



Report to South Buckinghamshire Area Planning Committee

Site Location:

Land South of Rowley Lane, Wexham, Buckinghamshire

Proposal:

Residential development consisting of 5 no. dwellings with associated access and landscaping, following demolition of existing buildings associated with the livery and storage uses on site.

Application Number: PL/20/1685/FA

Applicant: Daniel Family Homes

Case Officer: Richard Regan

Ward affected: Stoke Poges & Wexham

Parish Council: Wexham Parish Council

Valid date: 1 June 2020

Determination date: 27 October 2020

Recommendation: Delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and any others which he considers appropriate and the satisfactory prior completion of a Legal Agreement relating to mitigation of Burnham Beeches SAC. If the Legal Agreement cannot be completed the application be refused for such reasons as considered appropriate.

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application proposes the redevelopment of the site, which lies within the Green Belt, to provide a residential development consisting of 5 dwellings following the demolition of all existing buildings.

- 1.2 The proposal to redevelop this previously developed site would not have a greater impact on the openness of the Green Belt or its purposes. The proposal would therefore meet with the exception to inappropriate development set out in set out in point G of para. 145 of the NPPF and no objections are raised with regard to the impact on the Green Belt.
- 1.3 Planning permission has previously been granted on part of this site for its redevelopment to provide 2 detached dwellings under reference 16/01262/FUL.
- 1.4 The application has been referred to the Planning Committee following discussions between Officer and the Chairman. In the Interests of the wider public it is considered that the application would benefit from further scrutiny.
- 1.5 The recommendation for this application is conditional permission.

2.0 Description of Proposed Development

- 2.1 The application proposes the redevelopment of the site to provide a residential development consisting of 5no. dwellings with associated access and landscaping, following demolition of existing buildings. The proposed development involves the land edged in red in the submitted plans. None of the land edged in blue on the submitted plans is to be developed, and would remain as open paddock land.
- 2.2 It is important to note that planning permission has previously been granted on part of this site for its redevelopment to provide 2 detached dwellings under reference 16/01262/FUL. That scheme, which was allowed at appeal, incorporated the southern half of the section of the site which has buildings on it. It is considered that that permission constitutes an important material consideration in the assessment of this current application.
- 2.3 The main differences between that previously approved scheme and the current application are that this current application is larger, and incorporates the northern section of the site, and it is proposed to create 4 dwellings on the southern half of the site, as opposed to the 2 which were allowed at appeal.
- 2.4 All of the existing buildings and structures on the site would be demolished in their entirety, and replaced with 5 new dwellings. The proposed plots 1 to 4, on the southern half of the site would be housed in two separate buildings, i.e they would in effect be two pairs of semi detached dwellings. These buildings would be identical in terms of their size, height, scale, massing and design, as those that were granted planning permission at appeal under application 16/01262/FUL. The only difference being that they would operate as two pairs of semi's, as opposed to two single detached dwellings.

- 2.5 The dwellings are low level, single storey buildings, with a maximum height of 3.3m, displaying a contemporary design approach which incorporates the use of flat roofs.
- 2.6 The northern section of the site, which was not included in the previously approved scheme, 16/01262/FUL, would accommodate 1 further dwelling, which would be of the same height, scale and design approach as those on plots 1-4. All other existing buildings would be demolished.
- 2.7 The application is accompanied by:
- a) Planning Statement
 - b) Ecology Appraisal
 - c) Surface and foul water drainage strategy
 - d) Transport Statement
 - e) Tree Report
 - f) Waste and Recycling Strategy
- 2.8 Amended plans have been received during the course of the application which omit the retention of the existing buildings at the northern end of the site, which were originally intended to serve as storage buildings for the proposed dwellings. These buildings will now be demolished as part of the scheme, and small shed will be sited within each of the proposed gardens.

