



## Report to West Area Planning Committee

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<b>Application Number:</b>	20/05797/FUL
<b>Proposal:</b>	Redevelopment of the existing car park to include the construction of four semi-detached houses and five flats, landscaping and parking
<b>Site Location:</b>	Car Park Old Kiln Road Flackwell Heath Buckinghamshire
<b>Applicant:</b>	Revere Developments (Flackwell Heath) Ltd
<b>Case Officer:</b>	Sarah White
<b>Ward(s) affected:</b>	Flackwell Heath, Little Marlow & SE
<b>Parish-Town Council:</b>	Chepping Wycombe Parish Council
<b>Date valid application received:</b>	16th April 2020
<b>Statutory determination date:</b>	11th June 2020
<b>Recommendation</b>	Minded to approve

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

- 1.1 Planning Permission is sought for the redevelopment of the existing car park to provide two pairs of semi-detached houses (4 houses in total) and a block of five flats, with associated landscaping and parking.
- 1.2 Councillor Johncock called in the application for consideration by committee due to concerns regarding the loss of the carpark and the scale of the development proposed.
- 1.3 There is no objection in principle to the redevelopment of this site, provided that the design is in keeping with the surrounding street scene and that all other relevant material considerations are satisfied.
- 1.4 Officers have been advised that the agent has submitted a non-determination appeal to the Planning Inspectorate. At the time of writing this report the validation of the appeal was still pending.
- 1.5 Recommendation – Minded to approve

## 2.0 Description of Proposed Development

- 2.1 Full planning permission is sought for the redevelopment of a surface car park and the construction of; 4 x 3-bed semi-detached dwellings and a separate building consisting of 5 x 2-bed flats, with associated landscaping and parking.
- 2.2 The car park is situated on the western side of Old Kiln Road in Flackwell Heath, and forms the centre of an incomplete perimeter block surrounded by residential properties. The trees surrounding the site are subject to an area Tree Preservation Order, reference 07/2019.
- 2.3 To the north east of the site lies Aries House, a mixed use development from the early 1970's fronting Straight Bit, which forms part of the Flackwell Heath District Centre.
- 2.4 Aries House consists of retail units, including the former Budgens superstore, office accommodation and residential accommodation above. The use of the application site is linked to the use of those units via a condition.
- 2.5 The proposed block of flats would be located to the east of the site, fronting onto Old Kiln Road, with the proposed new dwellings located behind, in the form of two pairs of semis, running parallel with the existing dwellings to the north west and south east.
- 2.6 The application is accompanied by:
  - a) Planning Statement
  - b) Ecology and Trees Checklist
  - c) Arboricultural Report
- 2.7 This application has been amended through the submission of drawings PL-01D, PL-02C, PL-03B, PL-400B and PL-401B. Other amended documents submitted: Planning Statement, SuDS report, Arboricultural Impact Assessment, Tree Protection Plan, and Arboricultural Method Statement.

## 3.0 Relevant Planning History

Reference	Development	Decision	Decision Date
WR/855/71	Erection of 1 no. Superstore with storage and offices over, 5 no. shop with maisonette over and ancillary car parks for 90 cars and 5 no. garages with service area paving and landscaping	Permitted	6th August 1971
19/07850/FUL (former Budgens store, Aries House, Straight Bit)	Change of use of a two storey building to a mixed use comprising class A1 (shops) and B1 (office) use on ground floor, and B1 (office) and C3 (residential) use (3 residential units) on first floor including fenestration and internal alterations and provision of	Permitted	11 <sup>th</sup> March 2020

an external staircase/bin store. The provision of new car parking spaces and the re-arrangement of the rear service yard for car parking including the demolition of a garage block.

19/07062/FUL (Land between Aries House and Straight Bit)	Creation of new access to forecourt of retail units and 2 parking spaces.	Refused on the following grounds:	17 <sup>th</sup> January 2020
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In the opinion of the Local Planning Authority, the introduction of vehicles into an expansive pedestrianised area would be intrusive and visually harmful within the street scene.

Furthermore it raises safety concerns associated with the potential conflict between the operation of the bus stop, vehicles entering and exiting the site and pedestrians. This would significantly reduce the amenity value of the area for pedestrian users of the space.

These issues and concerns are considered to outweigh the perceived benefits associated with the provision of the small number of off street parking spaces proposed.

#### **4.0 Policy Considerations and Evaluation**

##### **Principle and Location of Development**

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP3 (Settlement Strategy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

4.1 The site is located within the Flackwell Heath Settlement boundary, a Tier 3 area wherein limited development within the settlement boundaries is permissible, subject to compliance with the Development Framework and all other material planning considerations.

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

Wycombe District Local Plan (August 2019): DM22 (Housing Mix), DM24 (Affordable Housing), DM41 (Optional Technical Standards for Building Regulations Approval) Planning Obligations Supplementary Planning Document (POSPD)

4.2 The proposed development falls below the threshold for an affordable housing contribution in this area.

##### **Transport matters and parking**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation) Buckinghamshire Countywide Parking Guidance (BCPG)

##### Loss of the existing car park

4.3 To the north east of the site lies the former Budgens retail superstore, office accommodation and shops, fronting Straight Bit. The use of this site as a car park is

linked to the use of those units via a condition. The superstore was closed for circa 2012 and the car park was subsequently blocked off through the siting of concrete barriers around 2018.

- 4.4 Planning permission was granted for the car park as part of reference WR/855/71 for 'Erection of 1 no. Superstore with storage and offices over, 5 no. shop with maisonette over and ancillary car parks for 90 cars and 5 no. garages with service area paving and landscaping'. This permission was subject to a number of conditions. Condition 7 of WR/855/71 states that: the car park shall be made available for use, concurrently with the occupation of the buildings.
- 4.5 Several of the representations received make reference to the wider community benefits of the site. This includes, but is not limited to, use by parents dropping off and collecting their children from the local school. Officers are mindful that, the site has provided a much needed public car park for a myriad of users since its construction.
- 4.6 Any planning permission runs with the land, and consequently, any conditions attached to the permission bind future owners. However, conditions are only enforceable when they meet the criteria as detailed in Paragraph 206 of the National Planning Policy Framework.
- 4.7 Unless conditions fulfil all these criteria (known as the "six tests") and set out in national policy guidance, they are likely to be successfully challenged at appeal as ultra vires, viz. their imposition is beyond the powers of local authorities.
- 4.8 Paragraph 55 states: "Planning conditions should be kept to a minimum and only imposed where they are
- Necessary;
  - relevant to planning;
  - relevant to the development to be permitted;
  - enforceable;
  - precise, and;
  - reasonable in all other respects.
- 4.9 A key consideration here is whether the original condition imposed in 1971 still meets the tests, or whether circumstances have changed to a degree that the condition no longer meets the criteria. Condition 7 states:
- "The parking and surface areas indicated on the deposited plans shall be constructed, surfaced and laid out and made available for use, concurrently with the occupation of the buildings, and these areas shall thereafter be maintained to the satisfaction of the Local Planning Authority. As regards the large car park, this shall be separated from the surrounding footpath and amenity strips on the north west, south west and south east sides by a kerb with an exposed face, 6 inches deep, and the car parking spaces numbered on the plan 20, 21, 22, 55, 56 and 57 shall be omitted."
- 4.10 At the time of the imposition, it is clear that condition 7 met the tests and was precise enough in its meaning to not be misunderstood, necessary, relevant to planning and to the development permitted, and reasonable to ensure a satisfactory form of development and to ensure the provision of adequate and satisfactory off-street parking and surface areas associated with the development. It was also clearly enforceable.

