



## Report to South Area Planning Committee

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<b>Application Number:</b>	PL/23/1174/FA
<b>Proposal:</b>	Two-storey demountable building comprising 12 apartments (3x one bed and 9x two bed) (use class C3) to provide interim residential accommodation to homeless households with associated car parking, private and shared amenity space, landscaping and other ancillary works (a further temporary permission for a period of 5 years is sought).
<b>Site location:</b>	Walters Court 811 Bath Road Burnham Buckinghamshire
<b>Applicant:</b>	Buckinghamshire Council (Mr Anwar Zaman)
<b>Case Officer:</b>	Richard Regan
<b>Ward affected:</b>	Cliveden
<b>Parish-Town Council:</b>	Burnham Parish Council
<b>Valid date:</b>	5 April 2023
<b>Determination date:</b>	5 July 2023
<b>Recommendation:</b>	Conditional permission

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

- 1.1 The application seeks to obtain temporary planning permission for a further 5 years for a Two-storey demountable building comprising 12 apartments (3 x one bed and 9 x two bed) (class C3) to provide interim residential accommodation to homeless households with associated car parking, private and shared amenity space, landscaping and other ancillary works.
- 1.2 The development already exists, having been constructed and occupied following the grant of a previous temporary planning permission under reference 17/2391/FUL.
- 1.3 It is considered that the proposals are acceptable, by virtue of the fact that it would not have an adverse impact on the Green Belt, there has been a significant increase in the demand and need for the type of temporary housing being provided, and it allows for an accurate marketing exercise to be undertaken in post-covid conditions to identify future demand for the site as a commercial/employment property.

- 1.4 The application has been referred for determination by the South Area Planning Committee on the basis that the Council are the applicant and own the site.
- 1.5 Recommendation – Temporary Conditional Permission.

## **2.0 Description of Proposed Development**

- 2.1 The application seeks to obtain temporary planning permission for a further 5 years for a Two-storey demountable building comprising 12 apartments (3 x one bed and 9 x two bed) (class C3) to provide interim residential accommodation to homeless households with associated car parking, private and shared amenity space, landscaping and other ancillary works.
- 2.2 The application site is located within the Green Belt on the southern side of Bath Road (the A4). The vehicular access exits onto Bath Road and runs along the western boundary of the site, also providing access to the Thames Water treatment works to the south of the site. The site is currently occupied by the development which this application seeks to retain.
- 2.3 The Bishop Centre (containing Tesco) is located to the north of the site, and the surrounding area is predominantly undeveloped Green Belt land, although two residential properties are situated to the north-east with the closest being No. 801 Bath Road.
- 2.4 The application is accompanied by a number of documents that were also submitted with the previous application including; design and access statement; transport assessment; air quality report; noise report; ground investigation study; and drainage strategy. The current application is also accompanied with an up-to-date planning statement.

## **3.0 Relevant Planning History**

Relevant planning history for the site:

- 3.1 13/00716/TEMP – Conditional Permission, 21 June 2013 - Temporary use of Bath Road Depot for parking of refuse, recycling and street cleaning vehicles and temporary welfare cabin, for the period 24th June 2013 to 31st January 2014. Hours of operation required are 06.30 to 18.00 Monday to Friday, 06.30 to 13.00 on Saturday and 06.30 to 16.30 on up to three Saturdays per year.
- 3.2 13/00880/FUL – Conditional Permission, 25 July 2013 - Single storey industrial premises to contain 4 individual units for B1 and B8 use.
- 3.3 16/01263/FUL – Conditional Permission, 2 September 2016 - Single storey industrial premises to contain 4 individual units for B1 (Business) and B8 (Storage or Distribution) use.
- 3.4 17/02391/FUL – Conditional Permission, 3 April 2018 - Two-storey demountable building comprising 12 apartments (3 x one bed and 9 x two bed) (class C3) to provide interim residential accommodation to homeless households with associated car parking, private and shared amenity space, landscaping and other ancillary works. (Temporary permission for a period of 10 years is sought).
- 3.5 PL/18/2845/NMA - Accepted, 5 September 2018 - Non material amendment to planning permission 17/02391/FUL (Two-storey demountable building comprising 12 apartments (3 x one bed and 9 x two bed) (class C3) to provide interim residential accommodation to homeless households with associated car parking, private and

shared amenity space, landscaping and other ancillary works. (Temporary permission for a period of 10 years is sought) to allow change in surface material from paving to macadam, consolidation of plant room, relocation of bin store and change in cladding to render.