3.0 Relevant Planning History

- 3.1 Relevant planning history for the site:
- 01/01291/EUC – Certificate refused - 31 May 2002 - Certificate of Lawfulness for the use of existing buildings (numbered 14-17 and 24-25 on the submitted plan) as livery stables _ the use of existing buildings (numbered 1, 2, 6, 40 and 45 on the submitted plan) for the storage of furniture. Part allowed at appeal.
- 07/01673/FUL – Refused Permission - 1 November 2007 - Replacement mobile home.
- 08/01080/FUL – Refused Permission - 19 August 2008 - Replacement Mobile Home
- 15/02354/FUL – Refused Permission - 1 February 2016 - Redevelopment of site to provide four detached dwellings with associated access and landscaping.
- 16/01262/FUL – Refused Permission - 24 August 2016 - Redevelopment of site to provide two detached dwellings with associated access and landscaping. Allowed at appeal.

4.0 Summary of Representations

- 4.1 Letters of objection have been received from 17 separate households regarding the proposed development. 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 6 (Parking standards)
- 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. It was submitted for independent examination on 26 September 2019. However, given its current stage, only limited weight can be given to this document.

Principle and Location of Development

Core Strategy Policies:

CP1 (Housing provision and delivery)

Local Plan Saved Policies:

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

H2 (Housing allocation)

- 5.1 The site falls within the Green Belt. The NPPF states at paragraph 133 that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.2 The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this are provided in Policy GB1 of the Local Plan and Paragraph 145 of the NPPF. The redevelopment of a site to provide a residential development does not fall within the list of exceptions as set out in policy GB1 of the Local Plan. However, the NPPF does include an exception for this type of development as set out in point G of para. 145 (set out below):
- 'limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development, or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'

5.3 For a development to meet the above exception it would need to constitute 'previously developed land' (Brownfield Land). In this case the southern half of the site i.e. land on which plots 1 to 4 are located, has previously been considered 'previously developed land' in the assessment of application 16/01262/FUL, and this remains the case. In terms of the northern half of the site, where plot 5 is located, and which didn't form part of the previously approved scheme 16/01262/FUL, it is considered that this land also constitutes 'previously developed land', by virtue of the appeal decision notice for 01/01291/EUC, whereby the Inspector identifies all the land within the current application site, as being used in connection with the livery stables. As such, an assessment needs to be made as to whether the proposal to redevelop this site would have a greater impact on the openness of the Green Belt.

Green Belt

Local Plan Saved Policies:

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

5.4 In terms of its impact on openness, the two buildings that would house units 1 to 4 would have exactly the same amount of physical impact on the openness of the Green Belt as that of the previously approved scheme. The buildings are identical to those previously approved in terms of their size, height, scale and massing. It was previously considered that these two buildings would have no greater impact on the openness of the Green Belt than that of the buildings that they would replace, with them being no higher than the existing buildings, and actually representing a reduction in footprint of built form. It is acknowledged that these buildings would now operate as 4 dwellings as opposed to 2, but given the previous use of the site as livery stables, and the level and type of activity that could have been associated with that use, it is considered that the increase in the number of dwellings would not adversely impact upon the openness of the Green Belt.

5.5 In terms of the proposed dwelling on plot 5, which represents the additional new built form over that of the previously approved scheme, this dwelling displays a limited ridge height of 3.3m, which is no greater than that of the buildings that it would replace, and it would result in a reduction in the number of buildings located in the northern half of the site, as well as a reduction in the footprint and floorspace over that which currently exists. Given this, combined with the proposed limited height, scale and bulk of the proposed dwelling on plot 5, it is considered that physically, this building would have no greater

impact on the openness of the Green Belt, than the buildings that it replaces. In addition to this, the use of this building as a residential dwelling would have no greater impact upon the openness of the Green Belt when compared to the existing use of the site, which can lawfully be used as a livery.