- 4.11 The condition can essentially be broken down into 4 main points:
- construction, surfacing and laying out of the car park; (this was completed, and is not an issue)
  - enabling the car park to be available for use, concurrently with the occupation of the buildings; (main issue here)
  - maintaining the areas to the satisfaction of the Local Planning Authority; (this was completed, and is not an issue)
  - and the provision of a kerb along the boundary of the car park. (this was completed, and is not an issue)
- 4.12 Within the last 10 years the largest retail unit has become vacant (and has been for some time), and the car park has been sold off as a separate parcel of land. The car park is no longer tied to the retail units by ownership, and so the retail unit owner is unable to provide the parking originally required by condition 7.
- 4.13 The National Planning Practice Guidance (NPPG), cautions that conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. Whilst it may be possible to achieve a Grampian condition (i.e. prohibiting the development authorised by the planning permission or other aspects linked to the planning permission (e.g. the occupation of the premises) until a specified action has been taken. However, the NPPG goes on to say that “such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission”.
- 4.14 In addition to the change in ownership, the circumstances surrounding the use of the Aries House has changed. Planning permission was granted in March 2020 for the change of use of part of Aries House to a mixed use comprising class A1 (shops) and B1 (office) use on ground floor, and B1 (office) and C3 (residential) use (3 residential units) on first floor. The proposal also involved the provision of new car parking spaces and the re-arrangement of the rear service yard for car parking, including the demolition of a garage block.
- 4.15 It has already been determined that the development approved under application 19/07850/FUL would provide a sufficient level of parking without the need for the large carpark, albeit with 3 spaces to be accommodated on-street. The Council raised no objection on parking grounds as there was considered to be sufficient on-street parking provision within the locality to meet this need.
- 4.16 In the event that planning permission 19/07850/FUL was not implemented, any future applications for the Aries House site would be assessed on their own merits, including whether a suitable level of parking could be provided within the site.
- 4.17 On balance, having considered all of the issues, despite that lack of a detailed parking survey Officer’s do not believe that a reason for refusal could be sustained on the basis of the condition attached to the original 1971 planning permission.

#### Parking for the new dwellings

- 4.18 The site incorporates two access points onto Old Kiln Road, both of which are to be retained to serve the new development. The southernmost access would provide serve the 2 parking spaces in front of the flats, while the second access would serve the main parking area. A total of 15 on-site parking spaces are proposed to serve the

new development; if allocated this would be sufficient for 2 spaces per 3-bed house, 1 space per flat, and 2 visitor spaces.

- 4.19 The Highway Authority is satisfied that the proposed development will not have a material impact on the capacity of the local highway network in terms of trip generation, and that the level of on-site parking provided would be adequate for the level of habitable accommodation featured. It has, however, been suggested that a condition be imposed requiring the access to be upgraded in accordance with accordance with Buckinghamshire County Council guidance note 'Commercial Access Within Highway Limits' 2013.
- 4.20 The parking arrangement for the main parking area would allow vehicles to park, turn and leave the site in a forward gear. The vehicles accessing parking spaces 17 and 18 would be required to reverse onto or off of the highway, an arrangement which is not uncommon within the vicinity of the site. All spaces would meet the minimum standard dimensions.
- 4.21 In terms of sustainability, Flackwell Heath benefits from bus services to High Wycombe and Bourne End providing an option for sustainable travel, with local amenities in close proximity of the site.
- 4.22 Bicycle storage for the occupiers of the flats would be located adjacent the flank elevation of the building in line with the standards contained within the BCPG. Whilst no cycle storage has been identified for the new houses it is considered that the gardens, which each have access from the front of the site, would be a sufficient size to accommodate an appropriate cycle enclosure. This can be dealt with by means of a condition.

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

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM32 (Landscape character and Settlement Patterns), DM35 (Placemaking and Design Quality)

Housing Intensification SPD

Adopted Residential Design Guidance

- 4.23 Policy DM35 states that development is required to improve the character of the area and the way it functions and that development is required to create positive and attractive places
- 4.24 As discussed above the site is, in effect, part of an unfinished perimeter block, surrounded by 2-storey pitched roofed, terraced dwellings to the south east, south west, and north west. To the north east, on the opposite side of Old Kiln Road, lies the three storey flat roofed complex of Aries House. Aries house is comprised of residential, retail and commercial units.
- 4.25 The application site is unusual due to its depth; completion of the perimeter block in a traditional manner would result in very long rear gardens. Instead this proposal seeks to construct two pairs of pitched roofed semi-detached dwellings toward the centre of the site, at right angles to the existing dwellings. The proposed flats would be located within a modern building fronting Old Kiln Road and the commercial buildings opposite.
- 4.26 It is considered that the proposed layout would achieve respect the character of the area while acknowledging that this proposal represents a new chapter of development. Similarly, it is considered that the scale of the new buildings would be

appropriate for their location; drawing influence the terraced dwellings making up the remainder of the perimeter block, semi-detached dwellings within the wider area, and the larger Aries House development.

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

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM40 (Internal space standards), DM40 (Internal space standards)  
Adopted Residential Design Guidance.

### Neighbouring Properties

- 4.27 Representations were received raising concerns with regards to the accuracy of the plans and the relationship with the neighbouring properties. Amended plans have been submitted to correct a scaling error on the previous plans.
- 4.28 The proposed development would comply with the Council's back to back separation distance guidelines, in relation to the semi-detached dwellings. Concerns have been raised with regards to the proximity of the new flats, however, the Council does not have specific back to side guidelines as the nature of the relationship is different.
- 4.29 In this instance the openings within the flank elevation facing the south east would incorporate high level windows, to minimise any potential loss of privacy, while the rooftop balcony serving flat 5 would be limited to the northern corner with 1.8 metre privacy screening. To allay any neighbours concerns, a condition could be imposed to preventing any amenity use of the remaining flat roofed area.
- 4.30 Having regards to the separation distances involved and the orientation of the new buildings, the proposal would not be considered to have a significant impact upon the light levels to the neighbouring dwellings.
- 4.31 Several comments have been received raising concerns in relation to the potential impact of the proposal upon the footpath surrounding the site, which provides a right of way to the rear gardens of the neighbouring properties. The agent confirmed by email on 14th June that no changes are proposed to this situation as the right of way is outside of the application site, on land in separate ownership, over which the applicant has no control.
- 4.32 Whilst the proposed development would change the relationship with the properties in Old Kiln Road, that relationship would not be considered unneighbourly. On the basis of the above, the proposal would not therefore be considered to have a detrimental impact upon the residential amenities of the neighbouring properties.

