of any hardsurfacing, a specification of all finishing materials (including their permeable qualities) to be used in any hard surfacing of the application site shall be submitted to and approved in writing by the Local

Planning Authority. Thereafter the development shall be constructed using the approved finishing materials unless otherwise agreed in writing.

Reason: To ensure that the appearance of the development is not detrimental to the character or appearance of the area and for reducing flood risk in accordance with Policies EP3 of the South Bucks Consolidated Local Plan (Feb 2011) and Policy CP8 of the South Bucks Local Development Framework Core Strategy (adopted February 2011).

24. Prior to the occupation of any building, a Full Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. This shall be in general accordance with the 'Buckinghamshire County Council Travel Plan Good Practice Guidance'. The approved Travel Plan shall be implemented upon occupation of the development and subject to annual review thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to influence modal choice and to reduce single occupancy.

25. The energy strategy for the development, including measures to reduce carbon emissions through renewable technologies shall be carried out in accordance with the submitted Energy Demand Statement (Report No: PA-ES-HP-BWYTV-19-02), unless otherwise agreed in writing by the Local Planning Authority, and thereafter retained.

Reason: To ensure a resultant satisfactory standard of development, in accordance with Policy CP12 of the South Bucks Local Development Framework Core Strategy (adopted February 2011).

26. No development above first floor slab level shall take place until further details confirming the location, amount and maximum height of any PV panels to be installed above finished roof height have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with these details, unless otherwise agreed in writing by the Local Planning Authority, and thereafter retained.

Reason: To ensure a resultant satisfactory standard of development, in accordance with Policy CP12 of the South Bucks Local Development Framework Core Strategy (adopted February 2011).

27. No development above ground floor slab level shall take place until a schedule of all external materials (including samples) 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, unless otherwise agreed in writing, and retained as such thereafter.

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

28. Notwithstanding details shown on the plans hereby approved or the provisions in Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) relating to development within Class A of Part 2 of Schedule 2 to the said Order, prior to their installation on site, further details of the siting, height and design (including materials) of all walls, fencing, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all walls, fencing, gates or other means of enclosure shall be erected/installed in accordance with the approved details before the initial occupation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the approved means of enclosure shall be retained.

Reason: To ensure a satisfactory resultant appearance and standard of amenity of the site. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

29. Prior to first occupation of any of the buildings hereby approved a Refuse Collection Strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Strategy shall be implemented for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority. The approved Refuse Collection Strategy shall be carried out for the lifetime of the development.

Reason: To ensure a resultant standard of amenity of the site.

30. No works shall take place until details of the proposed finished floor levels of the development and of finished ground levels, relative to the existing ground levels, and in relation to the surrounding dwellings have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with these approved details.

Reason: To ensure that construction is carried out at suitable levels having regard to the height of the existing office buildings on site. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

31. No development above ground floor slab level shall take place unless further details of any acoustic glazing and / or mechanical ventilation for any relevant dwellings, including any associated plant has been submitted to and approved in writing by the Local Planning Authority. Such details shall identify where units to be provided with acoustic glazing and / or mechanical ventilation are to be located, as well as the location of units to be passively ventilated. Thereafter the development shall be carried out in accordance with the approved details, unless otherwise agreed in writing, and retained as such thereafter.

Reason: To safeguard the amenity of future and neighbouring residential occupiers.

32. The existing on site flood / surface water attenuation scheme, including existing infiltration pond that serves existing neighbouring development on Wyeth Close shall not be altered in any way and shall be retained for the duration of the development.

Reason: To ensure that flood risk is managed on site and the long term maintenance of existing flood compensation area, in accordance with the National Planning Policy Framework.

33. Obscure glazed windows, where identified on the plans hereby approved, shall be installed in accordance with the approved details and retained as such for the duration of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain the amenity and privacy of future occupiers.

34. This permission relates to the details shown on the approved plans as listed below:

<b><u>Received</u></b>	<b><u>Plan Reference</u></b>
3 Jul 2019	041802-BEL-TV-04
8 Nov 2019	041802-Sec01
8 Nov 2019	041802-BEL-TV-OG01 revA
8 Nov 2019	041802-BEL-TV-OGO2 revA
8 Nov 2019	041802-BEL-TV-OGO3 revA
8 Nov 2019	041802-BEL-TV-OGO4 revA
8 Nov 2019	041802-B1-E1 revB
8 Nov 2019	041802-B1-E2 revB
8 Nov 2019	041802-B1-E3 revB
8 Nov 2019	041802-B1-E4 revB
8 Nov 2019	041802-B1-P1 revB
8 Nov 2019	041802-B1-P2 revB
8 Nov 2019	041802-B1-P3 revB
8 Nov 2019	041802-B2-E1 revB
8 Nov 2019	041802-B2-E2 revB
8 Nov 2019	041802-B2-E3 revB
8 Nov 2019	041802-B2-E4 revB
8 Nov 2019	041802-B2-P1 revB
8 Nov 2019	041802-B2-P2 revB
8 Nov 2019	041802-B2-P3 revB
8 Nov 2019	041802-B3-E1 revB
8 Nov 2019	041802-B3-E2 revB
8 Nov 2019	041802-B3-E3 revB

8 Nov 2019	041802-B3-E4 revB
8 Nov 2019	041802-B3-P1 revB
8 Nov 2019	041802-B3-P2 revB
8 Nov 2019	041802-B3-P3 revB
8 Nov 2019	041802-B4-E1 revB
8 Nov 2019	041802-B4-E2 revB
8 Nov 2019	041802-B4-E3 revB
8 Nov 2019	041802-B4-E4 revB
8 Nov 2019	041802-B4-P1 revB
8 Nov 2019	041802-B4-P2 revB
8 Nov 2019	041802-B4-P3 revB
8 Nov 2019	041802-B4-P4 revB
8 Nov 2019	041802-B5-E1 revB
8 Nov 2019	041802-B5-E2 revC
8 Nov 2019	041802-B5-E3 revB
8 Nov 2019	041802-B5-E4 revC
8 Nov 2019	041802-B5-P1 revB
8 Nov 2019	041802-B5-P2 revB
8 Nov 2019	041802-B5-P3 revB
8 Nov 2019	041802-B5-P4 revB
8 Nov 2019	041802-CP01
8 Nov 2019	041802-CP02
8 Nov 2019	041802-BEL-TV-02 revB
8 Nov 2019	041802-BEL-TV-MP01 revB
12 Nov 2019	6654/ASP4 revE
3 Jul 2019	Energy Demand Statement - June 2019

**INFORMATIVE(S)**

1. All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended). Removal of any building or vegetation shall be undertaken outside of the bird nesting season (March to August inclusive). If this is not possible, then a suitability qualified ecologist shall check the areas concerned immediately prior to the commencement of clearance works to ensure no nesting or nest-building birds are present. If any nesting activity is confirmed, no clearance will be permitted within the area until the birds have fledged and the nest is considered inactive.

## **APPENDIX A: Consultation Responses and Representations**

### ***Representations:***

At the time of writing this report seven individual objections have been received, which includes a representation submitted on behalf of Burnham Beeches Estate, who part own and manage Burnham Beeches on behalf of the City of London Corporation. The grounds for objection can be summarised as; -

- The local infrastructure is already stretched and this development will place added pressure on local roads, surgeries, schools etc.
- Will result in noise pollution to neighbouring residents on Wyeth Close.
- Proposed scale of development and density is too great for the area, particularly when compared to the previous Prior Approval application for 86 units. This will result in a much greater impact on the surrounding area.
- Footprint of proposed buildings will result in loss of privacy to properties on Wyeth Close.
- There is insufficient parking provision on site and this will impact on Wyeth Close, resulting in overspill parking.
- The increase in cars will have an adverse impact on traffic and the traffic assessment submitted with the application is flawed. There will be a negative impact on the junction with Huntercombe Lane South and Bath Road.
- Proposed design fails to properly take into account the existing on site SuDS features that are required to serve the neighbouring Wyeth Close development.
- Use of the proposed open space within the site will adversely impact neighbouring residents through loss of privacy and increased noise.
- Loss of Green Belt.
- Proposal will increase the flood risk on site, and to neighbouring properties.
- Adverse impact on ecology and wildlife.
- More clarity sought as to how the requested education contribution has been calculated by the Local Education Authority.
- In favour of the development in principle but concerned about resulting loss of privacy to Wyeth Close, and mature trees would be required to mitigate.
- Existing neighbouring residents should be afforded access to any new communal landscaping within the application site.

### **Burnham Beeches Estate:**

- The application site is less than 5km from the boundary with Burnham Beeches SAC (BB SAC). Policy DM NP3 in the draft Local Plan states that on sites between 400m and 5.6km from the SAC a precautionary approach with regards to new residential development is to be taken for the protection and conservation of the SAC.
- A full Habitats Regulations Assessment of the potential impacts of development must be submitted along with proposed mitigation measures.
- The policy states that major residential developments resulting in a net increase in homes located between 400m and 5.6km from the SAC will be required to make

financial contributions towards the Burnham Beeches Access Management Scheme or similar and demonstrate no adverse impact on the SAC.

- It is considered the draft policy carries weight even though the Local Plan has not been adopted.
- Burnham Beeches (BB) Estate estimates that the proposed 165 dwellings will result in an additional 6,105 visits per year to BB, and that the area of open space to be provided within the application site does not appear large enough by itself to mitigate for the impact of increased numbers of visitors per year to BB.
- Should the development be permitted the SAC should be protected from harm via appropriate levels of mitigation with respect to the impacts of recreation pressure on BB.

**Slough Borough Council (neighbouring authority response):**

- Development will worsen traffic congestion at the Huntercombe Lane South / Bath Road junction, and the road network generally.
- Dispute the sustainable credentials of the application site, as stated by the applicant.
- The Local Planning Authority must ensure that any measures set out to promote non-car modes of travel are secured.
- An Air Quality Assessment should be provided.
- Existing tree's along the northern and north-eastern boundaries under Preservation Order's should be retained.
- Flood / drainage strategy for the site must take into account the existing SuDS features on site required to serve the neighbouring residential development on Wyeth Close. The car parking area in the northern part of the site appears to conflict with the flood water flow path from the drain under Wyeth Close. The Local Planning Authority is asked to ensure the layout and the construction process provides for the flow path and flood storage areas as intended when the Wyeth Close development was permitted.
- Existing hedge running NW – SE is desirable and should be retained.
- Affordable housing provision is too low and the viability should be challenged, and some social rent units should be provided.
- A Construction Environmental Management Plan is required to determine construction vehicle routes, working hours, construction noise and dust mitigation, and construction timeframe.
- A Noise Assessment is required.

**Councillor Comments**

Correspondence has been received from Councillor P. Kelly (Burnham Church and Beeches), on behalf of a resident in Wyeth Close. However, no specific comments have been made by the Councillor in relation to the planning merits of the proposed development.

### **Parish/Town Council Comments**

Burnham Parish Committee resolved to object to the application, on the grounds the proposed design is considered to be incongruent with the surrounding properties and landscape.