- 5.6 The scheme also involves the widening of the existing access road. This aspect of the scheme is the same as that previously approved. Given the nature of the works, it is considered that they would remain acceptable as they would not reduce the openness of the Green Belt.
- 5.7 Overall, when looking at the site in its entirety, the proposed development would result in a significant reduction in the number of buildings on the site, which is beneficial to the openness of the Green Belt. It would also lead to a reduction in the spread of built form across the site, which is a further benefit to the openness of the Green Belt. The proposal would also lead to a total reduction of approximately 31% in the amount of floorspace being provided on the site by buildings. This reduced level of floorspace, when combined with the limited height, scale and massing of the new buildings, is considered to benefit the openness of the Green Belt.
- 5.8 With regard to the schemes impact on the purposes of the Green Belt, it is important to note that when assessing the previous scheme on the southern half of the site, the appeal Inspector considered that the proposed dwellings would have been confined to parts of the site which were already occupied by buildings or hardstanding. Furthermore, the Inspector considered that the residential curtilages of each dwelling would respect existing boundaries and would not extend into the adjacent paddocks. With regards to concerns over domestic paraphernalia within the site, the Inspector considered that there would be potential for a similar quantity of paraphernalia associated with the approved equestrian and storage uses. For these reasons the Inspector considered that the proposed development would not have undermined the purpose of safeguarding the countryside from encroachment, nor would have it conflicted with the purpose of the Green Belt to check the unrestricted sprawl of large built-up areas, nor the purpose of preventing neighbouring towns from merging into one another.
- 5.9 When assessing the current application, the proposed dwellings are again restricted to those parts of the site which are already occupied by buildings and hardstanding, and the residential curtilages would not extend into the adjacent paddocks. The entire site can be used for Livery purposes, so it is considered that there would again be similar levels of paraphernalia associated with both existing and proposed uses. As such, overall, it is considered that the proposed development would not undermined or prejudice any of the purpose of including land within the Green Belt.
- 5.10 Therefore overall, it is considered that the proposal to redevelop this previously developed site would not have a greater impact on the openness of the Green

Belt or its purposes. The proposal would therefore meet with the exception to inappropriate development set out in set out in point G of para. 145 of the NPPF and no objections are raised with regard to the impact on the Green Belt.

- 5.11 Concern has been raised that the allowing of this application would set a precedent for other applications for new dwellings in the Green Belt, however, every application must be assessed on its own merits and set of individual circumstances.

Transport matters and parking

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

- 5.12 In dealing with the transport matters, the appeal Inspector considered that the previous scheme was acceptable from the point of view of the vehicular access arrangements. This current scheme proposes the same access and vehicular arrangements as that previous application.
- 5.13 It is acknowledged that this current application differs in that it proposes a higher number of dwellings, however the Councils Highway Officer has assessed the current application, and they have advised that the existing vehicular access benefits from visibility splays in line with current Manual for Streets guidance, and due to the access point being widened to 4.8m, which will allow for simultaneous two-way traffic flow of vehicles alongside pedestrians and cyclists, they are satisfied with the proposed access arrangements and consider that they are acceptable and would not lead to any adverse highway implications or danger.
- 5.14 Each dwelling would be provided with 2 off street parking spaces, thereby meeting the Councils parking standards.
- 5.15 The Councils Waste Team have advised that the proposed waste collection arrangements are acceptable, with the refuse vehicle reversing up the access drive to the bin collection point. They do note that the distance that future occupiers need to transport their bins to the collection point is greater than ideally desired, but this would be a matter for future occupants to take into consideration when deciding whether to occupy a dwelling on the site, and it does not warrant refusing the application. It is noted that if the access drive were to be adopted, then the refuse vehicle would enter the site fully, but this would be a matter for the owners of the site to resolve. As such, overall, it is considered that the bin collection arrangements are acceptable, and do not represent any grounds for refusing the scheme.

5.16 In light of the above and the fact that the Highways Officer raise no objections to the proposals, it is considered that the proposed vehicular access arrangements are adequate enough to serve the proposed new dwellings, the increase in vehicular movements can be accommodated within the existing highway network, and overall, the proposal would not adversely impact upon the highway safety.

Raising the quality of place making and design

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

EP4 (Landscaping)

EP6 (Designing to Reduce Crime)

H9 (Residential development and layout)

5.17 When assessing the previous application, the appeal Inspector considered that although the appeal site is surrounded by open fields on three sides, it already contains a number of buildings. The Inspector went on to advise that the proposed dwellings would be low profile structures with flat roofs which would not increase the quantum of built development within the site, and as such, they would not appear substantially more prominent than the existing buildings when seen from the surrounding area. When assessing this current application, the proposed dwellings would again be low profile structures with flat roofs, and the quantum of built development would actually be less in this instance. As such, it is considered that the current proposal would not appear more prominent than the existing buildings when seen from the surrounding area.