### Future Occupiers

- 4.33 The proposal would create 4 x 3-bed dwellings and 5 x 2-bed flats. The proposed accommodation is as follows:
- Plots 1-4. 3-bed 5-person houses. GIA approximately 125 m<sup>2</sup>
  - Flat 1 - 2-bed 4 person. GIA approximately 82 m<sup>2</sup> with 6 m<sup>2</sup> amenity space
  - Flat 2 - 2-bed 4 person. GIA approximately 76 m<sup>2</sup> with 6 m<sup>2</sup> amenity space.
  - Flat 3 - 2-bed 4 person. GIA approximately 79 m<sup>2</sup> with 6 m<sup>2</sup> amenity space.
  - Flat 4 - 2-bed 4 person. GIA approximately 79 m<sup>2</sup> with 6 m<sup>2</sup> amenity space.

- Flat 5 - 2-bed 4 person. GIA approximately 110 m<sup>2</sup> with 6 m<sup>2</sup> amenity space.
- 4.34 The minimum gross internal floor area (GIA) for a 2-bed 4-person flat is 70 m<sup>2</sup>, while the minimum GIA for a two storey 3-bed 5-person flat is 93 m<sup>2</sup>. The units would comply with the Government's internal Space Standards, while the proposed internal layout would be considered to achieve a satisfactory standard of light, ventilation and outlook for each of the new habitable rooms.
- 4.35 Whilst the site would not provide any on-site communal space for the new flats, the site is in close proximity to the Flackwell Heath Recreation Ground, as well as local footpaths and woodland. Therefore, as all flats have been provided with an adequately sized, and directly accessible individual balcony or patio area, the proposal would be considered to provide a sufficient level of external amenity space in accordance with section 6.3 of the Adopted Residential Design Guidance.
- 4.36 The details of the bin and cycle store facilities for the flats are considered acceptable. The proposed new houses would direct access to good sized rear gardens, each separately accessible from the frontage. Therefore, while separate storage areas have not been identified, sufficient space for these facilities to be provided. A condition should be imposed requiring the submission of further details in respect of the bin and cycle storage for the new house, and to ensure the facilities been completed prior to occupation.
- 4.37 On-site and easily accessible parking would be provided to the front and side of the buildings, in accordance with the Buckinghamshire Countywide Guidance.
- 4.38 In conclusion, the proposed development would be considered to achieve a satisfactory standard of living environment for the future occupiers of the site.

### **Environmental issues**

Wycombe District Local Plan (August 2019): DM20 (Matters to be determined in accordance with the NPPF)

- 4.39 The application site is located close to a former landfill site. Environmental Health have been consulted and have raised no objections, subject to the inclusion of the suggested informative.
- 4.40 In accordance with the Council's air quality SPD, nine electric vehicle charging points (one per dwelling) with a minimum rating of 32 amps must be provided prior to the occupation of the development. This can be secured by means of a condition.

### **Flooding and drainage**

Wycombe District Local Plan (August 2019): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 4.41 An objection was initially raised due to insufficient information regarding the proposed surface water drainage scheme.
- 4.42 The applicant submitted a SuDS scheme as part of the amended scheme, however further clarification was required before the objection could be withdrawn.
- 4.43 The agent subsequently submitted a letter on 11<sup>th</sup> May, responding to the LLFAs previous response. On the basis of that letter and the information contained therein, the previous SuDS objection has been withdrawn. Subject to the suggested condition

and informative, the proposal would not be considered to have a detrimental impact upon flooding and drainage within the area.

### **Trees and Ecology**

Wycombe District Local Plan (August 2019): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

#### Trees

- 4.44 The application as originally submitted would have resulted in a 4% and 8.5% incursion into the RPA of T7 and T10 respectively. In the case of T10, this is a rooting area which will be lost permanently due to the footprint of the proposed building so the tree will not have the opportunity to recover its root system in this particular area.
- 4.45 The incursion into the RPA has been reduced as a result of the amended layout, the amended arboricultural report notes the footprint results in a 3.9% and 3.6% incursion into the RPA of T7 and T10 respectively, in comparison with the 4% and 8.5% incursion as originally proposed.
- 4.46 As a result, the relationship between the proposed building and retained trees on the eastern boundary is probably more sustainable, however issues relating to foundations details, location of services, and soil improvements within the RPA are still outstanding. The Council's Arboricultural Officer has considered the proposals and confirmed that the outstanding details could be addressed via a pre-commencement condition.
- 4.47 The number of new trees proposed, as part of the amended scheme, has been reduced from 30 to 20 trees. An additional parking space has also been created.
- 4.48 The arboricultural documents refer to removal of two 'low value trees' (T16 Rowan & T17 Birch, which are category B & C respectively). Removal of these trees may be acceptable, subject to suitable replacement planting as part of any landscape conditions. The soil in soft landscape areas will be heavily compacted. The design of the tree pits for these areas will be crucial to ensure that sufficient, good quality soil is available to enable the trees to reach maturity. The detailed tree pit design should also form part of the detailed landscaping scheme.
- 4.49 The arboricultural report is missing key information with regards to where the proposed site office, contractors parking, delivery/storage of material mixing of materials or other potentially harmful activities will be located/carried out.
- 4.50 This detail could be sought alongside a more comprehensive method of ground protection as part of an amended Arboricultural Method Statement to be agreed by means of a pre-commencement condition.
- 4.51 The current proposal includes several parking spaces within the RPA of protected trees. Further information has been submitted by the agent in an attempt to demonstrate that these parking bays can be created without the need for levels changes. On the basis of the indicative information put forward officers are satisfied that this element of the proposal can be agreed as part of the amended Arboricultural Method Statement referred to above.
- 4.52 The scheme raises significant concerns regarding the limited distance between trees and the proposed buildings and the potential pressures for future pruning in the relation to light levels, vermin, perceived risk and future structural damage.

- 4.53 Although the Council will retain a degree of control through the TPO application process, officers are concerned that it may be difficult to defend the refusal of inappropriate works if they are necessary in order to make the properties liveable. London plane may cause respiratory irritation to those living in close proximity to them, or be subject to diseases which can lead to the loss of moderate size branches within the crown. Such issues may be source of concern for residents living/parking beneath the trees.
- 4.54 Subject to the submission of a fully detailed Arboricultural Method Statement, and a fully detailed landscaping scheme addressing the points above, on balance, it is considered that the impact upon the health and vitality of the trees and the subsequent impact of the trees upon the living conditions of the future occupiers, would not be so significant as to warrant the refusal of the application.