### **Consultation Responses (Statutory and non-statutory)**

#### **Highways Officer:**

- The site is within 2km walking distance from both Burnham and Taplow railway stations, approximately 1.2km from local facilities in Cippenham and there are existing bus stops within walking distance of the site.
- Given the proximity of the site to local amenities and public transport opportunities it is considered to be a sustainable site from a transport planning perspective.
- The proposal includes provision for one access point onto Huntercombe Lane South, which would be shared with the properties on Wyeth Close via a priority give-way access approximately 18m from the access junction with Huntercombe Lane South. This access point measures in excess of 4.8m, which Highways confirm is acceptable in this location and would allow for the simultaneous two-way flow of vehicles alongside cyclists. A separate footway provision has been provided adjacent to the site access, which measures in the region of 2m.
- It is proposed to retain the existing access with no alterations. Visibility splays of 2.4m x 43m commensurate with a 30mph speed limit are required to be achieved in both directions. These have been shown to be achievable on the submitted plans.
- Highway Officer has found the traffic generation forecasts submitted by the applicant to be comparable to their own findings. Using TRICS data to identify trip generation potential from the lawful b1(a) office use it is found that the proposed residential development would result in a reduction in movements both overall and in the AM and PM peak periods.
- The level of traffic generated by the development impacting on Buckinghamshire's highway network is considered insignificant given both the existing traffic flows on Bath Road and the existing lawful office use on the site. Therefore, Highway Officer's do not consider that this junction should be subject to a modelling exercise. It is noted that the junction of Huntercombe Lane/Bath Road falls in Sloughs jurisdiction (who have been consulted formally).
- Site layout is considered acceptable for all road users, pedestrians and cyclists.
- Noted that 255 parking spaces are proposed, which represents a shortfall of 32 spaces against current adopted parking standards for South Bucks DC, however the adequacy of parking provision is a matter for the District Council. It has been confirmed that the layout and dimensions of parking spaces are acceptable.
- 165 'Sheffield' cycle stands proposed.
- Proposal will result in increased pedestrian and cycle trips, and there are a number of schools and amenities within walking/cycling distance of the site, which would require residents of the site to utilise the A4 Bath Road. Within the vicinity of the site, the A4 STS (Sustainable Travel Scheme), a cycle and bus improvement scheme is at the time of writing this consultation being constructed along the A4 between the

Mill Lane development in Maidenhead, Taplow Rail Station, the Bishop Centre and Slough Rail Station. The works include a widened footway/cycleway on the A4 along with bus stops with RTPI in the vicinity of the site. At this time the scheme requires further funding to be fully delivered. To ensure that the development complies with the submitted Travel Plan objectives, that being the encouragement of walking and cycling along Bath Road, this route must be in place and therefore it would be appropriate to have an expectation that funds could be secured from this development towards this scheme.

- It is considered that a financial contribution of £79,000 towards the A4 STS (Sustainable Travel Scheme) is justifiably sought. This figure is based upon a payment of £1,000 for every dwelling over and above the permitted development scheme approved for 86 residential apartments which has to be given weight as an established fall-back position. This level of contribution is considered consistent with other walking and cycling contributions secured by the Council.
- The proposed Travel Plan should be secured through condition.
- The parking shortfall of 32 spaces short of the Local Planning Authorities standards is likely to be offset by the financial contributions sought to the provision of the A4 STS.
- Slough Borough Council should be consulted as there could be potential highway impacts on Slough's road network. (n.b. It can be confirmed that Slough Council has been formally consulted)

In summary, no objection is raised on highway grounds, subject to securing appropriate s106 obligations and conditions.

**Local Lead Flood Authority and SuDS:**

No objection raised, subject to recommended conditions.

**Environment Agency:**

Confirmed they have no specific comments to make relating to the proposal, and to refer to the EA's 'standing advice'.

**Ecology Comments:**

No objection raised, subject to recommended conditions and informative.

**Natural England:**

- In agreement that the further distant designated sites can be screened out, and that hydrological changes at Burnham Beeches SAC can also be screened out due to the location of the application.

- In agreement with the conclusion of the HRA that there will not be an adverse effect on air quality at Burnham Beeches.
- Not in disagreement with the findings outlined in the HRA in relation to recreation pressure at this site. The findings suggest the proposed application at Huntercombe Park would result in a nugatory increase in visitor numbers, which will have no effect on the integrity of the designation alone. Natural England supports the 2019 evidence base commissioned by Chiltern and South Bucks, which states that between 500m-5.6km from Burnham Beeches SAC, a Habitats Regulations Assessment will be required to determine Likely Significant Effect, and that mitigation measures will be necessary to rule out adverse effects on integrity as a result of increased recreation disturbance.
- The provision of on-site greenspace is not by itself sufficient to off-set the recreational pressure. The development will need to make a contribution towards the Burnham Beeches Access Management Scheme. This commitment will provide sufficient mitigation and ensure compliance with the Habitat Regulations.

**Tree Officer:**

No objection in arboricultural terms. If permission is granted, then conditions are recommended.

**Strategic Environment Team:**

No objection raised, subject to recommended conditions.

**Landscape Officer:**

No objection raised, subject to conditions being secured.

**Archaeology Officer:**

The nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of the asset(s). We therefore have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest.

**Housing Manager:**

No objection raised.

**Planning Policy:**

No comments received.

**Thames Water:**

Confirmed they have no objection, subject to recommended conditions.

**Waste Management:**

No objection raised.

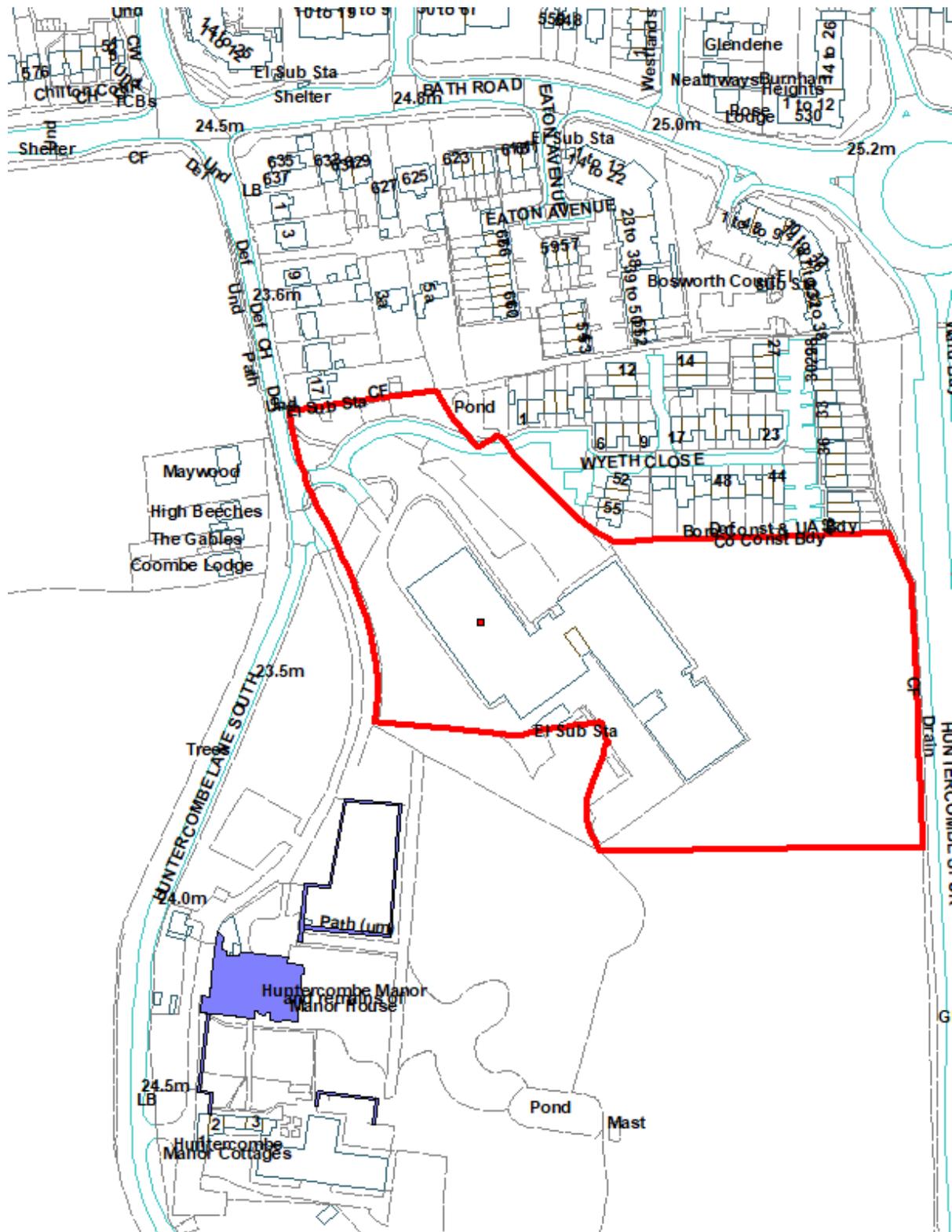
**Local Education Authority:**

Advise that schools in the area are at capacity and would require a financial contribution to provide additional primary school facilities at Lent Rise School to accommodate the increased housing in accordance with BCC's adopted S106 policy. A contribution of £185,021 has been calculated as being required by way of mitigating the impacts.

**Buckinghamshire Healthcare NHS Trust:**

Representations made that the proposed development will have a direct impact on the provision of emergency healthcare and on service delivery. The Trust identifies that provision of 164 residential units will equate to 416 new residents, which in turn will generate increased hospital admissions. As a consequence, it is submitted that the development should contribute towards the cost of providing further capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the development. In the absence of an appropriate contribution to mitigate against direct impacts then an objection would be raised. The contribution sought for this development is £84,705.00, and this will be used directly to provide additional health care services to meet patient demand.

## APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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## Report to South Buckinghamshire Area Planning Committee

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<b>Application Number:</b>	PL/19/4036/FA
<b>Proposal:</b>	Internal and external restoration to house and outbuilding to create two dwellings; replacement of modern windows and doors with traditionally designed elements. Alterations to curtilage listed outbuilding including rear storey extension, addition of front and rear dormers and internal alterations. Change of use to dwelling (Use Class C3) only.
<b>Site Location:</b>	121 High Street Burnham Buckinghamshire SL1 7JZ
<b>Applicant:</b>	Ms H Dosanjh
<b>Case Officer:</b>	Vicki Burdett
<b>Ward affected:</b>	Farnham Common & Burnham Beeches
<b>Parish Council:</b>	Burnham
<b>Valid date:</b>	21 November 2019
<b>Determination date:</b>	24 January 2020
<b>Recommendation:</b>	Conditional Permission

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Permission is sought for the proposed change of use of the existing ground floor shop to a one-bedroom residential flat (C3), restoration of the first-floor and internal changes, change of use of existing stable outbuilding to a two-bedroom detached dwelling incorporating roof dormers and conservation roof lights and an eastern extension to form a bike and bin storage area.