5.18 The Inspector also considered the widening works to the access road, advising that the visual impact of this would be relatively minor in the context of the surroundings and would not have an urbanising effect on the fields over which it would pass. The areas of paddock would remain and the bridleways would be unaffected. Rural character would therefore be maintained. Given that the proposed works to the access road remain the same as the previous scheme, it is considered that these works would again have an acceptable impact on the character and appearance of the site and locality in general.

5.19 The Inspector further advised that whilst accepting that the site would assume a domestic appearance as a result of the proposed development and that this would be in contrast to the existing equestrian buildings, it would not undermine the character of the countryside in this location as it would not be a visually prominent development. It is considered that this would continue to be the case for the current application, with the site circumstances not having changed since the Inspector's decision, resulting in the fact that the development would not be visually prominent, and therefore would have limited visual presence within the locality.

- 5.20 As such, it is important to note that no objections were raised in relation to the design and appearance of the previously approved scheme, or its impact on the character of the area. In terms of this current application, it follows the same design and architectural approach as that previously approved scheme.
- 5.21 Overall therefore, it is considered that the proposed development would not adversely impact upon the character and appearance of the site, street scene or locality in general.

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

H11 (Alterations and extensions to dwellings)

- 5.22 Given the significant distances that would be retained to the neighbouring properties, it is considered that the proposed development would not lead to any unacceptable impacts upon their amenities in terms of loss of light, loss of privacy, or appearing over dominant and obtrusive.
- 5.23 It is acknowledged that concern has been raised with regard to potential noise and smell impacts that would occur as a result of the proposed development. However, given the existing lawful use of the site is as a Livery, it is not considered that the proposed new use residential use of the site would lead to any great levels of noise disturbance or bad odour. Such issues are more likely to be associated with the lawful use of the site, and therefore the proposed development would actually reduce such matters arising.
- 5.24 Some concerns have been raised about the proposed development posing as a security risk to existing properties, but it is considered that the introduction of dwellings on this site would in fact increase surveillance of the surrounding land, thereby improving its security.
- 5.25 It is noted that concerns have been raised regarding damage to existing hedgerows that may be within neighbouring properties. This issue was also raised during the appeal of the previous application. In dealing with this matter, the Inspector advised that there was limited evidence to confirm that this would necessarily be the case, and in any case, allegations of damage in the future would be a private matter between the relevant parties. It is considered therefore that this is not a material planning consideration.

Environmental issues

Core Strategy Policies:

CP13 (Environmental and resource management)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

5.26 The Councils' Environmental Health Officer raises no objections to the proposals from a contamination point of view.

Flooding and drainage

Core Strategy Policies:

CP13 (Environmental and resource management)

5.27 The application is accompanied by a Surface and Foul Water drainage Strategy. The site does not fall within an area of high risk in terms of surface water flooding, and it is located within Flood Risk Zone 1, which is the area with the lowest probability of flooding. The proposed development will incorporate an appropriate surface drainage strategy which will ensure that the proposed development would not lead to any increased risk of flooding within the site or to any neighbouring properties.

5.28 The drainage strategy also sets out that the proposed development would be connected to the public mains sewer that runs through the northern part of the application site. Correspondence included in the submitted report indicates that there is sufficient capacity within the sewer to cater for the new dwellings.

Landscape and visual Impact

Core Strategy Policies:

CP8 (Built and historic environment)

CP9 (Natural environment)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP4 (Landscaping)

5.29 The Councils' Tree Officer has assessed the application and has advised that he raises no objections to the proposals from a tree point of view.

5.30 It is already set out within this report that it is considered that the proposed development, whilst altering the appearance of the site, would not adversely impact upon its overall character and appearance. A detailed landscape scheme can be secured by way of condition, in order to ensure that sufficient levels of natural vegetation and landscaping are maintained on site.

Ecology

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

5.31 The application is accompanied by an Ecological appraisal. This sets out that in terms of the site it is made up of scrub and standard grassland which do not qualify as NERC Priority Habitats. None of the trees on site are noteworthy and have a low ecological value, any impacts from the loss of habitats is therefore

negligible, and no protected species would be adversely impacted upon by the proposed development.