#### Ecology.

- 4.55 Policy DM34 requires all development to protect and enhance both biodiversity and green infrastructure features and networks both on and off site for the lifetime of the development. No assessment has been provided with this proposal so it falls to the Local Planning Authority to consider what would be proportionate for the development proposed.
- 4.56 In this case the proposal relates to the redevelopment of a hard surfaced car park to create a new residential development with associated garden areas and landscaping.
- 4.57 Although the site is dominated by car park, the edges of the area are dominated by trees and other vegetation. There is a chance that protected or priority species could be using the site and there is likely to be some other general ecological value on site.
- 4.58 It is necessary to ensure that the mitigation hierarchy is followed and for a net gain in biodiversity to be achieved. None of the policy requirements can be assured without a starting point of an appropriate assessment.
- 4.59 An Ecological Impact Assessment undertaken by Ecology By Design in June 2021, has identified the site as having negligible ecological value and limited potential for protected species. The report includes recommendations to minimise and/or mitigate for; the damage or destruction of active bird nests, the destruction of a potential bat roost on tree T10, and the potential harm to badgers and other wild mammals. In addition, the report also includes recommendations to enhance habitats and increase opportunities for roosting bats and nesting birds within the site.
- 4.60 Subject to the development being carried out in accordance with the recommendations contained within the Ecological Impact Assessment, it is considered that the proposal could be carried out without adversely affecting local wildlife and ecology. Furthermore, once fully implemented, in accordance with a landscaping scheme incorporating the plant species identified within the report, the proposal would be considered to achieve a net gain in biodiversity.

#### **Building sustainability**

Wycombe District Local Plan (August 2019): DM41 (Optional Technical Standards for Building Regulations Approval)

- 4.61 It is considered necessary to condition water efficiency in accordance with Policy DM41.

4.62 The proposed flats would incorporate level access externally and a central lift to ensure level access internally. It is considered appropriate to impose a condition to ensure these features are retained for the life of the development, in accordance with Policy DM41.

### **Infrastructure and Developer Contributions**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth)

DSA: DM19 (Infrastructure and delivery)

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

### **Other**

4.64 Whilst the development as currently proposed may be acceptable, given the particular issues in respect of trees, parking, relationships with neighbouring buildings etc., it is considered appropriate in this instance to impose a condition removing the permitted development rights for all development falling within Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) as amended.

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

5.1 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.

5.2 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

5.3 As set out above it is considered that, on balance, the proposed development would accord with the development plan policies.

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

6.1 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.

6.2 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.

- 6.3 In this instance the site was the subject of pre-application advice. During the application itself, the applicant/agent was updated of any issues as they arose and provided the opportunity to submit amendments to overcome the issues raised.
- 6.4 The applicant/agent responded by submitting amended plans. The amended plans originally submitted were not considered to overcome the issues raised and the amendment request was rejected and the reasoning relayed to the agent.
- 6.5 Discussions took place between the agent and the case officer before the submission of further amendments, which were subsequently accepted and the necessary re-consultations undertaken.
- 6.6 Following the consultation process further clarifications were required and again the applicant/agent was provided the opportunity to submit amendments/further information to address the points raised.
- 6.7 Following comments received in response to the public consultation on the amended scheme, it was deemed necessary for the application to be considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## **7.0 Recommendation**

Officers are minded to approve the application subject to the following conditions and reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
2. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers PL-01D, PL-02C, PL-03B, PL-04A, PL-05, PL-400B, PL-401B, and PL-402, unless the Local Planning Authority otherwise first agrees in writing.  
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
3. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
  - Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
  - Detailed assessment of the viability of including additional above ground SuDS components within the scheme, components may include, but are not limited to, tree pits, rain gardens, green roofs and active rainwater harvesting. Justification for exclusion must be provided where necessary
  - Ground investigations including:

- Infiltration rate testing in the form of either constant head tests or falling head tests, completed at the effective depth and location of the proposed component. Borehole logs and locations must be provided
- Demonstration of the buffer distance required between the deep borehole soakaway and all buildings and structures, informed by a suitably qualified geotechnical engineer

Proposed discharge rate limited to 1l/s

- Drainage layout detailing the connectivity between the dwellings and the drainage components, showing pipe numbers, gradients and 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.
- Construction details of all SuDS and drainage components, including cover levels and invert levels along with details of materials.
- Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of 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.

4. No works shall take place until a revised fully detailed Arboricultural Method Statement (AMS) has been submitted to and approved in writing. Thereafter the development shall not take place other than in accordance with the approved details. The revised AMS shall include the following detail:

- location for site office, contractors parking, delivery and storage of materials, mixing of materials and other potentially harmful activities to be carried out,
- ground protection details,
- building foundations details,
- location and method of installation of services,
- existing and proposed site levels of the site, with particular attention to those either inside the RPA of the protected trees or within 3 metres of the RPA,
- alternative details for a path between T3 & T4
- soil improvements within the RPA

Reason: The reason for this pre-commencement condition is to ensure that the proposed development will be carried out in a manner which will avoid any harm to the trees which are to be retained, in the interests of the health and vitality of the trees themselves, as well as the visual amenities of the surrounding area.

5. Unless otherwise first agreed in writing by the Local Planning authority, the development hereby approved shall only be carried out in accordance with the recommendations contained within the Ecological Impact Assessment undertaken by Ecology By Design in June 2021. The mitigation and enhancement measures shall thereafter be retained on site, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development safeguards protected wildlife and achieves a measurable net gain in biodiversity in line with the requirements of policy DM34.

6. Prior to the commencement of any development on the site, a fully detailed landscaping scheme shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details, with any variation first agreed in writing. The measures contained within the approved scheme shall thereafter be retained on site unless otherwise approved in writing by the Local Planning Authority.

The landscaping scheme shall include:

- Details of all soft landscaping, incorporating some plant species identified within the recommendations of the Ecological Impact Assessment,
- Details of all hard landscaping,
- Details of tree planting, including species, size, planting methodology and soil volume (as informed by the Canopy Cover SPD),
- The location, height, type and proposed material of any boundary features or means of enclosure

Reason: The reason for this pre-commencement condition is to ensure a satisfactory form of landscaping can be implemented, to ensure a satisfactory form of development, in the interest of biodiversity and to ensure that the canopy cover of the site is maximised, in line with the requirements of policy DM34.

7. The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.

Reason: In the interests of water efficiency as required by Policy DM41 (Optional Technical Standards for Building Regulations Approval) of the Local Plan.

8. Unless otherwise first agreed in writing by the Local Planning Authority, nine 32amp electric vehicle charging points shall be installed (one per dwelling) and made available prior to the initial occupation of the development hereby approved. The electric vehicle charging points shall thereafter be retained for the life of the development.

Reason: To comply with the air quality SPD and, to reduce the carbon emissions and the impact on the health of Nitrogen Dioxide emissions from the development

9. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance.

10. 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 buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 5 years from the completion of the development, 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 first gives written consent to any variation.  
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.
11. Details of facilities to be provided for the storage of bicycles and refuse bins for the new houses shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course take place. The facilities for bin and cycle storage for the whole development shall be provided in accordance with the approved details before the development that they relate to is first occupied and thereafter the facilities shall be permanently retained.  
Reason: To ensure a satisfactory appearance and in the interests of the amenities of the future occupiers.
12. No other part of the development shall be occupied until the existing means of access has been altered in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway".  
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
13. 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.
14. No further windows, or openings of any kind shall be inserted in the flank or rear elevations of the flats hereby permitted without the prior, express planning permission of the Local Planning Authority.  
Reason: To safeguard the privacy of occupiers of the adjoining properties.
15. With the exception of the small roof top balcony serving flat 5 to the northern corner of the building, the remaining roof area of the flatted development hereby approved shall not be used as a balcony, sitting-out or amenity area.  
Reason: To preserve the privacy and amenities of adjoining properties.
16. The development hereby approved shall not be occupied until such time as the associated balconies/amenity areas have been laid out, any associated fencing or privacy screening installed and the areas made available for use by the future occupiers, in accordance with the approved details. The amenity areas shall thereafter be permanently retained.  
Reason: To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), no development falling within Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality.

