



## Report to Strategic Sites Planning Committee

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<b>Application Number:</b>	18/07194/OUT
<b>Proposal:</b>	Outline application (including details of access and layout) for erection of 101 dwellings with all other matters reserved (amended plans received)
<b>Site Location:</b>	Tralee Farm 20 Wycombe Road Holmer Green Buckinghamshire HP15 6RY
<b>Applicant:</b>	Inland Ltd
<b>Case Officer:</b>	Declan Cleary
<b>Ward(s) affected:</b>	Hazlemere  Penn Wood and Old Amersham
<b>Parish-Town Council:</b>	Hazlemere Parish Council  Little Missenden Parish Council
<b>Date valid application received:</b>	31st August 2018
<b>Statutory determination date:</b>	30th November 2018
<b>Recommendation</b>	Had Buckinghamshire Council, as Local Planning Authority, still been the decision maker, the recommendation would have been that Members resolve to grant planning permission for the proposed development subject to the satisfactory completion of a Legal Agreement and satisfactory planning conditions, or if these are not achieved, that the application would have been refused.

### 1.0 Reason for Planning Committee Consideration

- 1.1 Members will recall that they considered an outline planning application for the erection of 101 dwellings (with matters of layout and access for approval), on land at Tralee Farm, Holmer Green, at Strategic Sites Committee on 24<sup>th</sup> February 2022. The recommendation of officers was that the application should be approved subject to the satisfactory

completion of a s.106 Legal Agreement, for the heads of terms as set out in the update report, and subject to conditions, as set out in the main Committee Report.

- 1.2 Following lengthy discussion of the application proposals, it was resolved that the application be deferred and brought back to Strategic Sites Committee once a Development Brief for the application site and the wider HW8 allocation (known as Land at Amersham Road, including Tralee Farm) had been produced. The requirement of a Development Brief for the allocated site is cited at paragraph 5.1.67 of the Wycombe District Local Plan which advises that *“a comprehensive approach to the development of the land in Wycombe District is essential for good planning of the site. Preparation of a development brief for the site will be essential to coordinate the detailed planning of the site and this should be used to inform any planning application submitted for the future development of the site”*. A full extract of Policy HW8 and its supporting text is contained in Appendix A.
- 1.3 Since the resolution of the Strategic Sites Committee to defer was made, the applicants have lodged an appeal to the Planning Inspectorate against the non-determination of the application on 4<sup>th</sup> April 2022, under s.78 of The Town and Country Planning Act 1990.
- 1.4 It is now the remit of the Planning Inspectorate (PINS) to determine the application proposals. The Planning inspectorate have confirmed that the appeal will be dealt with by way of the Public Inquiry procedure and have set out a timetable. This is as follows:

Local Planning Authority’s statement of case to be submitted to PINS	6 June 2022
Inspectors case conference with appellant and planning authority.	16 June 2022
Local Planning Authority’s proof of evidence to be sent to PINS	By 28 June 2022
Opening of public inquiry	26 July 2022 (Five days scheduled for inquiry)
PINS estimated decision date	16 September 2022

- 1.5 In order to achieve this timetable there are a number of tasks to complete, including:
- (a) The Strategic Planning Committee deciding whether the authority is minded to defend the appeal by setting out reasons that will form the basis of the Councils evidence at the appeal or otherwise confirm that the authority will not contest the appeal and instead invite a new planning application. While the appeal remains extant, the authority will need to:
  - (b) Appoint a planning witness to defend the appeal and appoint a legal representative (barrister)
  - (c) Notification of the appeal to third parties
  - (d) Work with the appellant on a Statement of Common Ground (identifying matters that are not contested) and negotiate a section 106 agreement
  - (e) Organising the venue and staffing.

- 1.6 The purpose of this report is to set out the decision required of the Strategic Sites Committee and to provide an update on any relevant matters which have arisen since the resolution to defer was made. This update report does not intend to repeat any matters which have been covered or assessed at length in the February Committee Report and its subsequent Update Report which are contained in Appendix B and C respectively.
- 1.7 Following the lodging of an appeal against non-determination there is a requirement for the Local Planning Authority to promptly review the case. As the decision on the application would have been made by Strategic Sites Committee it is necessary for its members to consider the proposals again.
- 1.8 The decision required by Strategic Sites Committee is to confirm how they would have minded to determine the application i.e. one of approval or refusal, and in the event of refusal, the substantive reasons for this resolution, based on the policies within the Development Plan. This will not be a formal decision of the Local Planning Authority on the planning application, but the resolution will confirm the approach that the LPA will take in defending the appeal.
- 1.9 The recommendation of officers remains that the application proposals should have been approved subject to the satisfactory completion of a s.106 and conditions, for the reasons set out in the Committee and Update Reports. For completeness the recommendation is repeated at paragraph 4.7 of this update report.

## **2.0 Further Representations**

- 2.1 No further representations have been received since 24<sup>th</sup> February 2022.