- 5.32 The appraisal does set out that there is in fact an opportunity to significantly improve the site for wildlife, and it is considered that such measures can be obtained by way of condition and the submission of an ecological enhancement scheme.
- 5.33 Core Policy 9 of the adopted Core Strategy sets out that the highest priority will be given to the integrity of Burnham Beeches Special Area of Conservation (SAC). Para 3.3.11 of the Core Strategy also states that "where a specific development could result in significant effects on the SAC, a Project level (regulation 48) HRA will need to be carried out by the developer when the planning application is submitted to determine whether mitigation measures are required." This is also consistent with Section 15 of the NPPF relating to 'Conserving and enhancing the natural environment'.
- 5.34 Natural England has been consulted on this application and raises concerns regarding the impact on the Burnham Beeches SAC. Natural England state that when there is sufficient scientific uncertainty about the likely effects of 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.
- 5.35 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 represents the core area around the SAC where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.
- 5.36 Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. These impacts, which have the potential to adversely affect its interest features, include:
- Contamination (e.g. dog fouling, litter, spread of plant pathogens);
 - Increased fire risk;
 - Trampling/wear (e.g. loss of vegetation, soil compaction, erosion, damage to trees from climbing);
 - Harvesting (e.g. fungi, wood);
 - Difficulties in managing the site (e.g. maintaining the grazing regime);
 - Disturbance (e.g. affecting the distribution of livestock and deer).
- 5.37 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.

- 5.38 Given the above, the Council has carried out an Appropriate Assessment for the proposed development. This concludes that without mitigation measures the development is likely to have a significant effect upon the integrity of the SAC with the result that the Council would be required to refuse this planning application.
- 5.39 In order to mitigate such impacts the Council has adopted a Strategic Access Management and Monitoring Strategy (SAMMS). The Council consider that the SAMMS, which is supported by Natural England, is robust and capable of mitigating the likely significant effects of the proposal over 500 metres and up to 5.6 kilometres provided the proposal pays a contribution towards the SAMMS. 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 its impact on Burnham Beeches.
- 5.40 The applicant has agreed to the financial contribution and a legal agreement is being drafted to secure it. Provided this legal agreement is completed, then it successfully addresses the schemes impacts on Burnham Beeches.

Infrastructure and Developer Contributions

Core Strategy Policies:

CP6 (Local infrastructure needs)

- 5.41 The development is a type of development where CIL would be chargeable.
- 5.42 It is considered that other than the financial contribution towards the Burnham Beeches Mitigation Strategy there would not be other types of infrastructure that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 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 local built environment.
- 6.5 The proposed development would therefore accord with both National and Local Plan Policies and is subsequently recommended for conditional permission.
- 6.6 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.
- 6.7 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 In this instance amended plans were submitted during the course of the application which reduced the overall resultant level of built form on the site by removing all existing buildings.

Recommendation: Delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and any others which he considers appropriate and the satisfactory prior completion of a Legal Agreement relating to mitigation of Burnham Beeches SAC. If the Legal Agreement cannot be completed the application be refused for such reasons as considered appropriate.

Subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice. (SS01)

Reason: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 (or any statutory amendment or re-enactment thereof).

2. No construction shall take place above ground level until a schedule of materials to be used in the elevations of the development hereby permitted have been submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be carried out in accordance with the approved details.

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

3. No development shall proceed above ground level until a specification of all finishing materials to be used in any hard surfacing of the application site is submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be constructed using the approved materials. (SM02)

Reason: To ensure that such works do not detract from the development itself or from the appearance of the locality in general. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

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

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.)

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development,

whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

6. The development shall be implemented in accordance with the arboricultural method statement submitted and approved as part of the planning application and under the supervision of a retained arboricultural specialist in order to ensure that the phasing of the development accords with the stages detailed in the method statement and that the correct materials and techniques are employed. (ST18)

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

7. Notwithstanding the provisions of Article 3 and Classes A, B & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) , no enlargement, improvement or other alteration (including the erection of a garage, stable, loosebox or coach-house within the curtilage) of or to any dwellinghouse the subject of this permission, shall be carried out nor shall any building or enclosure required for a purpose incidental to the enjoyment of any said dwellinghouse as such be constructed or placed on any part of the land covered by this permission. (SD14A)

Reason: The site is located within the Metropolitan Green Belt where strict control over development is necessary in order to maintain the openness of the Green Belt. (Policy GB1 of the South Bucks District Local Plan (adopted March 1999) refers.)