#### INFORMATIVE(S)

- 1 In accordance with paragraph 38 of the NPPF2 Buckinghamshire 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. Buckinghamshire 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.

In this instance the site was the subject of pre-application advice. During the application itself, the applicant/agent was updated of any issues as they arose and provided the opportunity to submit amendments to overcome the issues raised. The applicant/agent responded by submitting amended plans. The amended plans originally submitted were not considered to overcome the issues raised and the amendment request was rejected and the reasoning relayed to the agent.

Discussions took place between the agent and the case officer before the submission of further amendments, which were subsequently accepted and the necessary re-consultations undertaken.

Following the consultation process further clarifications were required and again the applicant/agent was provided the opportunity to submit amendments/further information to address the points raised.

Following comments received in response to the public consultation on the amended scheme, it was deemed necessary for the application to be considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

- 2 Any deep borehole soakaway associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted.
- 3 You are advised that the development lies within 50 metres of a known landfill site and you may wish to satisfy yourself that the details of the construction proposals take the necessary account of the possibility of landfill gas from that source. If your proposal requires Building Regulation Consent this issue will be dealt with by the Building Control Division when a formal submission is made. However, this may require you to engage the services of a consultant with expertise in these matters.
- 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

Highways Development Management at the following address for information:

Highway Development Management (Delivery)  
Buckinghamshire Council  
6th Floor  
Walton Street Offices  
Walton Street  
Aylesbury  
Buckinghamshire  
HP20 1UY

- 5 It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
- 6 It is an offence under S151 of the Highways Act 1980 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.
- 7 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.

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

### Ward Councillor Preliminary Comments

**Councillor D Johncock** - These comments relate to the revised scheme submitted by the developer in March 2021. It is disappointing to note that there has been little changed in over a year such that many of the objections made originally by local residents have not been adequately addressed. Indeed, I note that the size of the block of flats appears to have been increased adding to the adverse impact. The only real improvement seems to have been the relocation of the proposed houses to meet the 25m back-to-back separation requirement with the consequential impact on parking.

So to reiterate much of what I said on the original application, the Planning Statement [continues to make ??] makes it appear that the permanent loss of this car park is inevitable and acceptable whereas local people know very well that the closure of that car park has caused significant inconvenience to a great many people and probably an adverse impact on the economic viability of the shops in the Aries parade and the rest of the village centre.

Much of the car park at the rear of Aries House is now being allocated to business users plus the residents of the new flats being constructed above the old Budgens shop and this leave very little for shoppers. The car park at the Recreation ground on Straight Bit is full to overflowing most of the time but especially when there are matches being played on the Rec or in the Bowls Club when cars end-up being parked all over the place often causing traffic problems on this busy thoroughfare

### Parish/Town Council Comments/Internal and External Consultees

#### **Chepping Wycombe Parish Council**

Initial Comments: CWPC objects to this application. It is not quite true to say that the closure of the said car park was due to it not being used. Its closure created a loss of local village centre parking leading to the demise of three retail units. Its loss also caused considerable problems for parents during school hours. The application to put residential properties on this site under its present design is over development of the site and has an unneighbourly impact on the residents of Old Kiln Rd. The flats in particular give rise to overlooking of personal space with a distinct loss of the privacy they have enjoyed to date. There appear to be some inconsistencies in some of the measurements; in one part of the document it gives 1.10m and in another it gives 2.13m for the same place. Please could this be clarified. There are also several trees which are fine mature specimens of their type. Could it be ensured that they will be retained if necessary with a preservation order. In a recent application for Aries House to be converted into part commercial part residential - which was granted - this 'unused' car park was mentioned as coming back into use as parking for the redevelopment. It was then found not to be required as a redesign of the land to the side and rear of the Aries building gave them space. This however displaced the residential parking for the existing flats to the only other space which had previously been for public parking. There is mention in the application of car parking at the recreation ground. Please be aware that this car park is privately owned by Chepping Wycombe Parish Council. It is primarily there for residents who use the recreation ground facilities. It is also in regular use by the Tennis Club and Bowls Club, and at the weekends by the Flackwell Heath Minors Football Club. It can be closed as required by the Parish Council to park vehicles when required to carry out maintenance to Parish land within the area. Sometimes it is closed the evening before an event to facilitate set up needed the following day. It therefore cannot form part of this application with regards to permanent or occasional overflow to the residential parking. This application needs to be subject to a site visit and to be brought before the Planning Committee for consideration.

Follow-on Comments (May 21): CWPC strongly objects to this planning application. The lack of car parking in Flackwell Heath is a huge issue. The car park pertaining to 20/05797 has been, for over 45 years, extensively used by villagers accessing the retail units and by parents dropping off and collecting children from the local school. The closure of this car park in 2016 was not through lack of use by the public and has resulted in motorists parking inconsiderately, dangerously and illegally in the surrounding little roads. The loss, if planning permission is granted, will continue the decline of the retail outlets nearby (attributable to the closure of the car park) and the centre of the village will die. This planned development will undermine the vitality and viability of Flackwell Heath. In the Planning Statement the developer states that the original condition that required the parking to be maintained "is no longer relevant and is unenforceable". CWPC would like to challenge this statement; there is a desperate shortage of parking in the village, the condition should still stand and the car park should remain. Even if the current condition, that this site remains a car park, cannot be enforced in anyway, CWPC still strongly objects to the proposal. The application to put residential properties on this site under its present design is a gross overdevelopment of the site and has an unneighbourly impact on the residents of Old Kiln Rd. The roof height of the houses and block of flats will be much higher than the roof ridge of the existing houses thereby dwarfing them. The flats in particular give rise to overlooking of personal space with a distinct loss of the privacy and amenity they have enjoyed to date. The proposed flats have insufficient car parking spaces allocated within the development and therefore should be reduced in number to allow additional parking spaces. The development will be a carbuncle on the village, out of character with the locality. We note that in the revision to this application, the houses have been moved further away from each other so as to be 25m back to back, excluding any conservatories that have been added on. However, the block of flats has been moved closer to the existing houses, thereby not meeting the 25m local policy rule. The terraced houses surrounding the site have access from their back gardens onto a Right of Way footpath which runs through the car park. How will these residents be able to carry out maintenance in their back gardens that they've enjoyed for years? A number of trees are to be planted around the site. Who will have responsibility for the maintenance of these trees?

#### **Control of Pollution Environmental Health**

Comments (April 21): As per the air quality SPD, nine electric vehicle charging points with a minimum rating of 32 amp (one per dwelling) must be provided prior to the occupation of the development. Recommendation No objection subject to conditions.