- 3.6 PL/19/1396/NMA - Accepted, 23 May 2019 - Non material amendment to planning permission 17/02391/FUL (Two-storey demountable building comprising 12 apartments (3 x one bed and 9 x two bed) (class C3) to provide interim residential accommodation to homeless households with associated car parking, private and shared amenity space, landscaping and other ancillary works. (Temporary permission for a period of 10 years is sought) to allow replacement of the metal railing with featheredge fence, omit soft landscaping to private patio and omit the canopy in the cycle parking.

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

- 4.1 The Parish Council raised no objections to the proposals.

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

- National Planning Policy Framework (NPPF), February 2019.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;
- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Townscape Character Study 2017
- Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020

##### **Principle/Green Belt Considerations**

Core Strategy Policies:

CP1 (Housing provision and delivery)

CP10 (Employment)

Local Plan Saved Policies:

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

H2 (Housing allocation)

- 5.1 Temporary planning permission was previously granted for the erection a two-storey demountable building comprising 12 apartments (3 x one bed and 9 x two bed) (class C3) to provide interim residential accommodation to homeless households with associated car parking, private and shared amenity space, landscaping and other ancillary works.
- 5.2 When determining that previous application, it was considered that it was acceptable and justifiable from a Green Belt point of view due to reasons which included the fact that the temporary built form would have had a comparable scale to the commercial buildings that already had extant permission to be built on the site; the fact that the proposed development would provide much needed temporary accommodation to homeless households; and the fact that the permission would be for a temporary period of 5 years which would allow time for the site to be marketed for its original commercial use, and enable a review to take place after this period to reassess the

need for such temporary accommodation, and the demand for commercial properties in this location.

- 5.3 The original 5 year temporary period has now lapsed, and a further 5 year period is being sought for the retention of the residential accommodation.
- 5.4 From a physical point of view, the development remains the same as previously approved. It does not enlarge or increase in size, height, scale or spread, as such, it would have exactly the same physical presence and impact on the Green Belt as previously approved and as constructed. On this basis, it is considered that the proposed development would continue to have an acceptable impact on the openness of the Green Belt.
- 5.5 From a need point of view, the current application has been accompanied by a supporting statement from the Councils Housing Team, which sets out the need/demand for this type of temporary accommodation. The figures show that the need/demand for this temporary accommodation has almost doubled in the last 3 years, and that there are no indications that the demand for homelessness support and temporary accommodation will reduce in the short to medium term. It is the Housing Teams view therefore, that it is essential for the Council to maintain and retain its existing substantive temporary accommodation while continuing to increase the overall volume of units.
- 5.6 It is the Councils Housing Teams view that the current demands highlight the importance of securing the continuation of this site as a high quality 12-unit temporary accommodation scheme. The site is a vital part of the Council's overall stock of substantive temporary accommodation. If the site ceases to be utilised as temporary accommodation, then this will increase the existing pressures and result in a larger number of households having to be accommodated in less appropriate and more insecure nightly booked accommodation. It will also remove the only substantive temporary accommodation that is located in the extreme south of the county in the former South Bucks legacy district. This will severely impact on the Council's ability to provide temporary accommodation options across the whole county and result in more homeless households from the south of the county having to be moved to temporary accommodation that is a long way from their family, employment and support networks. Overall, they consider that the cessation of this site would have a severe and detrimental effect on the Council's homelessness services and on the welfare and well-being of the homeless households that it is looking to assist.
- 5.7 In light of the evidence of increased demand for this type of accommodation, together with the comments of the Councils own Housing Team, it is considered that there is clearly still a justified need for this type of accommodation, an even bigger need, in fact, than what existed at the time of the original application.
- 5.8 In terms of the matter of being a further temporary permission, and the appropriateness of another 5 years, it was previously considered that a 5 year period would allow for an appropriate period of time to pass to enable a suitable review of the temporary housing situation to be undertaken to gauge the level of need/demand after this period. It has already been set out above, that the level of need/demand has more than doubled. The temporary 5 year period was also considered appropriate to allow for a suitable period of time for the site to be marketed for commercial purposes/uses in order to understand the demand/need for such premises. Prior to the temporary permission being granted, the site was an employment site but the

previous application was not supported by a marketing exercise in accordance with Core Strategy Policy CP10 which states that "...in seeking to demonstrate that there is no reasonable prospect of a site being used for the permitted purpose, the applicant will need to have undertaken a prolonged period of unsuccessful marketing, using details approved by the District Council". The previous application set out that it was not the applicant's case that the site will not come forward for employment use in the future, but that the Council (the owner) considered that the use of the site for temporary housing accommodation was strategically more important at that moment in time. On that basis the application did not attempt to comply with Policy CP10 in relation to marketing the site, but rather it was considered appropriate in the circumstances to condition the temporary permission to carry out the required marketing exercise.