## **3.0 Other Matters**

### *Preparation of the Development Brief*

- 3.1 Following the decision of the Strategic Sites Committee to defer the application, Buckinghamshire Council have resumed the drafting of the development brief and have brought its preparation in house.
- 3.2 The draft Development Brief will continue to be prepared over the coming weeks and it is possible that it could be out for full 6-week public consultation at the end of May at which point its draft content will be in public domain.

### *Counsel Opinion (Inland Homes)*

- 3.3 The appellants have provided Officers of the Council an opinion from their Counsel, Paul Tucker QC, of Kings Chambers which sought to advise them on the likely success at appeal, and the prospect of a successful award of costs in the event of a non-determination appeal. It is considered that the Strategic Sites Committee ought to be aware of the commentary within this opinion when considering their resolution.
- 3.4 The opinion considers the deferral of the application following SSC on the basis that a Development Brief for the site ought to be produced first, as set out in the justification to the policy. With regard to the supplementary text of a policy within the Development Plan the opinion sets out that:

*It is trite law that when considering the application of section 38(6) of the Planning and Compulsory Purchase Act 2004 the reasoned justification of a development plan can never*

*be more than a material consideration and cannot introduce a further policy requirement. It is the policy itself which matters when judging the statutory presumption (see R (Cherkley Campaign) v Mole Valley [2014] EWCA Civ 567).*

And that:

*When considering the meaning of policy, it is usually unnecessary to seek to go behind the terms of the development plan itself and consider how a policy is formulated. A local plan is a public document and should be capable of interpretation without engaging in “forensic archaeology” see Phides v Secretary of State [2015] EWHC 827 (Admin), per Lindblom J at [56].*

- 3.5 The opinion then goes on to consider Policy HW8 and the justification text which sits behind that policy. With regard to criterion 1c) of HW8, which requires a comprehensive approach to development, the opinion states that there is no requirement for a single planning application to be submitted, and that:

*The intent of the policy is to ensure that at the point that the decision maker determines the application that there is sufficient evidence available to demonstrate how the grant of permission for part of the site would be consistent with the proper planning for the whole of the site. Accordingly, the application has sought to address this through the inclusion of a masterplan, an approach which has been accepted by officers.*

- 3.6 On the matter of the preparation of a Development Brief which is cited at paragraph 5.1.67 of the Local Plan, it is advised that:

*This cannot in law mean that the only way in which the criterion can be discharged is by such a masterplan. The text indicates that this is one way by which the requirement under criterion 1(c), to provide comprehensive development, could be addressed. However, the fact that there is no development brief cannot sensibly mean that a proposal which otherwise demonstrates consistency with the criterion is in breach of the policy. Thus, conflict with §5.1.67 does not mean that there is a conflict with policy HW8.*

- 3.7 On the point of the weight to be attached to the supporting text of the Policy, the opinion advises that:

*There is, with respect, no policy basis to require a development brief for the Site arising from the adopted development plan. A reference to a preference for a development brief in supporting text, however strongly that aspiration is cast, cannot give rise to a policy obligation (see Cherkley (supra)). Only the policy itself can require certain things to be done as preconditions to the determination of an application. The policy itself has been adhered to, as the Officer’s Report comprehensively explained.*

- 3.8 With regard to the matter of an award of costs with regard to the failure of the LPA to determine the application, the opinion draws on reference to the Planning Practice Guidance, which states that, “*In any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time*

*limit, and why permission would not have been granted had the application been determined within the relevant period.*

*If an appeal in such cases is allowed, the local planning authority may be at risk of an award of costs, if the Inspector or Secretary of State concludes that there were no substantive reasons to justify delaying the determination and better communication with the applicant would have enabled the appeal to be avoided altogether”.*

3.9 The opinion also cites other examples within Planning Practice Guidance which may amount to an award of costs including, *preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; acting contrary to, or not following, well-established case law; and, not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.*

3.10 On this matter, the opinion goes on to states that:

*In our view, all these factors indicating that a costs award may be appropriate are engaged. There are no substantive reasons to justify delaying the determination. To refuse permission would be to refuse development which accords with the development plan and would be to act contrary to the law, unless there were sufficient material considerations which individually or collectively indicate that permission be withheld. The absence of a development brief which is not mandated by policy cannot comprise such material considerations sufficient to outweigh the statutory presumption.*

3.11 Finally, the opinion concludes that:

*A putative reason for refusal (in the context of an appeal against non-determination) which relies on the failure to provide a document which is not required under policy or at all because it would serve no practical purpose would in our view be likely to be concluded to be unreasonable and as such would expose WDC to an adverse award of costs against them.*

#### **4.0 Conclusions and Recommendations**

- 4.1 Members of the Strategic Planning Committee must now make a resolution to inform the Council’s approach at the public inquiry. The application is the subject of the appeal and therefore the planning authority cannot determine it.
- 4.2 Should members have been minded to refuse the application, then any reason(s) for refusal must stand up to scrutiny at Public Inquiry and must be wholly justified by the policies within the Development Plan.
- 4.3 It is the considered opinion of Officers, that a reason for refusal based on a lack of a Development Brief, relying solely on the supplementary wording to Policy HW8 rather than the wording of the Policy itself, would not stand up to such scrutiny at appeal.
- 4.4 The recommendation of Officers remains that members should resolve that they would have been minded to approve the application proposals that are now subject of an appeal subject to the satisfactory completion of a s.106 legal agreement and conditions, as set out at 4.7 below. A new planning application ought to also be invited.