- 1.2 The cottage is Grade II listed and the site is within the Burnham Conservation Area. The premises have been vacant for a significant period and the buildings are currently in a poor state of repair. The proposal would return the cottage to its original historic use as a dwelling and would facilitate its restoration to a viable long term use that would ensure its upkeep and maintenance in the future. The applicant has also worked closely with the Council's Historic Buildings Officer and he comments that all aspects of the development are in tune with local and national conservation and planning guidance.
- 1.3 The application follows a previous application (Reference 15/00101/FUL) for the conversion of the cottage and outbuilding, including extensions and alterations. This was refused permission based on its impact on neighbouring amenities, the amenities of future occupiers and also highway safety. Following on from the previous refusal the proposed extensions to the outbuilding have been reduced in size and scale in order to address the previous reasons for refusal. In addition, the level of fenestration has been significantly reduced and conditioned to be obscurely glazed and fixed shut to prevent any loss of privacy to neighbouring properties. The private amenity space for the dwelling has been significantly increased from the previous refusal and is considered sufficient to serve a two-bedroom dwelling. Finally, the access point to serve the dwelling has been omitted from the proposed scheme and therefore the previous reasons for refusal have been addressed.
- 1.4 The Highways Development Management Team have confirmed that the proposed development would not materially increase vehicle movements to and from the site in comparison with the existing lawful use as a shop and dwelling. Furthermore, the existing lawful use has no parking provision and has a shortfall of 4 parking spaces when judged against the Council's parking standards. The proposed development does not propose any new parking and would result in the same shortfall of spaces as the existing uses and is not therefore considered to result in any adverse highway implications.
- 1.5 The application has been referred to the Planning Committee following discussion between Officers and the Chairman. In the interests of the wider public it is considered the application would benefit from further scrutiny.
- 1.6 The recommendation for this application is Conditional Permission.

## **2.0 Description of Proposed Development**

- 2.1 Permission is sought for the proposed change of use of the existing ground floor shop to a one-bedroom residential flat (C3), restoration of the first-floor and internal changes, change of use of existing stable outbuilding to a two-bedroom detached dwelling incorporating roof dormers and conservation roof lights and an eastern extension to form a bike and bin storage area.
- 2.2 The application relates to 121 High Street in Burnham; an end-of terrace Grade II Listed Cottage located on the corner of the High Street and Gore Road, within the designated Burnham Conservation Area and Local Shopping Centre. The cottage was previously used as a butcher's shop at ground floor, with accommodation above and a large butchers workshop sited within the rear yard area of the site (also known as 'The Stable'). The application site is lawfully within a mixed A1/C3 use, but is currently redundant with the front of the shop boarded up.
- 2.3 The application is accompanied by:
- a) Design and Access Statement
  - b) Heritage Statement
  - c) Structural Engineering Report
  - d) Supporting Guides
- 2.4 Throughout the duration of the application amended plans have been received whilst in consultation with Officers to reach an outcome which satisfies concerns raised. These amendments include the reduction in the number and size of the dormer windows, reduction in the size of the proposed extension, reduction in height of the proposed retaining wall and the submission of additional information at the request of the Historic Buildings Officer.

## **3.0 Relevant Planning History**

- 3.1 PL/19/4037/HB – Pending Decision - Listed Building Application for: Internal and external restoration to house and outbuilding to create two dwellings; replacement of modern windows and doors with traditionally designed elements. Alterations to curtilage listed outbuilding single storey rear extension, addition of dormers and internal alterations. Change of use to C3 only.

- 3.2 17/01186/LBC – Refused – 3 January 2018 - Replacement shop front, alterations to fenestration, removal of rear fire escape and internal alterations.
- 3.3 15/00102/LBC – Conditional Permission – 16 March 2015 - Listed Building Application for replacement shop front, alterations to fenestration, internal alterations and removal of rear fire escape. Two storey extensions, alterations and additions to fenestration, internal alterations to outbuilding to facilitate conversion into 3 bedroom residential dwelling incorporating erection of fencing.
- 3.4 15/00101/FUL – Refused – 16 March 2015 - Replacement shop front, alterations to fenestration and removal of rear fire escape. Two storey extensions, alterations and additions to fenestration and change of use of outbuilding to facilitate conversion into 3 bedroom residential dwelling incorporating formation of vehicular access and erection of fencing. The application was refused for the following reasons:

*“Due to the proximity of the resulting development to the southern boundary of the application site and the number of first floor windows that would be inserted into the southern elevation of the proposed dwelling - four in total compared to none at present - the proposal would introduce an unacceptable level of overlooking towards the private amenity areas of the neighbouring properties to the south of the site, which could not be sufficiently mitigated through the use of planning conditions. As such, the proposal would reduce privacy and cause harm to the residential amenities currently enjoyed by the occupants of these neighbouring properties.”*

*“Due to its height, bulk and close proximity to number 121A High Street, the proposal would appear obtrusive and unduly prominent from the sole window serving the proposed bedroom of this neighbouring property and would adversely affect the outlook and visual amenities currently enjoyed by its occupants. As such, the application is contrary to policies EP3 and H9 of the South Bucks District Local Plan (adopted March 1999) and paragraph 17, bullet 4 of the NPPF”.*

*“The proposed amenity space would have a width of 6.5 metres and depths of 3.3 metres and 4.4 metres respectively at its western and eastern boundaries. No other residential properties in the immediate locality have such a small garden when compared to the size of dwelling. The proposed amenity space would not be commensurate to the size of dwelling proposed and as such would be detrimental to the residential amenities of the occupiers of the proposed property. Therefore, the proposal is contrary to policy H9 of the South Bucks*

*District Local Plan (adopted March 1999) and paragraph 17, bullet 4 of the NPPF”.*

*“The proposed access is at a point where visibility is substandard and would lead to danger and inconvenience to people using it and to highway users in general. As such, the development is contrary to policy TR5 of the South Bucks District Local Plan (adopted March 1999), the National Planning Policy Framework and the aims of Buckinghamshire’s Local Transport Plan 3”.*

#### **4.0 Summary of Representations**

4.1 15 neighbouring properties have objected to the proposed development, and 1 letter of support has been received. 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 2019.
- 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 Local Plan Appendix 6 (Parking standards)
- Draft Chiltern and South Bucks Local Plan 2036.
- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Townscape Character Study 2017
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
- Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020
- The publication version of the Chiltern and South Bucks Local Plan 2036 was approved at Council on 14 May 2019 and it was agreed that this should be endorsed as a material consideration in the determination of planning applications. This document has now gone through the consultation stage.

However, given the draft Local Plan has yet to be examined by the Planning Inspectorate, only limited weight can currently be given to this document.

## **Principle and Location of Development**

### **Core Strategy Policies:**

CP1 (Housing provision and delivery)  
CP10 (Employment)  
CP11 (Healthy and viable town and village centres)

### **Local Plan Saved Policies:**

C1 (Development within a Conservation Area)  
C6 (Alterations and extensions to Listed Buildings)  
H9 (Residential Layout and design)  
TC1 (Development in Burnham)  
S2 (Local Shopping Centres)

- 5.1 The site is located within the developed area of Burnham where new dwellings can be acceptable provided that they do not adversely affect any interests of acknowledged importance, which include factors such as the character and appearance of the area, vitality and the amenity of neighbouring properties.
- 5.2 The Chiltern and South Bucks Townscape Character Study does designate this site as having an 'Tightly Formed Centre' typology, however it is not considered that this designation prevents the introduction of additional dwellings, provided they would not adversely affect the character and appearance of the site or locality in general. The site is also located within the Burnham Local Shopping Centre as identified by Local Plan Policy S2, and within a Centre Inset Area as identified within Local Plan Policy TC1.
- 5.3 In addition to the above, Chapter 11 of the NPPF encourages Local Planning Authorities to make an effective use of land. Paragraph 117 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting needs for homes and other uses, while safeguarding and improving the environment and ensure safe and healthy living conditions.
- 5.4 Paragraph 122 of the NPPF highlights that planning decisions should support development which makes the efficient use of land, taking into account; housing

need, local market conditions, availability and capacity of infrastructure, maintaining the area's prevailing character and securing well-designed places.

- 5.5 In summary, the site is located within the developed area of Burnham where new dwellinghouses are considered acceptable subject to other material planning considerations such as the impact on the character area and neighbouring residential amenities. Furthermore, the proposal would align with the aims of the NPPF in providing additional homes, making effective use of land and achieving sustainable development.

### **Employment and Retail issues**

#### **Core Strategy Policies:**

CP10 (Employment)

CP11 (Healthy and viable town and village centres)

#### **Local Plan Saved Policies:**

TC1 (Development in Burnham)

S2 (Local Shopping Centres)

- 5.6 Local Plan Policy TC1 deals with the Centre Inset Area of Burnham. This policy seeks to retain key uses which enhance the vitality or viability of the town centre. It states that planning permission for the change of use or redevelopment of such sites will not be granted unless the proposal is considered to preserve the vitality or viability of the centre. The Council seeks to protect and, where possible, strengthen the retail function of these centres, whilst facilitating or maintaining an appropriate level of diversification. A mix of uses will also be encouraged within the centre inset areas provided that proposals are considered to enhance the vitality of the centre and would not detract from the viability or retail attractiveness of the centre.
- 5.7 The aims of this policy are understood, however, it is considered that the circumstances relating to the application site are relevant. The Agent has submitted a statement detailing that the site has been vacant since 2014 and is currently uninhabitable. Internal restoration works had commenced from a previous owner but have ceased and left the building in an unsatisfactory state.
- 5.8 It is clear that the building is in need of restoration as is in a poor state of repair. Officers consider that its existing use by virtue of the buildings condition and ceased state fails to contribute positively to the vitality of the Shopping Area and

has for many years. Permission is therefore sought to change the use and improve the building in order to restore the heritage asset, re-enhance the vitality of the centre and provide additional housing. As the building is Grade II listed within the Burnham Conservation Area and has been uninhabitable for a period of time, its restoration to enable a viable use and sustain its future is considered to be of benefit to both the listed building and the Conservation Area. It is also noted, that a proposed change of use would return the building to its original historic form.

- 5.9 In addition to this, the submitted Planning Statement stipulates that the location of the building should be noted, with it being at the end of the Policy S2 Area and high street before entering a predominantly residential area, with no further retail units to its north and the property to the south being fully residential.
- 5.10 In light of the above, it is considered acceptable that the site changes to an alternative use, reverting to its historic form. Officers consider that the loss of an A-class unit in this location would not unduly impact on the local services of the area. Shops, cafes and pubs are located within close proximity of the site. It would also be beneficial for this persistently vacant building to be occupied thus boosting the vitality of the immediate area.
- 5.11 It is not considered that the conversion of a vacant retail unit which has been unoccupied for a period of 6 years to residential would harm the vitality of the high street and would continue to ensure a mixed use is still present within the shopping area. Furthermore, the proposed conversion and restoration of the buildings are considered to enhance the vitality of the centre and not detract from the viability of retail attractiveness of the centre. The proposed change of use would be compatible with the area, given the nature of the adjacent residential units. The proposed development would also align with the aims of Core Policy 1 of the adopted Core Strategy (2011) which seeks to deliver new housing provision on previously developed land.
- 5.12 Overall, it is considered that the proposed change of use would maintain the vitality and viability of the area, whilst providing additional housing stock. In light of the above, it is considered that the proposed change of use would adhere to the requirements of Core Strategy Policies CP1 and CP11 and Local Plan Policies S2 and TC1.