#### **Control of Pollution Environmental Health**

Comments (April 20): In terms of environmental health issues, the application site is located close to a former landfill site - an informative has been prepared. No objection subject to a 'Proximity to Landfill Site' informative.

#### **Arboricultural Officer**

Initial Comments: The proposed development site is a vacant plot of hard surface. The application to redevelop the carpark is accompanied by a combined AIA/outline AMS/TPP.

It is acknowledged that that report is intended to provide enough detail to demonstrate the feasibility of the scheme in principle as opposed to setting out a detailed specifications of tree protection measures and engineering features. However, there are a number of complex tree-related issues which must be overcome at the application in order to strike a balance between the requirements of construction, tree health, and the reasonable enjoyment experienced by future occupants. Comments have been separated into those which could be dealt with by condition

(either pre or post-commencement) and those which may not be possible to resolve. Incursions into RPA.

The report notes the footprint results in a 4% and 8.5% incursion into the RPA of T7 and T10 respectively. The justification is that healthy trees 'can' withstand root loss of up to 20% (Helliwell & Fordham). This reference is understood to refer to 20% loss of the total root system, not 20% of the RPA (which already intended to represent the minimum required to sustain the tree). It should also be noted that, particularly in the case of T10, this is rooting area which will be lost permanently due to the footprint of the proposed building so the tree will not have the opportunity to recover its root system in this particular area. It is also noted that the footprint does not take into account any additional excavation to allow for the installation of foundations and/or services, nor working areas it cannot at this stage be supported. It may be possible for bespoke foundations to be employed to avoid root damage. Further information regarding the foundations details (ahead of a decision being made) may help provide reassurance and demonstrate that the proposal is achievable without causing significant harm to the trees. For example, details should demonstrate that, other than to install piles, no changes of levels will occur within the RPAs and that all other supporting structures, including the ground beam will be above ground level. A revised TPP could form part of an amended AMS (pre-commencement).

#### Mitigation planting

In order to satisfy the requirements of DM34, the development is required to protect and enhance both biodiversity and green infrastructure features and networks both on and off-site for the lifetime of the development. It must also demonstrate how existing green infrastructure and biodiversity assets will be maximised and how new green infrastructure and biodiversity assets will be maximised. The arboricultural documents refer to minimal impact on retained trees including removal of two 'low value trees' (T16 Rowan & T17 Birch, which are category B & C respectively). Removal of these trees may be acceptable, subject to suitable replacement planting as part of any landscape conditions. Tree pit design will have to ensure sufficient, good quality soil to enable the trees to reach maturity. As a number of trees are adjacent to hard landscape/parking areas, there will need to be provision for underground cells incorporated into the pit design if the soil volume is to be achieved. As the tree pits will need to be incorporated into the development during construction, details should be sought pre-commencement if compliance is to be secured. Although compliance with DM34 has not demonstrated, this could be achieved through the provision of additional detail.

#### Tree Protection

It is not clear from the TPP where the site office, contractors parking, delivery/storage of material mixing of materials or other potentially harmful activities will be carried out. This detail could be sought as part of a detailed/amended AMS pre-commencement. The report also notes that the existing hard surfaces of the car park will be left in site during construction and only removed (and replaced) at the landscaping stage. Retention of the hardstanding is not going to be possible in the areas immediately around the proposed dwelling. In these areas a more comprehensive method of ground protection will need to be employed. This could be addressed in an amended AMS pre-commencement. Parking bays within the RPA.

The current proposal includes 18 parking spaces, 5 of which (between T15 & T18) would require changes of levels and 2 of these are within the RPA of protected trees. It is not likely to be possible to create these parking bays without levels changes, which negates the purpose of no-dig. The comments from highways indicate that the development exceeds the required parking spaces. In order to resolve the issue of root severance, the two parking spaces within the RPAs could be

omitted without placing residents at a disadvantage in terms of parking. No-dig pathways and parking areas.

There are a number of paths and parking areas identified to incorporate no-dig foundations. Although acceptable in principle, use of these methods would result in frequent changes in levels between areas where it is used and areas where it is not due to the need for Timber edging boards (or similar) and above ground construction. Unless the whole pathway/parking areas are constructed to the same finished levels, use will be challenging. The cross sections and levels of the pathways could be established by pre-commencement condition. However, installation of the parking bays is likely to involve a lowering of soil levels in these areas and it is not apparent at this stage how this can be achieved without damaging the tree's root systems. At this point, there is insufficient information to support the construction methods for parking areas. Matters which are not covered and/or resolved in the arboricultural report - Potential conflict with policy.

The arboriculturalist's report considers that the relationship between the proposal and retained trees is acceptable and will not result in any future pressure to carry out inappropriate tree works. As a result, neither the trees nor wider landscape will be adversely affected.

Despite the assurances of the consultant, there are concerns that the proposed layout will not achieve the objectives set out in the arboricultural report. The report notes that 'if the London Planes are allowed to develop without further pruning, their branches may eventually overhang the proposed buildings'. While this may not be an issue in itself, the report goes on to suggest that the trees could be reduced as part of an ongoing regime, with specific reference to pollarding i.e. to maintain the trees at a reduced size moving forward. Pollarding is considered excessive and although maintaining the trees at a smaller size may not cause long term harm to the health or amenity value of the trees, it suggests that the distance between these two features is insufficient at the outset. The absence of landscaping details and the recommendation to maintain the existing trees at a smaller size appears to be contrary to policy DM34 and therefore cannot be supported at this time.

#### Future pressures

From past experience, having a limited distance between trees and the built environment frequently give rise to concerns regarding light, vermin perceived /actual risk/structural damage. Although the Council will retain a degree of control through the TPO application process, it may be difficult to defend the refusal of inappropriate works if they are necessary in order to make the properties liveable. London plane may also cause respiratory irritation to those living in close proximity to them. This is a result of the pollen and of trichomes (hairs) on the back of the leaves which become airborne. Diseases of plane such as Massaria, known to be within the Wycombe area (Marlow), can also lead to the loss of moderate size branches within the crown. This again may be source of concern for residents living/parking beneath the trees.

#### Follow-on Comments (April 21): Incursions into RPA

The report notes the footprint results in a 3.9% and 3.6% incursion into the RPA of T7 and T10 respectively. Previous comments regarding incursions into the RPA still apply, however it is acknowledged that the amount has been reduced that the relationship between the proposed building and retained trees on the eastern boundary is probably more sustainable. Issues relating to foundations details, services and soil improvements within the RPA could be addressed by condition if the case officer is minded to approve.

#### Mitigation planting

In order to satisfy the requirements of DM34, the development is required to protect and enhance both biodiversity and green infrastructure features and networks both on and off-site for the

lifetime of the development. It must also demonstrate how existing green infrastructure and biodiversity assets will be maximised and how new green infrastructure and biodiversity assets will be maximised. It's noted that the amended design has reduced the amount of new trees from 30 to 20 and there is now an additional parking space

The arboricultural documents also refer to removal of two 'low value trees' (T16 Rowan & T17 Birch, which are category B & C respectively). Removal of these trees may be acceptable, subject to suitable replacement planting as part of any landscape conditions. Although the trees in the hard landscaped areas have been removed in the updated proposal, the soil in soft landscape areas will be heavily compacted. Tree pit design in these areas will still have to ensure sufficient, good quality soil to enable the trees to reach maturity. This could also form part of any landscape conditions. Although compliance with DM34 has not demonstrated, this could be achieved through the provision of additional detail.