- 4.5 In this scenario if the applicant did not withdraw the appeal, the planning authority would still need to ensure that a satisfactory legal agreement and conditions were before the Inspector. The requirements of the obligations are considered necessary to make the development acceptable in planning terms, and meet the required tests. Failure to secure the obligations would result in a development which was unacceptable in planning terms and should be refused. The applicants have confirmed in their draft statement of common ground that they would look to secure the obligations. The LPA would work with the appellants in advance of the Public Inquiry to seek to complete a satisfactory obligation.
- 4.6 Should a satisfactory legal agreement not be agreed then the LPA would need to provide evidence to the Planning Inspector to justify why the planning obligations are necessary and why the application should be refused in their absence.

## 5.0 Recommendation

- 5.1 Had Buckinghamshire Council, as Local Planning Authority, still been the decision maker, the recommendation would have been that Members resolve to grant planning permission for the proposed development subject to the satisfactory completion of a Legal Agreement and satisfactory planning conditions, or if these are not achieved, that the application would have been refused.

The legal agreement would secure the following:

- a) Provision of a minimum 48% on-site affordable housing (and related controls)
- b) Provision of 5 custom/self-build dwellings
- c) Provision of on-site public open space, including play equipment and its future management and maintenance, including on site woodland and delivery of pedestrian/cycle/emergency vehicle connections
- d) Financial contribution towards a MUGA and NEAP within HW8 as necessary
- e) Future management and maintenance of on-site sustainable drainage system
- f) Provision of a scheme of biodiversity off-setting to provide a net gain in biodiversity
- g) Financial contributions towards off site highways works including RTPI upgrades to bus stops and waiting restrictions within Highway
- h) Provision of a pedestrian route (either permanent or temporary until other routes are provided) to provide access between Wycombe Road and the southern site boundary if required by the needs of the HW8 development that will gain its vehicular access from Amersham Road including a step in right for the route to be constructed if the Tralee development does not proceed as fast as the remainder of the HW8 development.
- i) Removal of any ransom opportunities relating to other development of the HW8 site.
- j) Financial contribution towards primary education in the area

It is anticipated that any permission would be subject to the following conditions:

1. Details of the appearance, scale and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning

authority before any development begins and the development shall be carried out as approved.

Reason. That the application is expressed to be an outline application only

2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason. To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended)

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason. To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

4. Unless otherwise approved under subsequent applications for reserved matters or detail reserved by a condition contained within this permission, the development hereby permitted shall be carried out in accordance with the approved plans referenced:

Required Site Access Alignment (141278/A/A07 Rev A dated 18/05/20) received 19/01/22

Amended Coloured Site Layout (18083 – C201B) received 19/01/22

Amended Proposed Site Layout (18083 – P202M) received 19/01/22

Site Section – Western Boundary (18083 P207) received 08/11/21

Site Section D-D (18083 P206 Rev A) received 08/11/21

Swept Path Analysis – Refuse Vehicles (141278/A/02/AT01 Rev A) received 08/11/21

Location Plan (18083 S101 Rev B) received 31/08/18

Reason: In the interest of proper planning and to ensure a satisfactory development of the site.

5. The development hereby permitted shall be restricted to a total of 101 units in accordance with the housing mix identified within the Indicative schedule of accommodation (P202) dated 14/01/22 unless otherwise agreed by the Local Planning Authority.

Reason: To define the permission and to ensure that housing mix numbers remain in accordance with the details considered in the outline application.

6. The first reserved matters for scale and/or appearance shall include full details of any ancillary structures including substation and pumping station. The development shall be carried out in strict accordance with the approved details.

Reason. In the interest of the character and appearance of the development.

7. The first reserved matters application shall include a revised layout of rear alley access routes serving plots 92-101 as detailed on the approved plans. The revised layout shall minimise the number of units accessible by alley and reduce permeability to the rear of dwellings. The development shall be carried out in accordance with the revised details.

Reason: In the interests of designing out crime and the fear of crime.