### **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)

- 5.13 The application site is located on the corner of the High Street and Gore Road, Burnham. Both the High Street and Gore Road are 'C' class roads, subject to a speed restriction of 30mph. As aforementioned, the proposed development would result in the change of use of an A1 unit to residential, internal and external alterations to existing C3 first-floor flat (No. 121A High Street) and conversion of the existing outbuilding to form a single dwelling.
- 5.14 It is noted that previously under 15/00101/FUL, a new vehicular access was proposed to serve the new dwelling, in addition to a parking area. The application was subsequently refused, with one of the reasons for refusal based on inadequate visibility. The proposed application no longer proposes a new vehicular access point, with no parking provision.
- 5.15 The Highways Development Management Team have been consulted and raise no objections to the proposed development. The Highways team have confirmed that in terms of trip generation, the proposal would not result in a material increase in vehicle movements to and from the site.
- 5.16 Reference has been made to a proposed wall to be erected adjacent to the existing access at the north west of the site. Concerns have been raised that this wall could affect visibility for vehicles coming out of this access onto Gore Road. As such, a planning condition has been recommended to retain the existing level of visibility at this existing access.
- 5.17 As such, in terms of highway implications, no objections have been raised from the scheme and therefore it is not considered that the proposed development would give rise to any highway danger.
- 5.18 In regards to parking provision, it is firstly considered necessary to note the current parking requirements for the A1 and C3 uses present within the application site. To this end, the Agent has put forward a transport assessment within the submitted Planning Statement.

- 5.19 Local Plan Policy TR7 refers to the Council's Parking Standards. The Policy further stipulates that the parking standards set out within Appendix 6 of the South Bucks District Local Plan (1999) are the minimum operational standards considered necessary to serve a proposal. The standards also indicate the maximum level of provision, which will be acceptable. It is also relevant that Paragraph 105 of the NPPF sets out that local parking standards for residential and non-residential development should take account of the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; and local car ownership levels; together with an adequate provision of spaces for electric and other ultralow emission vehicles. In this case, the site is located within a sustainable location, wherein local amenities including shops, pubs, schools, nurseries, pharmacy, bank, church, library, train station and bus services are all located within walking distance.
- 5.20 The lawful use of the cottage includes A1 at ground floor level, and C3 (121A High Street) at first-floor level. The current parking standards are 3 spaces for the retail unit and 1 space for the residential flat. There is currently no parking provided on site and the existing use therefore has a shortfall of 4 parking spaces when judged against the Council's parking standards.
- 5.21 The change of use from A1 to C3 for the entirety of the site would result in a requirement of 1 parking space per flat, and 2 spaces for the proposed dwelling. As such, the parking standard for the proposed development is the same as for the existing use, being 4 parking spaces.
- 5.22 As noted, the Highways Development Management Team have confirmed that the proposed development would not result in a material increase in vehicle movements to and from the site. The Highways officer acknowledges that the site currently does not benefit from any access point and that no parking spaces are proposed to serve the site. However, he also notes that the site is in a sustainable location from a highways perspective and that the parking requirement is no worse than what the site currently requires.
- 5.23 It is also noted that the proposed development incorporates the provision of a bike storage area to be attached to the proposed dwelling. This would allow for the provision of 4 bicycles. As such, alternative modes of transport have been proposed as part of the scheme.

5.24 Overall, Officers acknowledge that the proposal would not provide parking for the proposed units. However, as noted above the existing uses of the building already have zero parking provision with a shortfall of 4 spaces to meet the Council's parking standards. The proposal would not increase this shortfall and the Council's Highways Team has not raised any concerns regarding the impact of the proposal on highway safety subject to conditions. Considering this, the absence of parking provision would not result in a level of harm that would justify refusing the application and no objections are raised with regard to Policy TR7.

### **Raising the quality of place making and design**

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

C1 (Development within a Conservation Area)

C6 (Alterations and Extensions to Listed Buildings)

EP4 (Landscaping)

EP6 (Designing to Reduce Crime)

H9 (Residential development and layout)

H11 (Alterations and extensions to dwellings)

5.25 With reference to heritage assets, the NPPF, Paragraph 189 requires applicants to describe the significance of any heritage assets, with the level of detail proportionate to the importance of the asset, and no more than is sufficient to understand the potential impact of the proposal on their significance.

5.26 Paragraph 193 advises that great weight should be given to the conservation of a heritage asset, with the weight varying depending on the importance of the asset. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (Paragraph 145).

5.27 The Historic Buildings Officer has reviewed the application and worked with the Applicant to secure revisions to ensure the development would maintain the

historic importance of the host Listed Building and conserve the Burnham Conservation Area.

- 5.28 In this case, a sensitive design approach has been taken in the conversion by using traditional details and materials in the refurbishment. The public benefits include the refurbishment of a disused building, the repair of an empty property and the creation of two new units of accommodation in a sustainable location. The proposed development is therefore in accordance with Section 16 of the NPPF, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Local Plan Policies C1 and C6.
- 5.29 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that developments, among other requirements, should function well and add to the overall quality of the area, should be visually attractive as a result of good architecture, layout and landscaping, and should be sympathetic to local character and history. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 5.30 Core Strategy Policy 8 states that all new development must be of a high standard of design and make a positive contribution to the character of the surrounding area.
- 5.31 Local Plan Policy EP3 states that development will only be permitted where its scale, layout, siting, height, design, external materials and use are compatible with the character and amenities of the site itself, adjoining development and the locality in general. Poor designs which are out of scale with their surroundings will not be permitted.
- 5.32 Within the existing cottages the proposed change of use would be predominantly limited to internal changes to the existing building with associated external alterations, there would be no increase in built footprint. The proposed external alterations to the cottage comprise the following:
- New front door, window and canopy at front elevation
  - Replacement of modern window at side elevation

- Replacement of modern windows at rear elevation
- Replacement ground floor doors at rear elevation
- Building re-painted in lime-white

5.33 As aforementioned above, the Historic Buildings Officer has been in consultation throughout the duration of the application to ensure any alterations to the building would not negatively impact on the Listed Building and Burnham Conservation Area. Planning conditions have been recommended from the Historic Buildings Officer regarding the proposed replacement windows and finish of the white render for the building.

5.34 The overall finish of the building would be improved, bringing it back to use resembling its original residential appearance. The proposed alterations are therefore considered to enhance the appearance of the building and its relationship with the high street.

5.35 The existing outbuilding was previously used as the butcher's workshop in connection with the retail unit. The outbuilding, as with the cottage, has been redundant since 2014. The existing stable comprises of a single storey structure with storage in the roof space to the rear of the existing cottage, and is finished in brickwork with a gabled roof, adjacent to Gore Road.

5.36 The proposed development comprises the conversion of the existing outbuilding to create a single, 2-bedroom dwelling.

5.37 The proposed external alterations to the existing outbuilding include a modest single storey extension to the east to form a bin and bike storage area and extended living room. A small extension is also proposed to the west to form a WC. Further external alterations include:

- Construction of two dormers and a conservation roof light at the northern elevation
- Installation of four ground floor windows and door at northern elevation
- Replacement windows at western flank elevation
- Construction of non-glazing dormer and two conservation roof lights at the southern elevation
- Replacement windows and doors at ground floor southern elevation
- Installation of two conservation roof lights at eastern elevation

- 5.38 The application has been amended following advice from the Historic Buildings Officer which includes amendments to the dormers and roof lights and reduction in size of the proposed extensions.
- 5.39 In terms of the proposed external alterations in order to carry out the conversion, the proposed scheme by virtue of the design details and finishes are not considered to detrimentally harm the character of the building, the Burnham Conservation Area or the setting of the Listed cottages. The outbuilding is curtilage listed but the building is only considered to be of modest historic significance.
- 5.40 The Historic Buildings Officer has confirmed that previous concerns have now been overcome, subject to planning conditions regarding the proposed windows and doors has reviewed the proposed design of the resultant dwelling.
- 5.41 Further external alterations to the site include the restoration of the yard to create a garden area to the west, the erection of a front/side boundary wall adjoining Gore Road and flank boundary and erection of a wall and access door to the private yard area for the new dwelling. The walls would be constructed of brickwork with an off-white paint finish to match the existing buildings.
- 5.42 Overall, it is considered that these external alterations to both the cottage and outbuilding would maintain the character and appearance of the Conservation Area. As such, the design, scale and siting of the development is considered to be acceptable when considered in terms of Local Plan Policies C1, C6, EP3 and H9.

#### **Amenity of existing and future residents**

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

H11 (Alterations and extensions to dwellings)

- 5.43 Local Plan Policy EP3 requires regard to be given to the amenities of adjacent properties. Policy EP5 states that development will be permitted only if it would provide for adequate daylight, and where possible sunlight, to reach into spaces around and between buildings and other physical features and would not result in a significant loss of daylight or sunlight to adjacent buildings or land.

- 5.44 Concerns have been raised from neighbouring properties regarding the conversion of both the cottage and outbuilding to form residential units. Specific concerns have been raised regarding the proposed fenestration within the rear elevation of the cottage, to serve a kitchen, bathroom, stairwell and study room. Neighbouring residents have specified that before the latest windows present at the rear of the building, obscure glazing was in place for a bathroom (now to be study) to prevent overlooking and to protect the amenities of neighbouring occupiers.
- 5.45 The proposed replacement windows within the rear elevation of the cottage would look towards the proposed dwelling (from the converted outbuilding), with views being had of the immediate neighbour's garden (No. 119). Officers do note that windows have always been present within the rear elevation of the cottage given its historic residential use, whereby no planning conditions have previously been imposed to restrict these windows to be obscurely glazed. A previous bathroom featured an obscurely glazed window, which is expected given the nature of the room. This window has since been replaced.
- 5.46 Whilst the proposed windows at first-floor level within the rear elevation of the cottage would provide a rear-facing outlook, in regards to the amenities of adjacent neighbouring properties to the south, it is not considered that they would encounter any harmful levels of overlooking or loss of privacy beyond the existing situation.
- 5.47 Within built up areas, a degree of overlooking is expected by virtue of the close proximity of buildings and amenity areas. In this case, windows have been present within the rear elevation of the first-floor serving an existing C3 unit for an extended period of time. Therefore, it is not considered that the replacement of these windows would create any additional overlooking beyond the existing and previous uses. The relationships between the row of cottages are similar, whereby all properties feature rear facing windows looking out towards the west. Officers do not consider it to be reasonable to add a planning condition for the rear facing windows to be obscurely glazed by virtue of the limited fenestration to serve the one-bedroom flat at first-floor level. However, by virtue of the nature of the room, it is considered appropriate to condition the bathroom to be obscurely glazed to protect the amenities of future occupiers.
- 5.48 In regards to the relationship with the proposed dwelling to be created to the west, the existing yard area in between would be retained, albeit aside from the erection of a modest extension and bin/bike storage area. The proposed dwelling would incorporate two Conservation style roof lights in the eastern

elevation facing the existing cottages. The roof lights would be small (approx. 0.5m x 0.5m) and would be installed approx. 0.7m from the floor level. However, given the close proximity to the cottages, and that this room would be fully habitable as a bedroom, it is considered appropriate to condition for the two roof lights to be obscurely glazed and fixed shut to prevent any direct overlooking. The bedroom would benefit from a principal window facing north and would continue to benefit from ample light within the room by virtue of the level of fenestration.

5.49 Under the previous refusal (15/00101/FUL) the second reason for refusal referred to the outlook for No. 121A High Street from the conversion and extension of the outbuilding to form a single dwelling. The latest scheme features modest extensions in comparison to the previous two storey extensions and retains a larger gap between the buildings. Officers therefore consider that this reason for refusal has been addressed and the proposed development would not appear overbearing or obtrusive for future occupiers of the cottage at No. 121A High Street.