#### Tree Protection

It is not clear from the TPP where the site office, contractors parking, delivery/storage of material mixing of materials or other potentially harmful activities will be carried out. This detail could be sought as part of a detailed/amended AMS pre-commencement. The report also notes that the existing hard surfaces of the car park will be left in site during construction and only removed (and replaced) at the landscaping stage. Retention of the hardstanding is not going to be possible in the areas immediately around the proposed dwelling. In these areas a more comprehensive method of ground protection will need to be employed. This could be addressed in an amended AMS pre-commencement.

#### Parking bays within the RPA.

The current proposal includes several parking spaces likely to changes of levels within the RPA of protected trees. It's not clear how the applicant proposes to create these parking bays without levels changes (which negates the purpose of no-dig). It would be useful to see levels details prior to a decision but, if the case officer is minded to permit, levels details by condition in these areas is recommended.

Concerns regarding future pressures are unchanged - The limited distance between trees and the proposed buildings has the potential to generate concerns regarding light, vermin, perceived risk and future structural damage. Although the Council will retain a degree of control through the TPO application process, it may be difficult to defend the refusal of inappropriate works if they are necessary in order to make the properties liveable. London plane may cause respiratory irritation to those living in close proximity to them. This is a result of the pollen and of trichomes (hairs) on the back of the leaves which become airborne. Diseases of plane such as *Massaria*, known to be within the Wycombe area, can also lead to the loss of moderate size branches within the crown. This again may be source of concern for residents living/parking beneath the trees.

#### **Ecological Officer**

Initial Comments: The likely only significant ecological value of the site will reside in the trees around the perimeter. Given the urban location it is unlikely that bats would be using the trees but birds may. Policy DM34 puts requirements on this site to show a measurable net gain in biodiversity. It should be possible to show this without providing a biodiversity metric. However, it will be necessary to see details of how this will be achieved. As this site is 0.2ha, the Canopy Cover requirement is to 'Maximise', this could be done through a condition.

Ecological mitigation and enhancement details will need to be submitted prior to commencement. Details of tree planting (species, size and soil volume) can be submitted by pre start condition, this will need to be informed by the Canopy Cover Calculator which forms part of the Canopy Cover SPD:

<https://www.wycombe.gov.uk/pages/Planning-and-building-control/Planning-policy/SPDs-and-guidance.aspx>

Follow-on Comments (April 21): Although the site is dominated by car park, the edges of the area are dominated by trees and other vegetation. There is a chance that protected or priority species could be using the site and there is likely to be some other general ecological value on site. It is necessary to ensure that the mitigation hierarchy is followed and for a net gain in biodiversity to be achieved. None of the policy requirements can be assured without a starting point of an appropriate assessment. A Preliminary Ecological Appraisal (PEA) (to CIEEM guidance) needs to be undertaken and submitted. This needs to include appropriate mitigation, and enhancement recommendations.

### **Buckinghamshire Council LLFA (non-Major Suds)**

Initial Comments: The LLFA objects to the proposed development due to insufficient information regarding the proposed surface water drainage scheme.

Comments (April 2020):

The LLFA objects to the proposed development due to insufficient information regarding the proposed surface water drainage scheme.

Follow-on Comments (May 21): The LLFA objects to the proposed development due to insufficient information regarding the proposed surface water drainage scheme.

The LLFA would strongly encourage the applicant to consider using active rainwater harvesting.

The investigations did not include any infiltration rate testing to understand the infiltration potential of the underlying geology. The applicant is required to provide details of a pre-planning enquiry from Thames Water in order to demonstrate whether there is sufficient capacity in the system to accommodate the additional flows.

Follow-on Comments (28<sup>th</sup> May 21):

The applicant has provided a letter responding to the LLFAs previous response. The response includes acceptable reasoning for not completing infiltration rate testing, this being due to geology encountered during the site investigation. The applicant has also provided a pre-planning enquiry letter from Thames Water showing that Thames Water will accept a connection to the foul sewer, at a rate in line with CIRIA's best practice guide on SuDS or that stated within the sites planning approval. The applicant has stated that the rate will be a maximum 1 l/s, which is a betterment of 93% upon the existing brownfield runoff rates; whilst this rate exceeds the greenfield runoff rates for the site, in order to reduce the risk of blockage the proposed discharge rate is acceptable to the LLFA.

No objection subject to the suggested condition.

### **Highways Authority**

Initial Comments:

Old Kiln Road is an unclassified road subject to a 30mph speed restriction. The road does not have parking or waiting restriction and benefits from pedestrian footways. The application proposes the redevelopment of a car park to provide 9(no) residential units. Whilst I acknowledge the loss of the car park, the development is located on private land and there does not appear to be any obligation for it to re-open as a car park.

Trip Generation

In relation to the traffic generation resulting from the site, I would expect a residential house in this location to generate approximately 6 daily vehicular movements (two-way) and a residential flat to

generate approximately 4 daily vehicular movements (two-way). Therefore in terms of trip generation from the site, the four houses and five flats would have the potential to generate approximately 44 daily vehicular movements (two-way). I am satisfied that the proposed development will result in fewer daily vehicle movements to and from the site than its current lawful use as a car park. Therefore, the proposals will result in a decrease in pressure on the highway network and I am satisfied that the proposed development will not have a material impact on the capacity of the local highway network.

#### Access

The two existing access points onto the highway are proposed to be retained to serve the development. Having reviewed the submissions in support of the application, both access points can achieve the requisite splays for an access located upon a road subject to a 30mph speed limit (i.e. 2.4m x 43m in both directions). The access to the south of the site would provide access to 2(no) parking spaces whilst the access to the north of the site would provide access to the main parking area. This access would initially measure 4.8m in width before narrowing to 4.1m in width for a short section. A pedestrian footway would flank the private access way. The access should be upgraded in accordance with Buckinghamshire County Council's guide note 'Commercial Access Within Highway Limits' 2013 and this can be secured by way of condition should this application gain approval.

#### Parking Provision

Having assessed the proposed development using the Buckinghamshire Countywide Parking Guidance policy document, I note that the proposed 9(no) residential units would require 13(no) parking spaces when taking into account the level of habitable accommodation featured. The development would offer a level of parking beyond the optimum standard.

In accordance with the Buckinghamshire Countywide Parking Guidance policy document, parking spaces should be 2.8m x 5m. I can confirm that the spaces shown on the submitted plans are of adequate dimensions. The parking arrangement for the main parking area would allow for vehicles to park, turn and leave the site in a forward gear. Vehicles accessing parking spaces 17 and 18 would be required to reverse onto or off of the highway. Given the residential, unclassified nature of Old Kiln Road, I do not consider this likely to result in a detrimental impact upon the public highway. Additionally, similar access and parking arrangements are not uncommon within the vicinity of the site and therefore alone is not sufficient to object to the application.