- 5.9 It is acknowledged that such a marketing exercise has not yet been undertaken, and one has not been submitted in support of this current application. However, it is considered that there have been extenuating circumstances in this instance that can justify the lack of a marketing exercise at present. These circumstances consist of the fact that the majority of the period since the original temporary permission was granted, has been significantly affected by Covid. As a result, it would have been difficult to compile an accurate marketing review, as the market conditions have been severely impacted upon by Covid, and would not have resulted in a true representation of the level of need/demand for commercial premises. It is considered reasonable therefore to allow further time for an appropriate marketing exercise to be undertaken within an environment that has now adapted to the effects of Covid and changes in business practices and needs. It is considered that a period of 5 years to compile such information is sufficient and appropriate to provide an accurate understanding of a commercial demand for these properties. When combined with the continued need for the temporary accommodation, it is considered that the granting of a further temporary permission for 5 years meets current demands and need for the site, as well as providing an opportunity to review the situation in the future, but within a reasonable timeframe.

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

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

- 5.10 The proposed parking provision and vehicular access arrangements, which were previously considered acceptable, would remain unchanged. On this basis, the Councils Highways Officer raises no objections to the proposals.

- 5.11 In light of these comments, and on the basis that the existing development remains unchanged in terms of parking provision and vehicular access, it is considered that the proposal would not lead to any unacceptable highway implications.

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

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

EP4 (Landscaping)

EP6 (Designing to Reduce Crime)

H9 (Residential development and layout)

5.12 The layout, design, height, scale and appearance of the development remains as currently exists. It was previously considered that the development would not adversely impact upon the character or appearance of the site or locality in general, and due to its set back from the highway, would have limited presence within the street scene.

5.13 On this basis, it is considered that the proposals would remain of an acceptable design and appearance, not harming the visual amenities of the site or locality in general. It is noted that planning permission has been granted for a row of residential dwellings on land to the front of the application site, which if built, would further reduce the visual and physical presence of the development within the locality.

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

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

5.14 Given that the existing accommodation will remain as previously approved and constructed, it is considered that it will continue to provide an appropriate level of amenity for its occupants, as well as not adversely impacting upon the amenities of any neighbouring properties.

#### **Environmental issues**

Core Strategy Policies:

CP12 (Sustainable energy)

CP13 (Environmental and resource management)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

5.15 The previous permission included a condition that required the submission and approval of a land contamination investigation, together with verification and remediation measures. Those details were subsequently submitted and approved, and incorporated into the development when constructed. As such, it is considered that there are no land contamination risks to existing occupants.

#### **Flooding and drainage**

Core Strategy Policies:

CP13 (Environmental and resource management)

5.16 The previous permission included a condition that required the submission and approval of an appropriate surface water drainage strategy. Those details were subsequently submitted and approved, and incorporated into the development when constructed. On the basis therefore that the existing development incorporates an appropriate surface water drainage strategy that prevents the risk of flooding within and outside of the site, the Councils Drainage officer does not raise any objections to the proposals from a flooding point of view.

#### **Ecology/Burnham Beeches**

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

- 5.17 It was previously considered that the proposals would not have had an adverse impact on any wildlife, including protected species. Given that the current proposals seek to simply retain the existing built form and what was previously approved, it is considered that there would be no new or greater impact on wildlife as a result of the current application.
- 5.18 Core Policy 9 of the adopted Core Strategy sets out that the highest priority will be given to the integrity of Burnham Beeches Special Area of Conservation (SAC). Para 3.3.11 of the Core Strategy also states that "where a specific development could result in significant effects on the SAC, a Project level (regulation 48) HRA will need to be carried out by the developer when the planning application is submitted to determine whether mitigation measures are required." This is also consistent with Section 15 of the NPPF relating to 'Conserving and enhancing the natural environment'. The Council's approach to assessing the impact of new dwellings on Burnham Beeches SAC is set out in the adopted Burnham Beeches Special Area of Conservation Strategic Access Management and Monitoring Strategy SPD
- 5.19 At the time of issuing the original permission for this accommodation, the Burnham Beeches Special Area of Conservation ("SAC") SPD was not in place. However, the residential accommodation subject of this application already exists and is occupied and the proposal is for a temporary planning permission. As such, it is considered that in this specific instance, the proposal does not require mitigating and a financial contribution towards the Burnham Beeches Mitigation Strategy is not required.