5.50 Further concerns have been raised from residents over the proposed fenestration within the southern roof slope of the proposed dwelling. A central dormer window is proposed; however this would not feature any glazing and would be installed for the creation of headroom above the stairwell. Two conservation roof lights are proposed either side of the dormer, one to serve a bathroom and the other to bedroom 1. Officers acknowledge that it is a material planning consideration that under the previous refusal (15/00101/FUL) the installation of windows within the southern elevation was considered to 'introduce an unacceptable level of overlooking towards the private amenity areas of the neighbouring properties to the south of the site, which could not be sufficiently mitigated through the use of planning conditions'.

5.51 The previous refusal featured a significantly larger building with large areas of glazing, in addition to two storey extensions. By virtue of the internal layout, it previously would not have been considered appropriate to obscurely glaze the south facing windows by virtue of the bedrooms only having access to one primary window per room. In comparison to this, the latest scheme features two small roof lights. Given one of the proposed roof lights would serve a bathroom, similarly to above, it would be appropriate to impose a condition for this roof light to be obscurely glazed. In addition, Officers do note that the proposed roof light within the southern elevation, occupying Bedroom 1 would face in a southern direction towards the private amenity areas of neighbouring properties. As aforementioned above, Bedroom 1 would benefit from a principal

dormer window facing north, and a total of 3 roof lights. As such, it is considered appropriate that this roof light is also obscurely glazed and fixed shut to prevent any direct overlooking to the private amenity areas of neighbouring properties, whereby the bedroom would still benefit from an ample level of light, outlook and ventilation.

5.52 Furthermore, the previous scheme (15/00101/FUL) was also refused on the basis of inadequate amenity space for the future occupiers of the dwelling. The original amenity area was limited by virtue of the creation of a parking area and the outbuilding proposed to be significantly extended.

5.53 In comparison to this, the latest scheme does not feature a parking area whereby the proposed dwelling would benefit from a garden area to the west covering approx. 50sqm, in addition to a significant area of private yard, which could in the future be used for a further lawn area. The proposed amenity area would increase the previously proposed area under application 15/00101/FUL by over 100%, and Officers therefore consider that the previous reason refusal has been addressed. It is therefore considered that the dwelling would benefit from adequate amenity space to serve a 2-bedroom dwelling.

5.54 Whilst Officers acknowledge that the residential flats within the cottage would not benefit from any private amenity space, it is considered appropriate to consider the sustainable location and distance to immediate amenities and the overall size and spaciousness of the flats. It is also noted that the flat at first-floor level (No. 121A) is already in situ. Each flat measures approx. 46sqm (GIA) which exceeds the requirements of the Technical housing standards – nationally described space (2015). The proposed rear courtyard is considered to be acceptable on balance given the spaciousness of the proposed flats and the other benefits in respect of the proposed development contributing to the housing stock and the sustainable location.

5.55 Officers consider that by virtue of the significant changes made to the scheme following the refusal under 15/00101/FUL and the amendments made to the scheme throughout the duration of the application, that the proposed development would not adversely affect the amenities of neighbouring occupiers. The proposed development would not give rise to a loss of privacy, loss of light or an overbearing outlook for neighbouring residents. The proposed scheme is therefore considered to address previous reasons for refusal, and accord with Local Plan Policies EP3, EP5, H9 and H11.

## **Environmental issues**

Core Strategy Policies:

CP9 (Natural Environment)

CP13 (Environmental and resource management)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

5.56 Core Policy 9 of the adopted Core Strategy sets out that the highest priority will be given to the integrity of Burnham Beeches Special Area of Conservation (SAC). Paragraph 3.3.11 of the Core Strategy also states that “where a specific development could result in significant effects on the SAC, a project level (regulation 48) HRA will need to be carried out by the developer when the planning application is submitted to determine whether mitigation measures are required”. This is also consistent with Section 15 of the NPPF relation to ‘Conserving and enhancing the natural environment’.

5.57 Natural England have been consulted on this application and raise concerns regarding the impact on the Burnham Beeches SAC. Natural England state that when there is sufficient scientific uncertainty about the likely effects on the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.

5.58 Due to new evidence on the impacts of recreational and urban growth at Burnham Beeches SAC carried out by Footprint Ecology as part of the emerging Local Plan, Natural England recognises that new housing within 5.6km of the Burnham Beeches SAC can be expected to result in an increase in recreation pressure. The 5.6km zone presents the core area around the SAC where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.

5.59 Impacts to the SAC as a result of increasing recreational pressure are varied and have long been a concern. These impacts, which have the potential to adversely affects its interest features, including:

- Contamination (e.g. dog fouling, litter, spread of plant pathogens);
- Increased fire risk;
- Trampling/wear (e.g. loss of vegetation, soil compaction, erosion, damage to trees from climbing);

- Harvesting (e.g. fungi, wood);
- Difficulties in managing the site (e.g. maintain the grazing regime);
- Disturbance (e.g. affecting the distribution of livestock and deer).

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

5.61 Given the above, the Council has carried out an appropriate assessment for the proposed development (see Appendix C). This concludes that without mitigation measures the development is likely to have a significant effect upon the integrity of the SAC and with the result that Council would be required to refuse this planning application.

5.62 In order to mitigate such impact, the Council has adopted a Strategic Access Managements and Monitoring Strategy (SAMMS). The Council consider that the SAMMS, which is supported by Natural England, is a robust and capable means of mitigating the likely significance effects of the proposal over 500 metres and up to 5.6 kilometres provided the proposal pays a contribution towards the SAMMS. Natural England has also confirmed that subject to a legal agreement to secure this financial contribution they do not raise an objection on grounds relating to the development's impact on Burnham Beeches.

5.63 The need for a legal agreement has been brought to the attention of the applicant. As this application seeks the net increase of two residential units, it is appropriate to consider the impact of additional units of accommodation on the Burnham Beeches SAC.

5.64 A Legal Agreement has been progressed and subsequently completed to secure the financial contribution towards the SAMMS. The proposal is therefore in accordance with Core Policy 9 of the Core Strategy and Section 15 of the NPPF.

### **Developer Contributions**

Core Strategy Policies:

CP6 (Local infrastructure needs)

5.65 The Council has adopted a Community Infrastructure Levy (CIL) for certain forms of development. This does not affect the assessment of the proposed development, however the applicant has been made aware the permission is subject to CIL by virtue of the nature of the development.

## **6.0 Weighing and balancing of issues / Overall Assessment**

6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

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

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

6.3 The NPPF sets out the presumption in favour of sustainable development, and for decision making, setting out approving development proposals that accord with up to date development plans without delay.

6.4 Section 2, Paragraph 8 of the NPPF sets out three overarching objectives, these are set out as Economic, Social and Environmental objectives. Overall, it is considered that the proposed development would align with the aims of sustainable development in line with section 2 of the NPPF. The proposal would fulfil economic objectives in terms of supporting growth. The proposal would result in the creation of temporary jobs during the construction phase of the proposed development. A social objective would also be met as the proposal would provide additional housing and would make effective and efficient use of land, whilst giving regard to the built environment.

- 6.5 The conversion project will help to sustain this valuable listed building within the Burnham Conservation Area, and will help to ensure its upkeep and maintenance in the future.
- 6.6 Overall, it is considered that the change of use of a redundant building would provide a more viable use of the buildings and would amount sustainable development as envisaged by the NPPF. The proposed development would therefore accord with both National and Local Plan Policies and is subsequently recommended for conditional permission.
- 6.7 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 6.8 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 of planning permission being granted in this instance.

## **7.0 Working with the applicant / agent**

- 7.1 In accordance with Paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 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 As aforementioned above, amended plans and additional information was put forward following concerns raised by Officers. In this instance, the applicant/agent was updated of any issues after the initial site visit and was provided the opportunity to submit amendments to the scheme/address issues.

### **Recommendation: Conditional permission**

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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building. (SM03)

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

3. The mix for external lime render shall include mineral aggregate to create a textured finish similar to that pertaining to the rear of the other properties in the terrace. The colour shall match the existing building with a finish in off-white.

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

4. All new windows and doors are to be fabricated from solid natural timber and finished in an off-white paint.

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

5. Before the first occupation of the development hereby permitted the roof lights in the east and south elevations of the proposed dwelling shall be fixed with obscured glazing and fixed shut. The roof lights shall be permanently retained in that condition thereafter unless agreed in writing by the Local Planning Authority.

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

6. Before the first occupation of the development hereby permitted the first-floor rear window accommodating the bathroom shall be fixed with obscured glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed, shall be non-opening. The window shall be permanently retained in that condition thereafter unless agreed in writing by the Local Planning Authority.

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

7. No further windows, dormer windows or roof lights shall be inserted at or above first floor level in all elevations of the dwelling hereby approved, or at first floor level in the rear elevation of the cottage.

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

8. 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.)

9. The development hereby permitted shall be implemented in accordance with the details of landscaping submitted and approved as part of this application, unless otherwise agreed in writing.

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.)

10. Notwithstanding the details submitted, prior to the erection of the new wall at the north and west boundaries forming an enclosure for the privacy amenity garden, full details of the proposed wall shall be submitted and approved by the Local Planning Authority. These details shall include the proposed positioning and height of the proposed boundary wall to ensure the visibility splays for the existing access onto Gore Road is maintained.

Reason: In order to minimise danger and inconvenience to highway users.

11. Prior to the occupation of development the bike and bin storage area as shown on the submitted plans shall be erected and shall not be used for any other purpose.

Reason: To ensure adequate space is provided for bin storage in accordance with the waste teams standards.

12. Notwithstanding the provisions of Article 3 and Classes A, C & D of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and/or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of or to the dwellinghouse hereby approved the subject of this permission, shall be carried out.

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

13. This permission relates to the details shown on the approved plans as listed below:

**Received Plan Reference**

21 Nov 2019	H1206-3
21 Nov 2019	H1206-5
21 Nov 2019	H1206-2
21 Nov 2019	H1206-4
21 Nov 2019	18112/001A Location and Block Plans REV A
21 Nov 2019	H1206-1
13 Feb 2020	18112/006 Elevations as Proposed (Cottage) REV B
13 Feb 2020	18112/007 Elevations as Proposed (Stable) REV B
13 Feb 2020	18112/011 Fireplace as Proposed (Cottage) REV A
13 Feb 2020	18112/005 FF Plan as Proposed (Stable) REV B
13 Feb 2020	18112/004 GF Plan as Proposed (Stable) REV B
13 Feb 2020	18112/012 Indicative Door as Proposed REV A
13 Feb 2020	18112/015 Indicative Door Plan Section as Proposed REV A
13 Feb 2020	18112/016 Indicative Door Vertical Section as Proposed REV A
13 Feb 2020	18112/013 Indicative Window Plan Section as Proposed REV A
13 Feb 2020	18112/014 Indicative Window Vertical Section as Proposed REV A
13 Feb 2020	18112/010 Indicative Window as Proposed REV A
13 Feb 2020	18112/003 Plans as Proposed (Cottage) REV A
13 Feb 2020	18112/002A Site Plan as Proposed REV 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](http://www.ccscheme.org.uk). (SIN35)

2. You are advised that consent under the Building Regulations may be required for the proposed development and the Building Control Unit at the Council should be contacted in this regard. (SIN41)
3. This planning permission does not purport to grant listed building consent for the proposed works, for which a separate application is ref. PL/19/4037/HB has been submitted. (SIN18)
4. 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>.