8. The development hereby permitted shall be carried out in accordance with the approved Surface and Foul Water Drainage Strategy dated July 2020, submitted and approved as part of this application.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to ensure that surface water is managed in a sustainable manner, in accordance with Paragraph 163 of the National Planning Policy Framework and Policy CP13 of the South Bucks District Core Strategy (adopted February 2011) refers.

9. No other part of the development shall begin until the existing means of access has been altered in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access within Highway Limits" 2013.

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

10. No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access. (Policy TR5 of the South Bucks District Local Plan (adopted March 1999) refer).

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

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway. (Policy TR7 of the South Bucks District Local Plan (adopted March 1999) refer).

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

i) A preliminary risk assessment which has identified:

all previous uses;

potential contaminants associated with those uses;

a conceptual model of the site indicating sources, pathways and receptors;

potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. (Policy EP3 of the South Bucks District Local Plan (Adopted March 1999) refer).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. (Policy EP3 of the South Bucks District Local Plan (Adopted March 1999) refer).

14. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

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. (Policy EP3 of the South Bucks District Local Plan (Adopted March 1999) refer).

15. Prior to any works above ground level, a scheme of ecological enhancements shall be submitted to, and approved in writing by the Local Planning Authority to ensure a measurable net gain in biodiversity will be achieved. The scheme will include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including bird and bat boxes, hedgehog domes and other appropriate features.

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

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

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
3 Sep 2020	D-03 B
3 Sep 2020	D-08 A
9 Jul 2020	D-10 A
9 Jul 2020	D-01 A
9 Jul 2020	D-06
9 Jul 2020	D-07
9 Jul 2020	D-09 A
9 Jul 2020	D-02 A

INFORMATIVE(S)

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

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

2. It is an offence under S151 of the Highways Act 1980 (as amended) for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site. (SIH23)

3. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980 (as amended). (SIH24)

4. The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information or apply online via Buckinghamshire Council's website at
www.buckscc.gov.uk/services/transport-and-roads/highways-developmentmanagement/apply-online/section-184-licence/

Highways Development Management
6th Floor, County Hall
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
Telephone 01296 382416

APPENDIX A: Consultation Responses and Representations

Parish Council Comments

The application is sited within the Green Belt and as it does not comply with GB1, by totally effecting the characteristics of the surrounding area. GB2, as the buildings would be totally demolished and not refurbished for use. GB3, there is no "limited infilling" with this application, on that basis it goes totally against the Policy. GB9, as the proposals would compromise the overriding aim of the Green Belt in that the character and amenities of the area to one of Urbanisation. GB11, This application is not for a single existing dwelling to be rebuilt, but a community to be built, totally against the Local Green Belt Policy. The Planning Policy Guidelines (PPG2) states that planning will only be given where "exceptional circumstances exist" there are none in this application. We therefore object to this Planning application.

Consultation Responses

Natural England:

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England's advice

Objection - Further information required to determine impacts on designated sites - Development within 5.6 kilometres of Burnham Beeches Special Area of Conservation (SAC) within 5.6 kilometres

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. 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.

Please re-consult Natural England once this information has been obtained.

South Bucks adopted Core Strategy's Core policy 9 Natural Environment states "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." When there is sufficient scientific uncertainty about the likely effects of 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.

Due to new evidence on the impacts of recreational and urban growth at Burnham Beeches SAC carried out by Footprint Ecology in 2019, Natural England recognises that new housing within 5.6km of the internationally designated Burnham Beeches Special Area of Conservation (SAC) can be expected to result in an increase in recreation pressure. The 5.6km zone proposed within Policy DM NP3 of the emerging Chiltern and South Bucks Local Plan represents the core area around the SAC where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.

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

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

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species Regulations 2017 (as amended), to housing development within 5.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

Development in accordance with the adopted South Bucks Core Strategy's Core policy 9, emerging Chiltern and South Bucks Local Plan's DM NP3 Policy and emerging Avoidance and Mitigation Strategy would not be likely to have a significant effect on the SAC because they will provide, or make an appropriate contribution to, acceptable avoidance and mitigation measures. The planning authority can grant planning permission to such developments in accordance with the Regulations.