#### Sustainability

Proposals for residential development generally need to be well connected to non-car modes of travel in order to meet the overarching sustainable development principles set out in the National Planning Policy Framework. Flackwell Heath benefits from bus services to High Wycombe and Bourne End providing an option for sustainable travel. Additionally, all necessary local amenities are located within close proximity of the site.

#### Follow-on Comments (April 21):

##### Access

The submitted plans now show a 4.8m wide shared surface access. This is suitable for the number of residential units proposed and would allow for simultaneous two-way vehicular movements.

##### Parking

The amended plans show some alterations to the parking area. The site would feature 15(no) parking spaces. In accordance with the Buckinghamshire Countywide Parking Guidance policy

document, the site is located in Residential Zone B. Therefore, each of the houses which feature five habitable rooms require two parking spaces whilst each of the flats which feature 1-4 habitable rooms require one space. As such, the nine proposed residential units require 13(no) parking spaces. The development would offer a level of parking beyond the optimum standard.

Although the number of spaces featured adhere to the standards contained within the Buckinghamshire Countywide Parking Guidance policy document, some of their dimensions do not. Specifically, the tandem and parallel spaces labelled P1, P2, P3 and P13 on the site plan should measure 3m x 6m.

Therefore, I request that the applicant amend the plans so that the four spaces observe the current guidance on length and width for their orientation.

### Representations

#### The Christ Church

- Object to the loss of parking. The need for the Old Kiln Road car park to secure the safety of all residents of and visitors to the village is indisputable. The use of the privately-owned church car park, especially by school parents, has significantly increased since the closure of the Old Kiln Road car park.

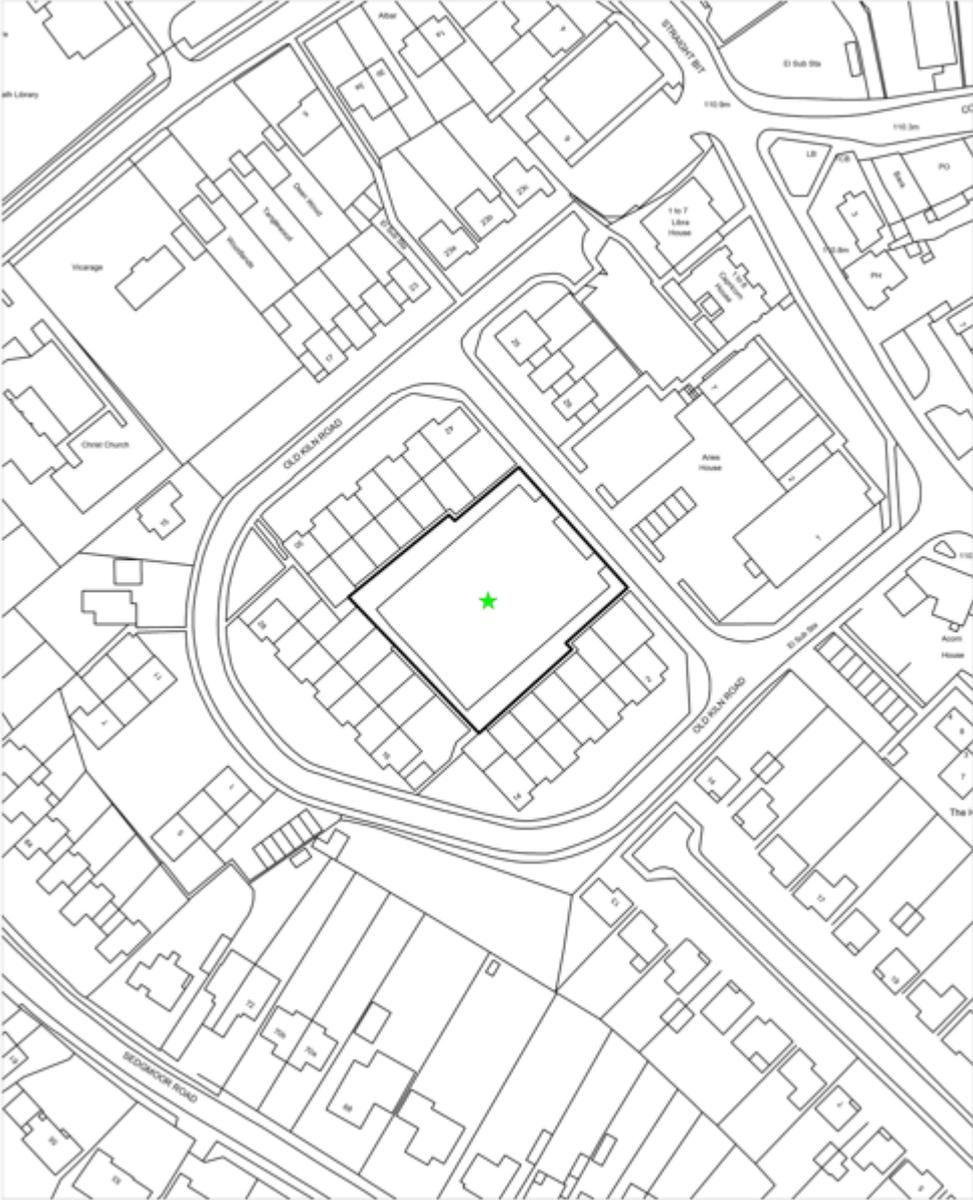
#### Other

- The large car park does not just meet the car parking need for shoppers at Aries House but is also the main general car parking provision in Flackwell Heath, being used extensively, beyond the closure of Budgens in 2012, by villagers using the retail outlets, employees of the retail outlets, and by parents taking children to, and collecting from, the Carrington School.
- Concern that external access to the rear gardens of the neighbouring properties must be maintained.
- The proposal does not reflect the needs of the community - parking and a doctors surgery are of greater need than housing
- The loss of car parking would lead to a long-term adverse effects on the vitality and viability of the district centre
- The proposal would be breach of a condition for the use of the site for car parking in connection with the occupation of the shops, offices, and housing at Aries House.
- The amount and bulk, scale and mass of the proposed development is not in keeping with existing residential character.
- The perpendicular cul-de-sac design fails to close the perimeter block which is not in keeping with the existing pattern of development.
- The proposal represents an over-development of the site.
- The bulk, mass and scale of the flats remains overbearing, dominant and out of keeping within the two-storey residential setting.
- Inconsistencies found in scaled drawing "PL-02C"
- Loss of neighbouring privacy due to overlooking
- The scheme would result in the loss of trees protected by TPO with no landscaping plan or mitigation strategy

- Impact upon retained trees
- Insufficient parking
- Contrary to adopted Residential Design Guidance
- Inaccuracies within the planning statement
- Loss of amenities to the neighbouring properties

# APPENDIX B: Site Location Plan

20/05797/FUL  
Scale 1/1250



Planning Committee  
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Ordnance Survey 100062456