## **APPENDIX A: Consultation Responses and Representations**

### **Parish Council Comments**

'The Committee resolved to object to the application, as it was felt the proposal would result in superfluous development to a listed building. Moreover, the design was not sympathetic to the Conservation Area, notably the dormer windows and revised frontage. Additionally, it would lead to greater vehicle movements from the site onto a busy road; there was no scheme for parking and manoeuvring; there was no clear scheme for the collection of refuse; the extension at the rear would have an adverse impact on the residential amenity of the neighbouring property, due to mutual overlooking and increased noise due to closer proximity. The Committee added that the proposal would result in the loss of important commercial space, and the applicant had not done enough to demonstrate there was insufficient demand for it to remain a mixed A1/C3 use. The Committee noted that if the District Council were minded to grant permission for work at the site, it would be considered least expansive if it was for a lone dwelling at the most, as opposed to the formation of two'.

### **Following amended plans:**

'The Committee RESOLVED to OBJECT to the application, as it was felt the proposal would result in superfluous development to a listed building. Moreover, the design was not sympathetic to the Conservation Area, notably the dormer windows and revised frontage. Additionally, it would lead to greater vehicle movements from the site onto a busy road; there was no scheme for parking and manoeuvring; there was no clear scheme for the collection of refuse; the extension at the rear would have an adverse impact on the residential amenity of the neighbouring property, due to mutual overlooking and increased noise due to closer proximity.

The Committee added that the proposal would result in the loss of important commercial space, and the applicant had not done enough to demonstrate there was insufficient demand for it to remain a mixed A1/C3 use.

The Committee noted that if the District Council were minded to grant permission for work at the site, it would be considered least expansive if it was for a lone dwelling at the most, as opposed to the formation of two'.

### **Consultation Responses**

#### **Highways:**

'High Street is a 'C' class road subject to a speed restriction of 30mph in the vicinity of the site. Proposals include internal and external changes to facilitate two dwellings, and the change of use from a mixed A1/C3 to C3 (dwellinghouses) use only.

The proposals would result in the loss of 90sqm of A1 floorspace and the provision of a 1x1 bed flat and a 1x2 bed flat. In terms of trip generation, I can confirm that the proposals would have the potential to result in a reduction in movements in association with the site. The site currently does not benefit from any access point and no parking spaces are proposed to serve the site. I note, however that the site is in a sustainable location from a

highways perspective and the parking requirement is no worse than what the site currently requires without the need for planning permission. Therefore, I do not consider I could reasonably raise objections on this basis.

Mindful of the above, I have no objection to the proposals, and in this instance I have no conditions to suggest be included on any planning consent that you may grant’.

**Following amended plans:**

‘I was asked by the Planning Officer to provide additional comments on this site due to concerns surrounding the proposed wall that is to be erected adjacent to the existing access. As stated in my previous response, I noted that my colleague provided comments on this application on the 12th December 2019. The amended plans are not materially different to that of which my colleague previously commented on, however it should be noted that the scheme proposes a total of three residential properties.

The current proposals would result in the loss of 90sqm of A1 floorspace and the provision of two, one bed flats and of a one, two bedroom dwellinghouse. In terms of trip generation, I can confirm that the proposals would not represent a material increase in vehicle movements to and from the site.

A wall is proposed to be erected adjacent to the existing access at the north west of the site plan. I do have concerns that this wall could affect visibility for vehicles coming out of this access onto Gore Road. In order to alleviate these concerns, I must request that the proposed wall is raised no more than 0.6 metres in order to retain the existing level of visibility at this existing access. This will be secured by way of planning condition. In summarising the 2019 application my colleague wrote:

“The site currently does not benefit from any access point and no parking spaces are proposed to serve the site. I note, however that the site is in a sustainable location from a highways perspective and the parking requirement is no worse than what the site currently requires without the need for planning permission. Therefore I do not consider I could reasonably raise objections on this basis”.

Mindful of the above, I do not have any objections to this proposal subject to the following conditions and informative points imposed in any consent you may grant’.

**Heritage:**

‘...I am satisfied that the recent revised specification and drawings for No. 121 satisfy the planning guidance relating to the refurbishment and conversion of urban listed buildings within the District. No. 121 is at the northern end of a terrace of early C18 cottages, and at some point was turned into a shop, latterly a butchers shop. The land to the rear includes a building that was reportedly a stables and later butchers workshop for the processing and cold storage of meats.

The present proposal is attempting to address some outstanding enforcement issues as works to effect a conversion were commenced without the requisite consents being in

place. The standard of the previous works was poor, and compliance with official guidance needs to be assured.

In principle, there is no impediment to converting the cottage into two separate flats. The use of two separate front doors is a little incongruous, although these are to the rear and the impact is modest. By negotiating with the planning agent over the past couple of months, it has been possible to resolve the majority of the outstanding design and detail issues. We now have a viable detail for the replacement windows, and it should be possible to show on a plan which windows are to be replaced. The ground floor window facing Gore Road should be retained and conserved for the future as it is recoverable and contains handmade plain glazing.

As regard the conversion of the outbuilding to habitable accommodation, the building in question – though curtilage listed – is only of modest historic significance and the arrangement of rooms and spaces is logical. The size of the dormers has been decreased and the overall character of the building survives. The extension is modest in size and necessary in order to create bin and bicycle storage. The use of lime plaster for the internal of the outbuilding is acceptable. The external finish of the outbuilding should remain as whitewashed brick, and all the other conditions relating to windows etc. above should remain as per the cottage.

Otherwise, all the aspects of the development are in tune with local and national conservation and planning guidance. The conversion project will help to sustain this valuable listed building within the Burnham Conservation Area, and will help to ensure its upkeep and maintenance in the future. I am therefore happy to recommend a conditional approval for the proposals’.

**Natural England:**

‘Objection – further information required to determine impacts on designated sites – development within 5.6 kilometres of Burnham Beeches Special Area of Conservation (SAC). Between 500 metres to 5.6km from Burnham Beeches SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity. This should be in line with emerging Local Plan Policy DM NP3, which requires proposals to:

1. Make financial contributions towards the Burnham Beeches Access Management Scheme, or any subsequent scheme which replaces this; and
2. Demonstrate that no adverse impacts on the SAC will arise as a result of additional visitors to the SAC from the development. This may require the provision of bespoke mitigation, such as Suitable Alternative Natural Greenspace (SANG), as part of the development in order to offset visitor pressure to the SAC. Such mitigation will need to be determined in agreement with Natural England.

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation’.

OFFICER NOTE: Given the nature of development, a financial contribution has been sought through a prepared Legal Agreement towards the Burnham Beeches Access Management Scheme.

**Waste:**

'Following on from the additional plans presented by the applicant showing bin stores which can house 4x 240L containers we have no objections. Residents to store their containers here and present at the property boundary on collection day. All collections to take place in accordance with Council policies'.

**Representations**

A total of 15 neighbouring properties have objected to the proposed development, and 1 letter of support has been received. These comments are summarised as below:

Character and Appearance:

- Roof dormers are totally out of character to the surrounding area and would not sit well in the local street scene especially in a listed building
- Detrimental to conservation area

Residential Amenity:

- The alterations to the outbuilding would include window on the south elevation which would overlook our property and garden
- Window of the proposed study and stairwell of proposed first floor flat would overlook our kitchen patio from less than a metre – before works started the windows in those areas were obscurely glazed
- Loss of light

Parking and Highways:

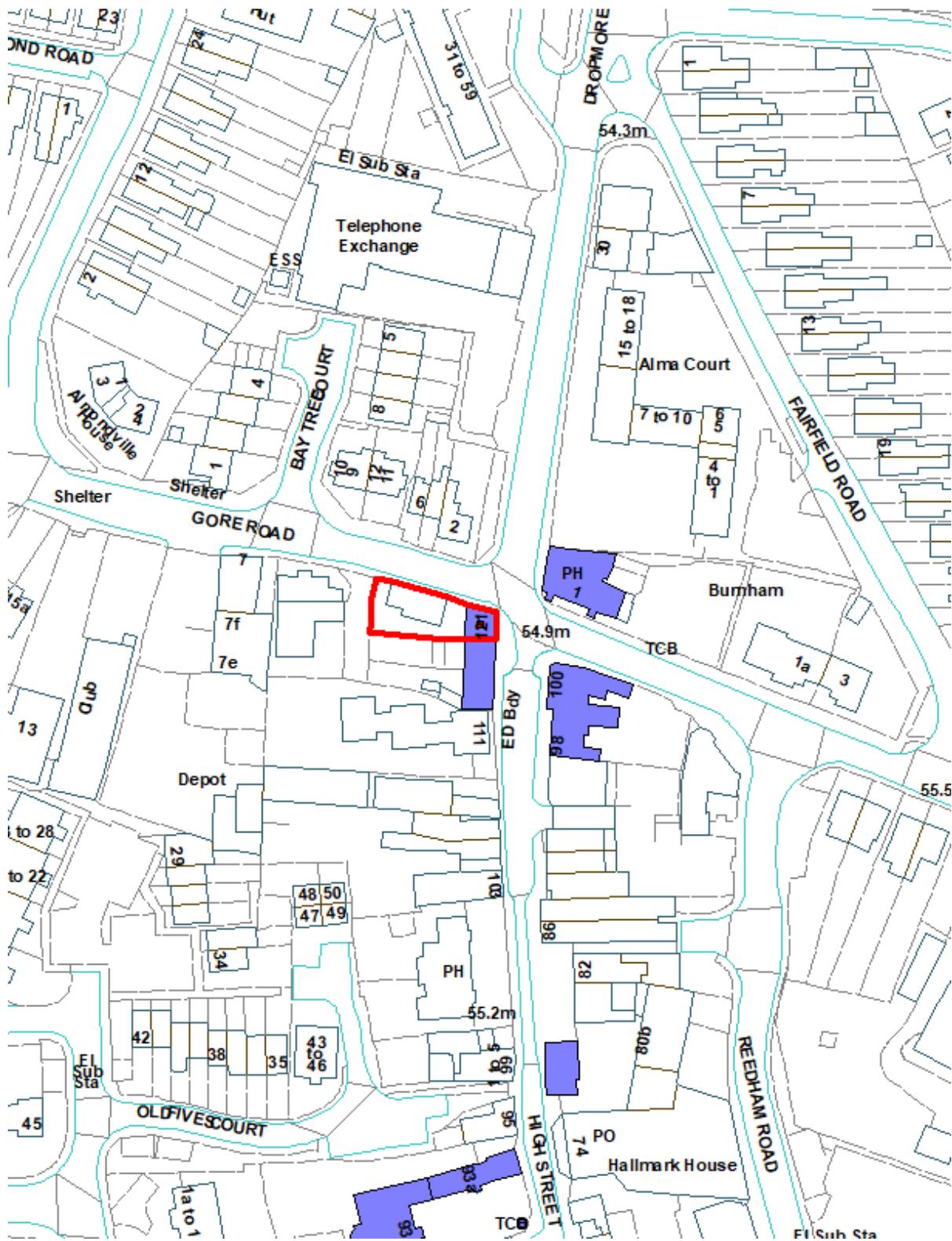
- No parking provision for the dwellings
- More cars will be parked on Gore Road and surrounding side roads where parking is already an issue
- Residents will be impacted by residents of the new dwellings parking on roads and taking up limited space
- Additional strain on already overcrowded roads
- The proposed boundary wall along Gore Road would impede vehicular visibility and will be dangerous for both pedestrians and road users

Other matters:

- Loss of retail shop unit
- Burnham High Street is already struggling to retain enough footfall to make running a retail business in the high street viable
- The loss of a retail shop unit reduces the attraction and variety of shops available and the high street is more likely to lose out to out of town shopping and a further decline in shoppers footfall
- Working on listed building without permission
- Owner is a property developer
- Listed building implications in terms of internal materials and works

- Previous refusal in 2015
- Removal of a tree to the rear – would want this replaced
- Legal right of access from side gate to the back of 121 High Street
- Noise levels will increase
- Construction traffic increase
- Bin provision

## APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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## **APPENDIX C: Appropriate Assessment**

### **Application Ref. PL/19/4036/FA**

**Proposal: Internal and external restoration to house and outbuilding to create two dwellings; replacement of modern windows and doors with traditionally designed elements. Alterations to curtilage listed outbuilding including rear storey extension, addition of front and rear dormers and internal alterations. Change of use to dwelling (Use Class C3) only.**

#### **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)<sup>1</sup>. 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 Ecology<sup>2</sup> 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 in to

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<sup>1</sup> <https://www.chiltern.gov.uk/article/10331/Chiltern-and-South-Bucks-Local-Plan-Submission-Documents>

<sup>2</sup> <https://www.chiltern.gov.uk/article/10331/Chiltern-and-South-Bucks-Local-Plan-Submission-Documents>

a legal agreement with 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, support the findings in the HRA.