8. The first reserved matters application for scale and/or landscaping shall include drawings of the site identifying the following shall be submitted to and approved in writing by the Local Planning Authority before any development takes place;
  - (a) Existing ground levels on site (spot heights) including a datum point that is located off site. Levels should be Above Ordnance Datum (AOD).
  - (b) The level of the road outside the site. (AOD).
  - (c) The proposed levels on site following completion of the development (for each existing height a proposed height should be identified.
  - (d) The location and type of any retaining structures needed to support ground level changes.
  - (e) The Finished Floor Level for every building that is proposed.
  - (f) Cross sections within the site taken up to the site boundaries. The information supplied should clearly identify if land levels are being raised or lowered.
  - (g) In the case of residential development, sections showing the level of the proposed garden(s) and retaining structures.
  - (h) Detailed levels and section information relating to the design and shape of SUD's basin to incorporate the feature more naturalistically into the open space

The development shall be carried out only in accordance with the approved details.

Reason. It is necessary to ensure accurate information can be provided regarding the levels for the development and thereby to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, to ensure that the impact on surrounding views is as assessed and in the interests of the street scene.

9. The Reserved Matters application for landscaping shall include a fully detailed landscape scheme which shall include:
  - a) A scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
  - b) The design of all boundary treatments and enclosures;
  - c) Details of all play equipment and any other structures to be placed in the open space (e.g. litter bins, seating);
  - d) Location, type and materials to be used for hard landscaping including specifications, where applicable for:



- a. permeable paving
- b. tree pit design, fully demonstrating how the soil volume in the canopy cover calculations will be achieved in hard landscaped areas and how underground services will be incorporated into the design where required
- c. underground modular systems
- d. Sustainable urban drainage integration
- e. use within tree Root Protection Areas (RPAs)
- e) A schedule detailing sizes and numbers/densities of all proposed trees/plants;
- f) Tree pit designs including details of soil volumes. For street tree pits to include where appropriate a cellular confinement or other system for tree pits that are fit for purpose and suitable for vehicles and pedestrian usage.
- f) Specifications for operations associated with plant establishment and maintenance that are compliant with best practise
- g) A report to demonstrate how the Councils 25% canopy cover policy is being complied with, based on the detailed landscaping scheme;
- h) Management and maintenance of the landscape scheme including details of how trees in back gardens will be protected from removal in the longer term
- i) Ecological/biodiversity enhancements (flora) as so required by other conditions
- j) Revised plans to extend the length of footpath/cycleway along the eastern boundary of the site, or where this is demonstrated to not be feasible for highways and/or arboricultural reasons, details of measures to improve the legibility of the route through hardsurfacing materials/design
- k) Landscaping measures to screen the proposed pumping station and other ancillary utility structures
- l) Access road boundary treatment and landscaping

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development. This is in accordance with policy DM34 of the Wycombe Area Local Plan.

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 3 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. With the exception of any pruning, tree surgery or felling specifically shown in an approved tree report or landscaping scheme, no tree, shrub or hedge shall be pruned, felled or removed without the prior approval of the Local Planning Authority. If during construction of the development, or within a period of three years of its completion, any such tree, shrub, hedge dies or becomes damaged, destroyed, diseased or dangerous, it shall be replaced during the following planting

season by another healthy, tree, shrub or hedge as the case may be of a similar size and species, unless otherwise approved in writing by the Local Planning Authority. Thereafter any such replacement planting shall be maintained or further replaced as necessary for three years after replacement.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping and To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity.

11. Prior to occupation, a “lighting design strategy for biodiversity” (which follows the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18 ‘Bats and artificial lighting in the UK’) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - A. identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important movement corridors; and
  - B. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) and detail how timing of lighting will be controlled, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
  - C. ensure that lighting shall have a colour temperature of less than 2700 Kelvin.All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: Many species active at night are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established movement corridors or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. Limiting negative impacts of light pollution is also in line with paragraph 180 of the NPPF.

12. No development shall take place, unless authorised by the local planning authority, until the applicant, or their agents or successors in title, have undertaken archaeological evaluation in the form of a geophysical survey and trial trenching in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. Where significant archaeological remains are confirmed these will be preserved in situ.

Where significant archaeological remains are confirmed, no development shall take place until the applicant, or their agents or successors in title, have provided an appropriate methodology for their preservation in situ which has been submitted to and approved in writing by the local planning authority and the approved methodology shall be complied with. Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording no development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of

archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. The development shall thereafter take place in accordance with the approved scheme.

Reason: This is a pre-commencement condition in order to control the potentially harmful effects on historic assets. To ensure any archaeological remains that may be present are preserved in situ and/or recorded for future generations as appropriate. To comply with the requirements of policy CP11 and the NPPF.

13. No phase of the development shall take place until such time as a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, as set out by the approved Flood Risk Assessment and Drainage Strategy (ref. Acl300/17038/FRA, 04.07.2018, ADAMA Consulting) and supporting Addendum to the Flood Risk Assessment and Drainage Strategy (ref. Acl558/20012/FRA/DS, 26.04.2021, ADAMA Consulting). The scheme shall also include:
- Soakaways are to be situated a minimum of 10m away from any building.
  - Assessment of the suitability of tree pits for tree planting adjacent to the highway and/or parking areas
  - Infiltration rate testing in accordance with BRE365 in the specific locations of infiltration components
  - Full construction details of all SuDS and drainage components
  - Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
  - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
  - Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

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

suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.