However, development proposals which are not in accordance with the above would be likely to have a significant effect on the SAC, either alone or in combination with other plans and projects. In accordance with Regulation 61, before granting planning permission for such a proposal, the planning authority must undertake an appropriate assessment of the implications of the development on the SAC, in light of the site's conservation objectives. The conservation objectives are to maintain and, where not in favourable condition, to restore, the Atlantic acidophilous beech forest habitat.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 62.

Tree Officer:

I have reviewed the submitted tree report by John Cromar's Arboricultural Company Ltd (7 July 2020) as well as previous planning history for planning application 16/01262/FUL. The submitted report and tree protection measures drawing S93-J3-P2 Rev v1 appears to be a fair representation on the quality of trees on site and protection measures required during all phases of development. Technical implications have been fully considered and in my opinion the development has fully addressed BS 5837 guidance. Chapter 05.08 covers tree removal and proposed size and replacement planting.

I have no objection and if planning permission is permitted I recommend planning condition ST18.

Highways Officer:

Rowley Lane is a 'C' class road which in this location is subject to a speed restriction of 30mph. Proposals include the redevelopment of site to provide 5 dwellings comprising of 4x2 bed and 1x3 bed units.

In terms of trip generation, having interrogated the TRICS® (Trip Rate Information Computer System) database, I would expect a dwelling in this location to generate in the region of 4-6 vehicular movements (two-way) per day. As this is the case, the development as a whole would have the potential to generate in the region of 20 – 30 vehicular movements (two-way) per day. The access arrangements serving the site will need to be assessed in order to demonstrate their suitability to accommodate the level of movements anticipated.

The existing vehicular access benefits from visibility splays in line with current Manual for Streets guidance, however this is subject to some vegetation clearance. The access point is to be widened to 4.8m, which I can confirm is acceptable and would allow for the simultaneous two-way flow of vehicles alongside pedestrians/cyclists in this location. With regard to refuse collection, Manual for Streets guidance states that residents should not be required to carry waste more than 30m to the storage point and waste collection vehicles should be able to get to within 25m of the storage point. Having reviewed the submitted plans, I note that no refuse collection area is demonstrated on the plan. This would mean that residents would have to carry waste bins in excess of 200m to the kerbside on collection days. Whilst this is far from ideal, as the access road will not be adopted by the Highway Authority, I am not in a position to justify this as a reason for refusal of this application.

In terms of parking provision, I note that two parking spaces are provided for each dwelling. I trust that you will consider the level of parking provision on the site; however I can confirm that there is sufficient space within the site for this level of parking to be provided.

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

Condition 1:

No other part of the development shall begin until existing new means of access has been altered in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access within Highway Limits" 2013.

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

Condition 2:

No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

Condition 3:

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

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

Informatives:

The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information or apply online via Buckinghamshire County Council's website at www.buckscc.gov.uk/services/transport-and-roads/highways-developmentmanagement/apply-online/section-184-licence/
Highways Development Management
6th Floor, County Hall

Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
Telephone 01296 382416

Waste Officer:

Waste services note the proposal for 5 dwellings at “Land South of Rowley Lane.” The collection vehicle will reverse 25meters into the site, stop at the “Bin Collection Point” and proceed with the collections. There is a concern and risk that the each of the 5 householders will have to transport containers in excess of 30 metres to present their Waste & Recycling containers. Should the road become adopted by Highways we would amend and re-visit our comments. All collections to take places in accordance with council policies

Environmental Health:

The historical maps indicate that the site has had an agricultural use, inferred by the presence of field boundaries on the map for the 1869-1888 epoch, the site appears to have remained undeveloped until the 1955-1974 epoch, several small buildings are shown on site during this period.

The current use of the site is described as livery/equestrian yard and storage uses. The site could have had a previous potentially contaminative use. The proposed development will result in a sensitive end use. An assessment of the risks associated with the site is therefore required.