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

- 6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
  - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - c. Any other material considerations
- 6.2 As set out above it is considered that the proposed development is acceptable and would not prejudice the relevant national and local planning policies.

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

- 7.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

## **8.0 Recommendation: Conditional Permission. Subject to the following conditions:**

1. This permission shall be for a limited period only, expiring on 5th July 2028. On or before that date the use hereby permitted shall be discontinued and the buildings or

works carried out under this permission shall be removed. During the course of the temporary permission the owner will market the site for Use Class B1 and B8 purposes in a strategy to be agreed in writing with the Local Planning Authority within 6 months of the granting of this planning permission, the strategy shall include a timescale for submitting an application similar to that permitted under 16/01263/FUL.

Reason: To enable a review of the demand of the specific type of residential accommodation being provided and to allow time for an appropriate marketing exercise of the site to be undertaken. (Policy GB1 of the South Bucks District Local Plan (adopted March 1999) and Policy CP10 South Bucks Local Development Framework Core Strategy (adopted February 2011) and the NPPF refers).

2. The residential demountable building hereby approved shall only be occupied as temporary accommodation to house homeless people identified through the Council's Statutory Homeless Duties under Part 7 of the Housing Act 1996.

Reason: The design of the development, the location of the site, the level of parking provision require that there is strict control over the occupation of the development. (Policies GB1, GB4 and EP3 of the South Bucks District Local Plan (Adopted in March 1999) and Policy CP3 of the South Bucks Local Development Framework Core Strategy (adopted February 2011) refer).

3. The scheme for parking and manoeuvring indicated on the submitted plans shall be maintained as such and shall not be used for any other purpose.

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

4. The development shall be carried out and maintained in accordance with the "whole-life" maintenance plan submitted and approved as part of application PL/18/2833/CONDA.

Reason: To ensure that maintenance arrangements have been arranged and agreed before any works commence on site that might otherwise be left unaccounted for. (Policies CP9 and CP13 of the South Bucks District Local Plan (adopted March 1999) refer.)

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

**List of approved plans:**

<u>Received</u>	<u>Plan Reference</u>
5 Apr 2023	AEC001-PEV-XX-XX-DF-A-9001 REV P02
5 Apr 2023	BAT ASL 00 XX DR L 9001 REV C04
5 Apr 2023	BAT ASL 00 XX DR L 9002 REV C05
5 Apr 2023	BAT ASL 00 XX DR L 9005 REV C03
5 Apr 2023	BAT ASL 00 XX DR L 9007 REV C02
5 Apr 2023	BAT ASL 00 ZZ DR A 0104 REV P6
5 Apr 2023	BAT ASL 00 ZZ DR A 0107 REV P6



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

### Parish/Town Council Comments

The Committee RESOLVED to state that they had NO OBJECTIONS

### Consultation Responses

#### **Highways Officer:**

I note that this application seeks what is essentially a renewal of planning application 17/02391/FUL, which in a response dated 27<sup>th</sup> March 2023, the Highway Authority had no objection to subject to condition. The submitted plans do not differ from that of the previously considered proposals, and as such I consider my comments and conditions in relation to the previous consent to remain applicable.

Mindful of the above, I have no objection to the proposals subject to the following condition and informative being included in any planning permission you may grant:

Condition 1: Prior to the occupation of the development the modified access to Bath Road shall be designed in general accordance with the approved plans. The access shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Commercial Vehicular Access within Highway Limits" 2013.

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

Condition 2: Prior to occupation of the development space shall be laid out within the site for parking for cars, loading and manoeuvring in accordance with the approved plans. This area shall be permanently maintained for this purpose.

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

#### **Informatives:**

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

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

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.

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.

**SUDS Officer:**

Thank you for the consultation on the above proposal, which we received on 17/04/2023. Having reviewed the information submitted to accompany this application, Buckinghamshire Council as the Lead Local Flood Authority (LLFA) has no comments on this planning application due to the type of the development.

**Representations**

None received at the time of drafting report