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

15. The development shall not be occupied until confirmation has been provided that either: 1) All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or 2) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plane.

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

16. No development shall take place until a fully detailed scheme for the protection of the retained trees (including within the retained woodland), in accordance with BS 5837:2012, including a tree protection plan (TPP) and an Arboricultural Method Statement (AMS) have been submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:
  - a) Location and installation of services/ utilities/ drainage that may impact on retained trees or areas of new planting.
  - b) Methods of any construction-related activities within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
  - c) A full specification for the installation of boundary treatment works that may impact on the retained trees.
  - d) A full specification for the construction of any roads, parking areas, driveways and pathways including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. Tree protection and AMS
  - e) A specification for protective fencing to safeguard retained trees during both demolition and construction phases.
  - f) A specification for scaffolding and ground protection within tree protection zones where necessary.
  - g) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
  - h) Methodology and specification for any facilitation pruning, including root pruning in accordance with BS3998:2010
  - i) Arboricultural supervision and inspection by a suitably qualified tree specialist
  - j) Methods to improve the rooting environment for retained and proposed trees and landscaping

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: This is a pre-commencement condition which is required to satisfy the Local Planning Authority that the trees to be retained not be damaged during construction and to protect and enhance the character of the site, in accordance with Policy DM34 and pursuant to section 197 of the Town and Country Planning Act 1990.

17. The development shall not begin until details of the estate road (including matters such as the longitudinal sections of the roads, the details of the materials intended for use in construction and whether the road would be adopted) have been approved in writing by the Planning Authority (in consultation with the Highway Authority) and no dwelling shall be occupied until the estate road which provides access to it from the existing highway has been laid out and constructed in accordance with the approved details.

Reason: This is a pre-commencement condition that is required in order to ensure that the estate road is of an appropriate design to minimise danger, obstruction and inconvenience to users of the highway and of the development.

18. The development shall not begin until details of the disposal of surface water from the estate roads have been approved in writing by the Planning Authority in consultation with the Highway Authority and no dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

Reason: This is a pre-commencement condition as development cannot be allowed to take place, which in the opinion of the Highway Authority, could cause danger, obstruction and inconvenience to users of the highway and of the development should the discharge of surface water enter or interfere with the adjacent highway network.

19. No other part of the development shall be occupied until the new means of access has been sited and laid out 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.

20. Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no gates shall be erected upon the development's estate road.

Reason: To prevent vehicles reversing out onto Wycombe Road and enable vehicles to draw off clear of the highway, turn within the site and re-enter Wycombe Road for the safety and convenience of all highway users.

21. No dwelling shall be occupied until

- (a) The car parking serving that dwelling has been provided. The unallocated car parking shall be provided before the occupation of any flat hereby approved.
- (b) A scheme showing how each communal parking space will be marked to identify whether it is intended for use by a dwelling or visitors to the development shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. For the avoidance of doubt where a car parking space is identified on the layout plan as being available for use by two dwellings, such a space shall be marked out as a private (i.e. not a visitor) space
- (c) The scheme for manoeuvring and the loading/unloading provisions for refuse and delivery vehicles shown on the submitted plans has been laid out.  
The car parking, manoeuvring space and loading/unloading provisions for refuse and delivery vehicles shall not thereafter be used for any other purpose.

Reason: To ensure that adequate car parking is provided in the interests of the amenities of the area.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), the garage car parking spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. The garages shall be solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure that the development has adequate car parking provision.

23. No wall, fence, hedge or other means of enclosure to be provided along the site frontage shall exceed a height of 0.6 metres above the level of the centre line of the access within land under the control of the applicant.

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.

24. With the exception of the emergency vehicular access here shall be no other means of vehicular access to the development other than from Wycombe Road as approved.

Reason: To avoid potential vehicular movements from Amersham Road through to the Wycombe Road in the interest of highway safety and to avoid inconvenience .

25. Prior to first occupation, details of facilities for the storage of refuse bins and cycles shall be provided to the local planning authority for approval. The approved details shall be provided before the dwelling(s) that they relate to is first occupied and shall thereafter the facilities shall be permanently retained for their purpose.

Reason: To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents.

26. Prior to the commencement of any works on the site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of a banksman, on-site loading/unloading arrangements and parking of site operatives vehicles) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with such approved management plan.

Reason: This is a pre- commencement condition as development cannot be allowed to take place, which in the opinion of the Highway Authority, could cause danger, obstruction and inconvenience to users of the highway and of the development.

27. Prior to occupation of the development hereby permitted, electronic vehicle charging points with a minimum rating of 32amp must be installed so that one carping space per dwelling is served by an electronic vehicle charging point.