## **Appropriate Assessment of Planning Application reference number XXXX**

### **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 from the BB SAC boundary provided the proposal pays a contribution towards the Strategic Access Management and Monitoring Strategy and legal fees to the Council.

#### **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 each net home.

#### **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.

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

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## Report to South Buckinghamshire Area Planning Committee

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<b>Application Number:</b>	PL/19/4037/HB
<b>Proposal:</b>	Listed Building Application for: Internal and external restoration to house and outbuilding to create two dwellings; replacement of modern windows and doors with traditionally designed elements. Alterations to curtilage listed outbuilding single storey rear extension, addition of dormers and internal alterations. Change of use to C3 only.
<b>Site Location:</b>	121 High Street Burnham Buckinghamshire SL1 7JZ
<b>Applicant:</b>	Ms H Dosanjh
<b>Case Officer:</b>	Vicki Burdett
<b>Ward affected:</b>	Farnham Common & Burnham Beeches
<b>Parish Council:</b>	Burnham Parish Council
<b>Valid date:</b>	21 November 2019
<b>Determination date:</b>	24 January 2020
<b>Recommendation:</b>	Conditional consent

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Consent is sought for the internal and external restoration to house and outbuilding to create two dwellings; replacement of modern windows and doors with traditionally designed elements. Alterations to curtilage listed outbuilding single storey rear extension, addition of dormers and internal alterations. Change of use to C3 only.

- 1.2 The cottage is Grade II listed. The premises have been vacant for a significant period and the buildings are currently in a poor state of repair. The proposal would return the cottage to its original historic use as a dwelling and would facilitate its restoration to a viable long term use that would ensure its upkeep and maintenance in the future. The applicant has also worked closely with the Council's Historic Buildings Officer and he comments that all aspects of the development are in tune with local and national conservation and planning guidance.
- 1.3 The application has been referred to the Planning Committee following discussion between Officers and the Chairman. In the interests of the wider public it is considered the application would benefit from further scrutiny.
- 1.4 The recommendation for this application is Conditional Consent.

## **2.0 Description of Proposed Development**

- 2.1 Consent is sought for the internal and external restoration to house and outbuilding to create two dwellings; replacement of modern windows and doors with traditionally designed elements. Alterations to curtilage listed outbuilding single storey rear extension, addition of dormers and internal alterations. Change of use to C3 only.
- 2.2 The application relates to 121 High Street in Burnham; an end-of terrace Grade II Listed Cottage located on the corner of the High Street and Gore Road, within the designated Burnham Conservation Area and Local Shopping Centre. The cottage was previously used as a butcher's shop at ground floor, with accommodation above and a large butchers workshop sited within the rear yard area of the site (also known as 'The Stable'). The application site is lawfully within a mixed A1/C3 use, but is currently redundant with the front of the shop boarded up.
- 2.3 The application is accompanied by:
  - a) Heritage Statement
  - b) Design and Access Statement
  - c) Structural Engineering Report

- 2.4 Throughout the duration of the application amended plans have been received whilst in consultation with Officers to reach an outcome which satisfies concerns raised. These amendments include the reduction in the number and size of the dormer windows, reduction in the size of the proposed extension, reduction in height of the proposed retaining wall and the submission of additional information at the request of the Historic Buildings Officer.

### **3.0 Relevant Planning History**

- 3.1 PL/19/4037/HB – Pending Decision - Listed Building Application for: Internal and external restoration to house and outbuilding to create two dwellings; replacement of modern windows and doors with traditionally designed elements. Alterations to curtilage listed outbuilding single storey rear extension, addition of dormers and internal alterations. Change of use to C3 only.
- 3.2 17/01186/LBC – Refused – 3 January 2018 - Replacement shop front, alterations to fenestration, removal of rear fire escape and internal alterations. Reason for Refusal:
- ‘Insufficient information has been provided with this application to assess whether it would be appropriate to give Listed Building Consent for the proposed replacement shop front, internal alterations and changes to the fenestration details. A detailed Heritage Statement, Structural Survey and material details are required to facilitate a proper assessment of the proposals. As such, the proposal is contrary to policy C6 of the South Bucks District Local Plan (adopted March 1999) and guidance contained in the National Planning Policy Framework relating to Heritage Assets’.*
- 3.3 15/00102/LBC – Conditional Permission – 16 March 2015 - Listed Building Application for replacement shop front, alterations to fenestration, internal alterations and removal of rear fire escape. Two storey extensions, alterations and additions to fenestration, internal alterations to outbuilding to facilitate conversion into 3 bedroom residential dwelling incorporating erection of fencing.
- 3.4 15/00101/FUL – Refused – 16 March 2015 - Replacement shop front, alterations to fenestration and removal of rear fire escape. Two storey extensions, alterations and additions to fenestration and change of use of outbuilding to facilitate conversion into 3 bedroom residential dwelling incorporating

formation of vehicular access and erection of fencing. The application was refused for the following reasons:

*“Due to the proximity of the resulting development to the southern boundary of the application site and the number of first floor windows that would be inserted into the southern elevation of the proposed dwelling - four in total compared to none at present - the proposal would introduce an unacceptable level of overlooking towards the private amenity areas of the neighbouring properties to the south of the site, which could not be sufficiently mitigated through the use of planning conditions. As such, the proposal would reduce privacy and cause harm to the residential amenities currently enjoyed by the occupants of these neighbouring properties. As such, the application is contrary to policies EP3 and H9 of the South Bucks District Local Plan (adopted March 1999) and paragraph 17, bullet 4 of the NPPF”.*

*“Due to its height, bulk and close proximity to number 121A High Street, the proposal would appear obtrusive and unduly prominent from the sole window serving the proposed bedroom of this neighbouring property and would adversely affect the outlook and visual amenities currently enjoyed by its occupants. As such, the application is contrary to policies EP3 and H9 of the South Bucks District Local Plan (adopted March 1999) and paragraph 17, bullet 4 of the NPPF”.*

*“The proposed amenity space would have a width of 6.5 metres and depths of 3.3 metres and 4.4 metres respectively at its western and eastern boundaries. No other residential properties in the immediate locality have such a small garden when compared to the size of dwelling. The proposed amenity space would not be commensurate to the size of dwelling proposed and as such would be detrimental to the residential amenities of the occupiers of the proposed property. Therefore, the proposal is contrary to policy H9 of the South Bucks District Local Plan (adopted March 1999) and paragraph 17, bullet 4 of the NPPF”.*

*“The proposed access is at a point where visibility is substandard and would lead to danger and inconvenience to people using it and to highway users in general. As such, the development is contrary to policy TR5 of the South Bucks District Local Plan (adopted March 1999), the National Planning Policy Framework and the aims of Buckinghamshire's Local Transport Plan 3”.*

#### **4.0 Summary of Representations**

- 4.1 Two letters of objection and one letter of support have been received. 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 2019.
- Planning (Listed Buildings and Conservation Areas) Act 1990.
- 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)
- Draft Chiltern and South Bucks Local Plan 2036.
- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Townscape Character Study 2017

### Impact on Designated Heritage Asset

Core Strategy Policies:

CP8 (Built and Historic Environment)

CP11 (Healthy and viable town and village centres)

Local Plan Saved Policies:

C6 (Alterations and extensions to Listed Buildings)

5.1 Listed building consent is required for the external and internal alterations proposed to enable to the restoration and conversion of the existing cottage and outbuilding to facilitate the creation of 2 residential units. This report deals only with the assessment of the proposals in terms of impact on the heritage significance of the listed building. The report relating to the planning application, submitted in parallel to this application, gives consideration to the impact of the proposals on the significance of the Burnham Conservation Area.

5.2 The NPPF (2019) at section 16 "Conserving and enhancing the historic environment" at paragraph 185 endorses a positive strategy for the conservation and enjoyment of the historic environment. Local planning

authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the benefits that conservation of the historic environment can bring, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 advises that, when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 5.3 Paragraph 195 states that proposals that would lead to substantial harm to (or total loss of significance of) a designated heritage asset should normally be refused, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 196 advises that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.4 Core Strategy policy 8 states that the protection and, where appropriate, enhancement of the District's historic environment is of paramount importance. In particular, nationally designated historic assets and their settings, for example Scheduled Ancient Monuments and Grade I, II\* and II listed buildings, will have the highest level of protection.
- 5.5 Local Plan Policy C6 states that approval will not be given to proposals for alterations or extensions which would harm the character or appearance of a listed building, its features of special architectural or historic interest, or its setting.
- 5.6 The Grade II Listed building has been vacant for an extended period where the use ceased to trade in 2014. The building is in need of restoration as it is in a poor state of repair whereby consent is sought to change the use and improve the building in order to restore the heritage asset, re-enhance the vitality of the centre and provide additional housing. As the building is listed and has been uninhabitable for a period of time, the Council attach great weight to the restoration of this building to enable a viable use and sustaining the future of the heritage asset. It is also noted, that a proposed change of use would return the building to its original historic form and therefore no objections are raised.

- 5.7 The proposed works seek to restore and conserve the cottage at No. 121 High Street and the outbuilding, and the proposal to convert the buildings to create residential units give rise to no objection. It is acknowledged that many of the individual proposals put forward give rise to no harm, or could be beneficial, in terms of maintaining the significance of the cottage as a heritage asset, subject as appropriate to control through conditions.
- 5.8 Internal works to the existing first floor (No.121A) has already commenced of which the Historic Buildings Officer is aware. The scheme has been amended whilst in consultation with the Historic Buildings Officer whereby no objections have been raised, subject to conditions.
- 5.9 In this case, a sensitive design approach has been taken in the conversion by using traditional details and materials in the refurbishment. The public benefits of the development include the refurbishment of a disused stable, the repair of an empty property and the creation of two new units of accommodation in a sustainable location. The proposed development therefore accords with Local Plan Policy C6, Core Policy 8, Section 16 of the NPPF and Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **6.0 Weighing and balancing of issues / Overall Assessment**

- 6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 6.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
  - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,

c. Any other material considerations

6.3 As set out above it is considered that the proposed development would accord all relevant National and Local Plan Policies.

6.4 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

6.5 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 of planning permission being granted in this instance.