Based on this, the following contaminated land condition is recommended on this and any subsequent applications for the site. The application requires the following condition(s):

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

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to

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

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

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

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

The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

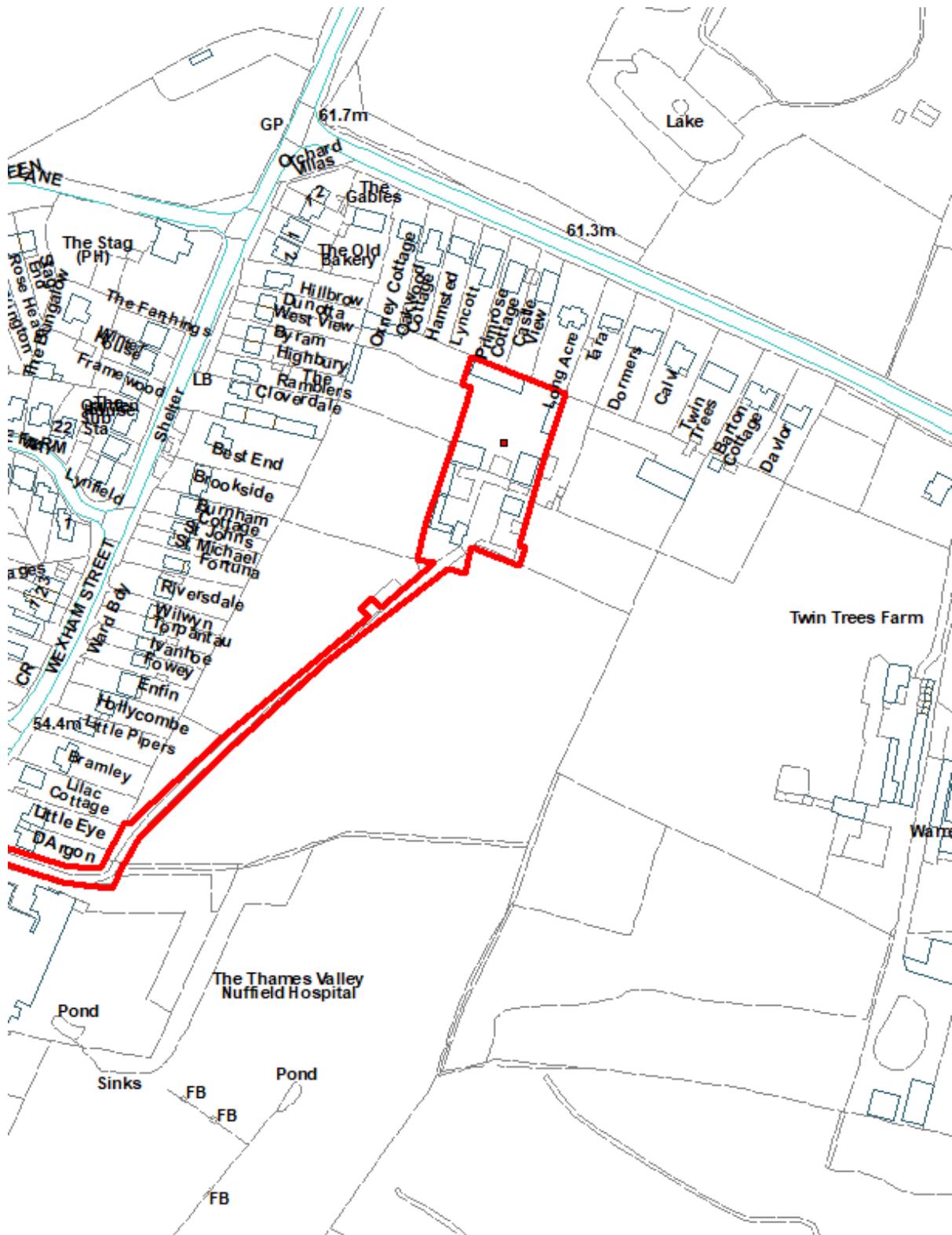
Representations

Other Representations

Objections have been received from 17 separate households relating to the proposed application and are summarised as below:

Not sufficient space to widen driveway;
Damage to neighbours hedge;
Flooding;
Impact on wildlife;
Loss/damage to trees;
Impact on amenities of neighbouring properties – Privacy/noise/smell;
Poor access/highway danger;
Damage to character of area;
Set a precedent;
Inadequate infrastructure/impact on local services;
Poor design and layout – inappropriate for site and locality;
Security risk;
Urbanises site;
Does not accommodate refuse vehicles.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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