Reason: To manage carbon emission generation and mitigate for climate change in accordance with local plan policy CP12 and DM33 and to comply with the Council's air quality SPD to reduce carbon emissions and the impact on health arising from Nitrogen Dioxide emissions from the development.

28. No above ground construction shall take place until a scheme to integrate renewable technologies (e.g. heat pumps, photo voltaic cells) into the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to comply with Local Plan Policy DM33 and Policy C12. The development shall be implemented in accordance with the approved scheme and no dwelling shall be occupied until the measures within the scheme relating to that house or flat have been provided. The scheme shall remain operational for the lifetime of the development unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of managing carbon emissions and mitigating climate change as required by Local Plan Policy CP12 and DM33.

29. The reserved matters application(s) for scale and appearance shall demonstrate 30% (rounded) affordable dwellings and 20% (rounded) market dwellings as designed to meet the standards set out in Building Regulations Approved Document M4(3) and the remaining dwellings as designed to achieve the standards in Building Regulations Approved Document M4(2), unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To meet the need for accessible, adaptable and wheelchair user dwellings as required by policy DM41.

30. The dwellings shall all achieve the higher water efficiency standard set out in the appendix to Building Regulations Approved Document Part G.

Reason: In order to meet the requirements of Local Plan policy CP12 and DM41 in the interests of water efficiency.

31. The reserved matters application(s) for scale and appearance shall demonstrate, through floorplans and an updated schedule of accommodation, the number of habitable rooms proposed for each dwelling which demonstrate an overall optimum level of parking provision for the site can be achieved in accordance with the Buckinghamshire Countywide Parking Guidance. The dwellings shall be laid out in strict accordance with the approved details.

Reason: To ensure that the development delivers an appropriate quantum of parking provision as detailed in the approved layout in the interest of highway safety.

32. Subsequent reserved matters applications shall be supported with an updated Biodiversity Impact Assessment metric which reflects the detailed design of the scheme. Further BIA metrics shall demonstrate no greater loss to biodiversity than demonstrated in this permission.

Reason: To ensure that the required off site compensation for the loss of on site habitats is minimised and that detailed design provides no greater loss.

33. No development shall take place until an ecological design strategy (EDS) addressing mitigation compensation enhancement has been submitted to and approved in writing by the local planning authority.

The EDS shall be produced in coordination with the urban design layout of the site in an iterative process with the intention of maximising on site biodiversity value as will be evidenced through an updated biodiversity metric. The EDS shall include the following:

- a. Purpose and conservation objectives for the proposed works.
- b. Review of site potential and constraints.
- c. Detailed designs and working methods to achieve stated objectives.
- d. Extent and location/area of proposed works on appropriate scale maps and plans which cross reference with an updated Warwickshire metric.
- e. Specification and source of materials (including plants and soil) to be used where appropriate, e.g. native species of local provenance.
- f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g. Persons responsible for implementing the works.
- h. Details of initial aftercare prior to implementation of the Landscape Ecology Management Plan (LEMP).
- i. Details for monitoring and remedial measures.
- j. Details for disposal of any wastes arising from works.
- k. Provision for wildlife corridors, including hedgehog holes in fences, native hedgerows and other linear features for habitat connectivity.
- l. Tree, hedgerow, shrub, wetland and wildflower planting and establishment.



- m. Proposed new landforms associated with habitat creation, e.g. water bodies/SuDSs features.
- n. Soil handling, movement and management.
- o. Creation of new wildlife features, including bird and bat boxes integrated into buildings (at least one per building), wildlife ponds, insect hotels/bee bricks, places of shelter for reptiles and hedgehogs, hedgehog holes in fences, etc.

The EDS shall where appropriate be cross reference in other relevant details (e.g. landscape plans, LEMP, detailed building design, construction environmental management plan), and it shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the biodiversity value of the site will be in line with the submitted Biodiversity Metric and Proposed Habitat Plan and maximised in line with policy DM34.

34. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a. Risk assessment of potentially damaging construction activities.
  - b. Identification of “biodiversity protection zones”.
  - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d. The location and timing of sensitive works to avoid harm to biodiversity features.
  - e. The times during construction when specialist ecologists need to be present on site to oversee works.
  - f. Responsible persons and lines of communication.
  - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h. Use of protective fences, exclusion barriers, escape ramps from trenches/holes and warning signs (including their specification, location and timing for erecting and dismantling).

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

Reason: To ensure that development is undertaken in a manner which ensures important wildlife is not adversely impacted.

35. No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.
- i. Description and evaluation of features to be managed.
  - ii. Ecological trends and constraints on site that might influence management.