## **7.0 Working with the applicant / agent**

7.1 In accordance with Paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

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 As aforementioned above, amended plans and additional information was put forward following concerns raised by Officers. In this instance, the applicant/agent was updated of any issues after the initial site visit and was provided the opportunity to submit amendments to the scheme/address issues.

### **Recommendation:** Conditional consent

Subject to the following conditions:-

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of this decision notice. (SS05)

Reason: To comply with the requirements of Section 18(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or any statutory amendment or re-enactment thereof).

2. The works to which this consent relates shall be undertaken solely in accordance with the drawings referred to in the list at the foot of this decision notice. (SMS14a)

Reason: To safeguard the character, appearance and interest of this listed building and to accord with the terms of the submitted application. (Policy C6 of the South Bucks District Local Plan (adopted March 1999) refers.)

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building. (SM03)

Reason: To protect and maintain important historic features of the listed building (Policies C6 of the South Bucks District Local Plan (adopted March 1999) and CP8 of the South Bucks Core Strategy (adopted February 2011) refer.)

4. The mix for external lime render shall include mineral aggregate to create a textured finish similar to that pertaining to the rear of the other properties in the terrace. The colour shall match the existing building with a finish in off-white.

Reason: To protect and maintain important historic features of the listed building (Policies C6 of the South Bucks District Local Plan (adopted March 1999) and CP8 of the South Bucks Core Strategy (adopted February 2011) refer.)

5. Prior to the occupation of development all sharp angle beads applied previously are to be removed and replaced with rounded timber plaster beads.

Reason: To protect and maintain important historic features of the listed building (Policies C6 of the South Bucks District Local Plan (adopted March 1999) and CP8 of the South Bucks Core Strategy (adopted February 2011) refer.)

6. All window openings are to include linings in natural timber, with a bullnose finish internally without architrave.

Reason: To protect and maintain important historic features of the listed building (Policies C6 of the South Bucks District Local Plan (adopted March 1999) and CP8 of the South Bucks Core Strategy (adopted February 2011) refer.)

7. All door frames are to be surrounded by an architrave based upon the surviving C18 architrave to the upstairs cupboard at No. 119 High St adjacent.

Reason: To protect and maintain important historic features of the listed building (Policies C6 of the South Bucks District Local Plan (adopted March 1999) and CP8 of the South Bucks Core Strategy (adopted February 2011) refer.)

8. All new windows and doors are to be fabricated from solid natural timber, and painted an off-white.

Reason: To protect and maintain important historic features of the listed building (Policies C6 of the South Bucks District Local Plan (adopted March 1999) and CP8 of the South Bucks Core Strategy (adopted February 2011) refer.)

<b><u>Received</u></b>	<b><u>Plan Reference</u></b>
21 Nov 2019	H1206-2
21 Nov 2019	H1206-4
21 Nov 2019	18112/001A
21 Nov 2019	H1206-1
29 Nov 2019	D-CRPM-01 REV G
29 Nov 2019	D-CRPM-02 REV G
29 Nov 2019	D-CRPM-03 REV G
29 Nov 2019	D-CRPM-04 REV G
13 Feb 2020	1811/2012 REV A
13 Feb 2020	18112/003 REV A
13 Feb 2020	18112/006 REV B
13 Feb 2020	18112/007 REV B
13 Feb 2020	18112/011 REV A
13 Feb 2020	18112/005 REV B
13 Feb 2020	18112/004 REV B
13 Feb 2020	18112/012 REV A
13 Feb 2020	18112/015 REV A
13 Feb 2020	18112/016 REV A
13 Feb 2020	18112/010 REV A
13 Feb 2020	18112/013 REV A
13 Feb 2020	18112/014 REV A
13 Feb 2020	18112/002A REV B

## **APPENDIX A: Consultation Responses and Representations**

### **Parish/Town Council Comments**

'The Committee resolved to object to the application, as it was felt the proposal would result in superfluous development to a listed building. Moreover, the design was not sympathetic to the Conservation Area, notably the dormer windows and revised frontage. Additionally, it would lead to greater vehicle movements from the site onto a busy road; there was no scheme for parking and manoeuvring; there was no clear scheme for the collection of refuse; the extension at the rear would have an adverse impact on the residential amenity of the neighbouring property, due to mutual overlooking and increased noise due to closer proximity. The Committee added that the proposal would result in the loss of important commercial space, and the applicant had not done enough to demonstrate there was insufficient demand for it to remain a mixed A1/C3 use. The Committee noted that if the District Council were minded to grant permission for work at the site, it would be considered least expansive if it was for a lone dwelling at the most, as opposed to the formation of two'.

### **Following amended plans:**

'The Committee RESOLVED to OBJECT to the application, as it was felt the proposal would result in superfluous development to a listed building. Moreover, the design was not sympathetic to the Conservation Area, notably the dormer windows and revised frontage. Additionally, it would lead to greater vehicle movements from the site onto a busy road; there was no scheme for parking and manoeuvring; there was no clear scheme for the collection of refuse; the extension at the rear would have an adverse impact on the residential amenity of the neighbouring property, due to mutual overlooking and increased noise due to closer proximity.

The Committee added that the proposal would result in the loss of important commercial space, and the applicant had not done enough to demonstrate there was insufficient demand for it to remain a mixed A1/C3 use.

The Committee noted that if the District Council were minded to grant permission for work at the site, it would be considered least expansive if it was for a lone dwelling at the most, as opposed to the formation of two'.

### **Consultation Responses**

#### **Heritage**

'...I am satisfied that the recent revised specification and drawings for No. 121 satisfy the planning guidance relating to the refurbishment and conversion of urban listed buildings within the District. No. 121 is at the northern end of a terrace of early C18 cottages, and at some point was turned into a shop, latterly a butchers shop. The land to the rear includes a building that was reportedly a stables and later butchers workshop for the processing and cold storage of meats.

The present proposal is attempting to address some outstanding enforcement issues as works to effect a conversion were commenced without the requisite consents being in

place. The standard of the previous works was poor, and compliance with official guidance needs to be assured.

In principle, there is no impediment to converting the cottage into two separate flats. The use of two separate front doors is a little incongruous, although these are to the rear and the impact is modest. By negotiating with the planning agent over the past couple of months, it has been possible to resolve the majority of the outstanding design and detail issues. We now have a viable detail for the replacement windows, and it should be possible to show on a plan which windows are to be replaced. The ground floor window facing Gore Road should be retained and conserved for the future as it is recoverable and contains handmade plain glazing.

As regard the conversion of the outbuilding to habitable accommodation, the building in question – though curtilage listed – is only of modest historic significance and the arrangement of rooms and spaces is logical. The size of the dormers has been decreased and the overall character of the building survives. The extension is modest in size and necessary in order to create bin and bicycle storage. The use of lime plaster for the internal of the outbuilding is acceptable. The external finish of the outbuilding should remain as whitewashed brick, and all the other conditions relating to windows etc. above should remain as per the cottage.

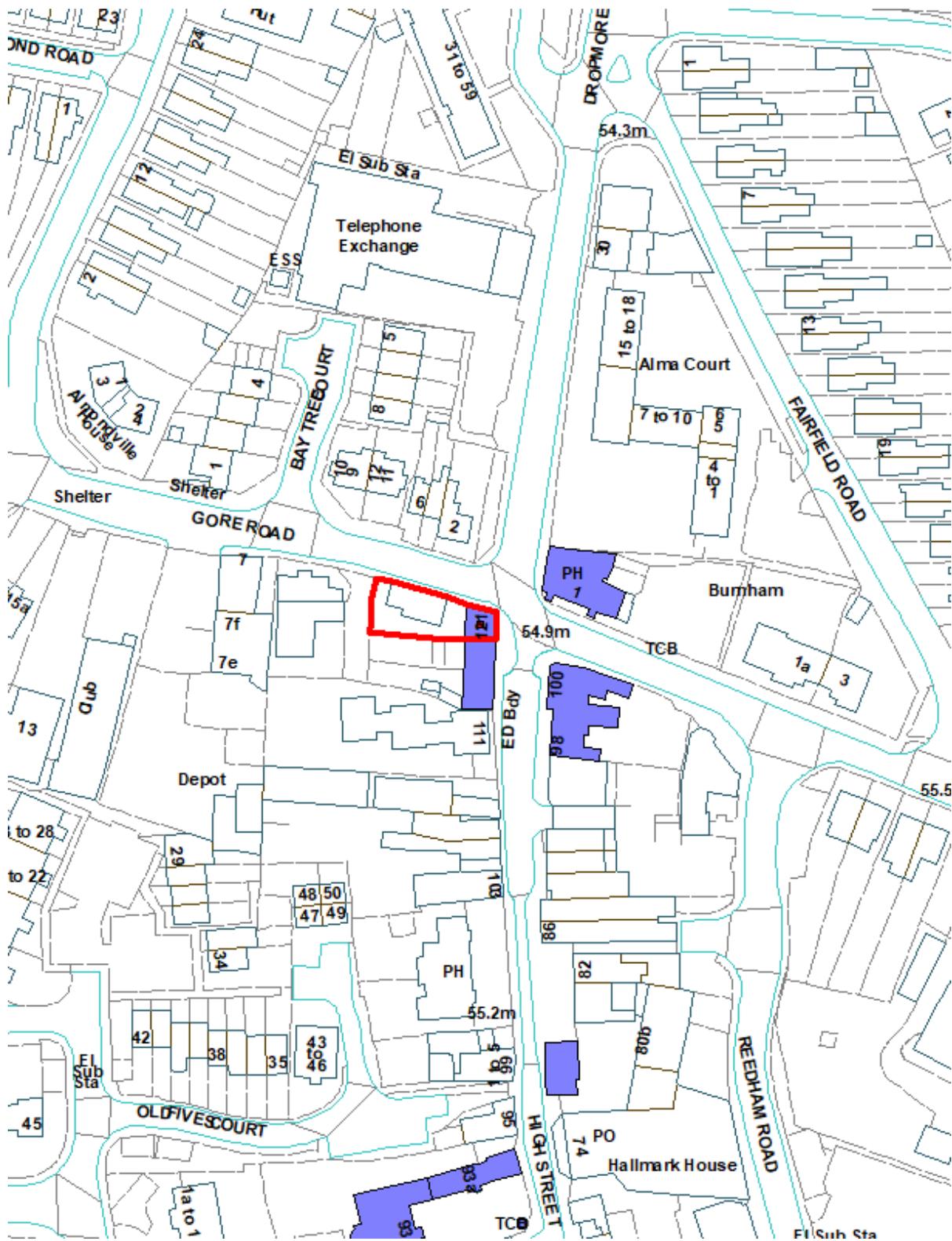
Otherwise, all the aspects of the development are in tune with local and national conservation and planning guidance. The conversion project will help to sustain this valuable listed building within the Burnham Conservation Area, and will help to ensure its upkeep and maintenance in the future. I am therefore happy to recommend a conditional approval for the proposals’.

## **Representations**

Two letters of objection and one letter of support have been received, and are summarised as follows:

- Loss of retail shop
- Loss of shop reduces the attraction and variety of shops available
- No on-site parking
- Dormers are out of character with the surrounding area
- Owner is a property professional
- Removal of lath and plaster
- Overlooking and loss of privacy
- Impact on Conservation Area
- Development has become an eyesore for the village
- Property and outbuilding need to be bought back into life as a usable premises
- High Street has many empty commercial premises
- Conversion will blend in nicely with the neighbouring residential development

## APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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