- iii. Aims and objectives of management.
- iv. Appropriate management options for achieving aims and objectives.
- v. Prescriptions for management actions.
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- vii. Details of how work schedules will be reviewed on a five yearly basis for at least 30 years (to ensure long term biodiversity net gain is achieved).
- viii. Details of the timing and structure of Biodiversity Net Gain Audit Reporting to be produced in line with the CIEEM Guidance document: Biodiversity Net Gain Report and Audit Templates (July 2021).
- ix. Details of the body or organisation responsible for implementation of the plan.
- x. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- xi. The plan shall also set out (*where the results from monitoring show that conservation aims and objectives of the LEMP are not being met*) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure appropriate protection and enhancement of biodiversity, to make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare.

36. Prior to occupation of the 90<sup>th</sup> dwelling hereby approved a post construction Biodiversity Net Gain Audit Report must be submitted to and approved in writing by the Local Planning Authority. It must to be produced in line with the CIEEM Guidance document: Biodiversity Net Gain Report and Audit Templates (July 2021) and the details set out in the approved Landscape and Ecology Management Plan. The Audit report must also be passed to a named management company along with the Landscape and Ecology Management Plan.

Reason: to ensure the habitats which are to be relied upon to ensure that the biodiversity value on site is achieved, have been correctly created so that they can establish correctly and be managed.

## APPENDIX A: POLICY HW8

### **POLICY HW8 – LAND OFF AMERSHAM ROAD INCLUDING TRALEE FARM, HAZLEMERE**

The site as shown on the Policies Map is allocated for residential use.

Development of the site is required to:

#### **1. Place-making**

- a) Maintain a sense of separation between Hazlemere and Holmer Green, through the layout of the site;
- b) In the event that land to the north east in Chiltern District (off Earl Howe Road) is allocated for development in the Chiltern and South Bucks Local Plan, to be planned comprehensively with that site as a whole; and in any event to not prejudice future integration;
- c) Provide a comprehensive development of the site within Wycombe District;
- d) Redevelop the existing coach yard and riding stables;
- e) Consider the opportunity to redevelop existing residential properties fronting Amersham Road.

#### **2. Transport:**

- a) Provide access from the A404 and the Wycombe Road;
- b) Provide walk / cycle access through Tralee Farm onto Wycombe Road;
- c) Improve access to existing bus routes;
- d) Provide or contribute to off-site highway improvements as required by the Highway Authority.

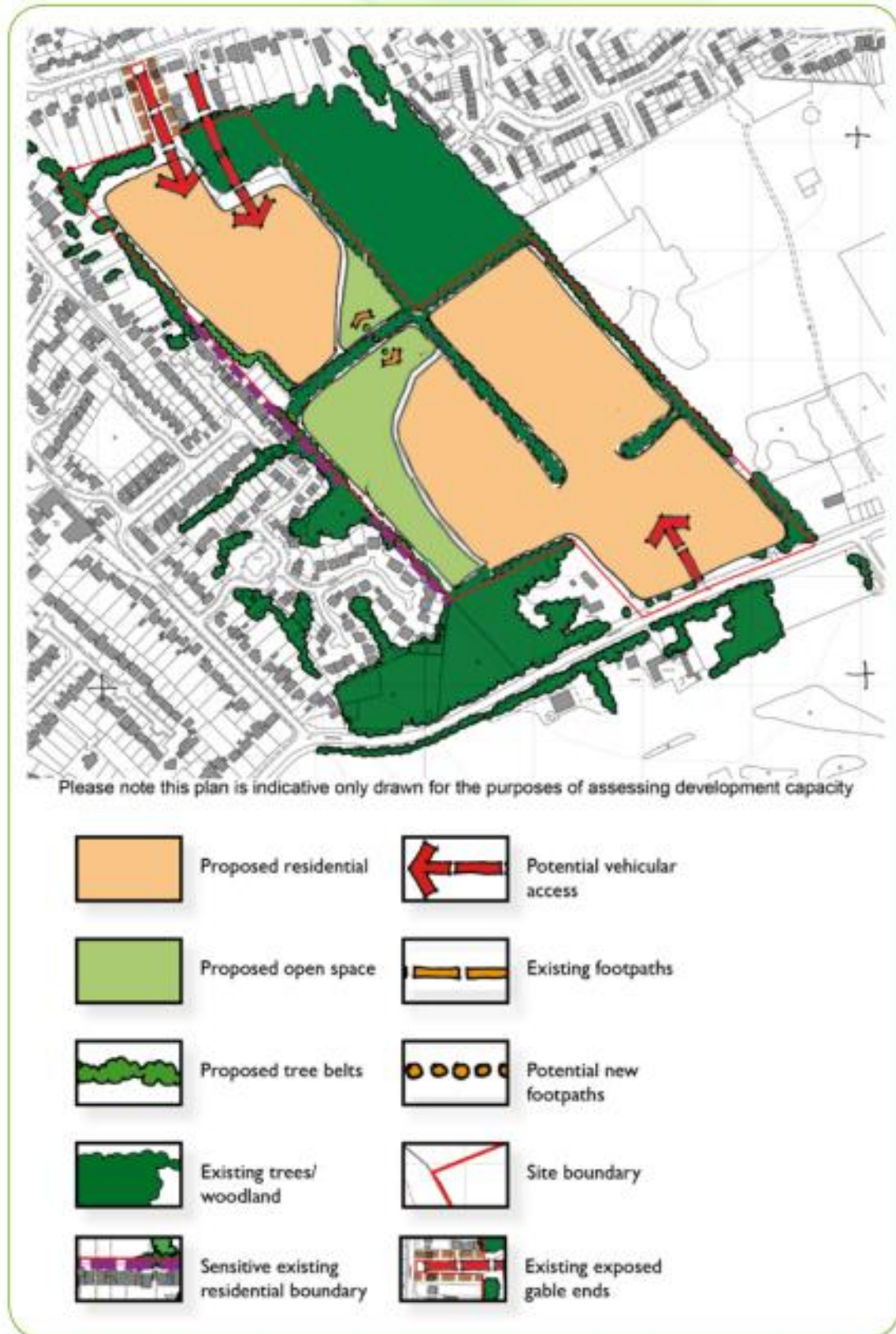
#### **3. Green Infrastructure/Environment**

- a) Provide access to and retain the existing orchard within the north east of the site;
- b) Provide protection and future management for the orchard;
- c) Retain the woodland in the south west corner of the site at Badger Way;
- d) Provide a Green Infrastructure link through the valley of the site, connecting the orchard to the woodland at Badger Way;
- e) Retain the field boundaries within the site;
- f) Manage local sources of flood risk.

4. Development of this site will be required to meet the needs arising from the development for additional primary school places.

## 5.1 High Wycombe area continued

Figure 14 Land off Amersham Road including Tralee Farm



## Supporting text (from the local plan):

- 5.1.64 The site is allocated for 350 homes.
- 5.1.65 The site has been taken out of the Green Belt and allocated for residential purposes. The Green Belt Part 2 report has reviewed this site and indicated that exceptional circumstances exist for removing the site from the Green Belt.
- 5.1.66 The site adjoins an area to the northeast up to Earl Howe Road that is currently being considered by Chiltern District as part of the Green Belt assessment feeding into the joint Chiltern and South Bucks Local Plan. It is therefore essential that, should Chiltern District Council decide to allocate that land for development within their local plan, that the two sites are planned comprehensively together. In any event, development on the site within Wycombe District does not prejudice the development on the adjoining land in Chiltern District.
- 5.1.67 A comprehensive approach to the development of the land in Wycombe District is essential for good planning on this site. Preparation of a development brief for the site will be essential to coordinate the detailed planning of the site and this should be used to inform any planning application submitted for the future development of the site. If the adjacent site is allocated, it would be highly desirable for there to be a single brief for both sites.
- 5.1.68 In the event that land to the north east in Chiltern District (off Earl Howe Road) is allocated for development in the Chiltern and South Bucks Local Plan, a new primary school will be required. (This may be located on either site, with the location and delivery strategy to be determined as part of the development brief process.)
- 5.1.69 Alternatively, a commensurate financial contribution (via a S106 planning obligation) will be required for the provision of additional school places if the adjoining Chiltern site is not allocated OR if it can be demonstrated to the satisfaction of the Local Education Authority that these needs will be better met through the expansion of existing schools.
- 5.1.70 Vehicular access on to the A404 should be provided although it should be located well away from the steep bend on the A404, Further assessment of the impact on the highway network is required, including the impact on the Hazlemere Crossroads. There is also potential vehicular access to the north, to Wycombe Road – as a minimum pedestrian and cycle access will be needed here. Access to the north is particularly important because it is here that residents will get access to local facilities and local bus services, including those on Browns Road/Wycombe Road in Holmer Green.
- 5.1.71 Although the site in Wycombe District physically adjoins Hazlemere, the likely access points onto the site mean that residents are more likely to use the facilities in, and feel part of, Holmer Green.
- 5.1.72 The site benefits from important natural features including an orchard and woodland area. Green infrastructure links can be enhanced by linking the orchard to the woodland area off Badger Way along the shallow valley through the site. A badger assessment may be

necessary for this site. This green infrastructure corridor can provide the sense of separation between the two communities of Hazlemere and Holmer Green.

- 5.1.73 The existing field boundaries within the allocation have the potential to provide a structure to development of the site. The field boundaries should only be removed where an effective layout cannot otherwise be achieved.
- 5.1.74 This site contains critical drainage areas; as a result any flood risks presented by surface water flooding should be assessed and mitigated for in accordance with Policy DM39.
- 5.1.75 There is scope to redevelop some of the built development on the site. It would be inappropriate to retain the stables, and the coach park to the south as part of residential development. Careful consideration will also need to be given to the existing houses fronting on to Amersham Road, whether they are to be redeveloped as part of the overall development or retained and hence adjoining the new development.