



Report to West Area Planning Committee

Application Number:	21/08463/FUL
Proposal:	Proposed demolition of existing commercial buildings on site and replacement with mixed use development consisting of Retail to ground floor and 4 x self contained flats to first floor with associated landscaping, parking, works to accesses and servicing for both uses
Site Location:	280 Main Road Walters Ash Buckinghamshire HP14 4TH
Applicant:	Mr N Smith
Case Officer:	Jenny Ion
Ward(s) affected:	Ridgeway East
Parish-Town Council:	Hughenden Parish Council
Date valid application received:	25th November 2021
Statutory determination date:	20th January 2022
Recommendation	Approval

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Planning permission is sought for the demolition of the existing buildings on the site and its redevelopment for a mixed use, comprising a retail unit on the ground floor and four, two-bedroom flats above. The proposal also involves the alteration of the two existing access points to the site and the provision of parking and landscaping. The historic use of the site was as a builder's yard, then for mixed use for storage, offices and a builder's yard. Most recently the site has been occupied by a tyre business.
- 1.2 Cllr Broadbent called in the application for consideration by Planning Committee on the basis that the development represents a significant change of use to the site with associated impacts upon neighbours and the community at large. Significant local concern is expressed about a loss of privacy, the inclusion of a mixed development and the wider operational impacts of the proposed use.
- 1.3 The application is recommended for approval subject to conditions.

2.0 Description of Proposed Development

- 2.1 The proposal is for the redevelopment of the existing employment site for a mixed use for retail and residential purposes. The site was a builder's yard for many years, used by J Smith and Sons until 1996, and it is understood to still be owned by the company. Permission was granted in 1998 for the mixed use of the site as a builder's yard, storage, and offices, on a temporary basis, with permission being granted for that on a permanent basis being granted in 2002.
- 2.2 More recently the site has been occupied by a tyre fitting business (since at least 2016, possibly earlier) using the site as a depot and head office.
- 2.3 It is now proposed to redevelop the entire site for a mixed use, comprising a ground floor retail unit, designed as a convenience store, with four flats above. All the existing buildings on the site, which are predominantly along the rear (northeast) boundary and along the side (northwest boundary), would be demolished.
- 2.4 The application is for a single building, located more or less centrally on the site. The two-storey element would be located towards the front of the site, facing Main Road, with a single storey projection to the rear. The retail unit would be located in the ground floor at the front of the site, with the associated storage area in the rear part of the building.
- 2.5 Four flats, each with two bedrooms, would be at first floor level. Access to the flats would be from the side of the building, with both stairs and a lift providing access to the first floor. Each flat would have its own balcony and access to a small communal roof terrace on the area of flat roof immediately to the rear of the first floor.
- 2.6 The proposal retains the two points of vehicular access, with both moved slightly to the southeast. The left-hand access would serve the parking area for the flats and the service access for the retail unit. The right-hand access would serve the customer parking area. The scheme also includes landscaping and tree planting within and around the parking areas.
- 2.7 The proposed building would provide a 279 square metre sales area with a store just under 133 square metres behind. The four flats are all two bedroom 3 person units.
- 2.8 The building has been designed in a contemporary style, using brick for the ground floor and grey cladding for the upper floor. The latter is cantilevered and projects beyond the ground floor footprint on the south east side. The building would have flat roofs, with the main two storey roof as a green roof with solar panels. The roof of the single storey element would provide a small area as a communal terrace for the flats, the remainder being a green roof, with some areas reserved for plant and machinery.
- 2.9 The application is accompanied by
 - a) Ecology and Trees Checklist
 - b) Ecological Appraisal
 - c) Design and Access Statement
 - d) SuDS report
 - e) Retail Statement
 - f) Ground Investigation Report
 - g) Tree Constraints Plan

- 2.10 During the course of the application there have been revisions and updates to the Ecological Appraisal, including the provision of a Technical Briefing Note and a Biodiversity Metric, to the SuDS proposals, and to the Landscape Master Plan.
- 2.11 This application was deferred prior to the last planning committee as an issue regarding the boundary at the north corner of the site. The applicant has submitted amended plans redrawing that boundary. This has resulted in a change to the position of one parking space and the re-drawing of the tracking for the delivery lorry. The agent has also extend the proposed wall along the side boundary around that rear corner.

3.0 Relevant Planning History

- 3.1 97/05361/OUT - Erection of four detached dwellings. Refused
- 3.2 98/05287/FUL - Temporary change of use to a mixed use of storage and offices and builders yard (retrospective). Permitted
- 3.3 00/05500/VCDN - Variation of condition 1 (time limit) on p/p 98/05287/FUL to allow continued use of site for mixed use of storage, offices and builders yard until 31.12.01. Permitted
- 3.4 02/05115/FUL - Continued use of site for mixed use of storage, offices & builder's yard. Permitted
- 3.5 08/06101/FUL - Continued mixed use of site for storage and offices. Change of use from Builders Yard to Vehicle workshop facilities. Refused
- 3.6 There have also been a number of applications for display of signage.

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)

DSA: DM1 (Presumption in favour of sustainable development), DM5 (Scattered business sites) DM6 (Mixed-use development)

- 4.1 The site is located within and existing Tier 3 settlement. It is currently in employment use and constitutes previously developed land. In this location redevelopment is therefore acceptable in principle subject to complying with the relevant development plan policies. The relevant issues are therefore addressed below.

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 proposal is below the threshold for the provision of affordable housing.

Employment issues

Wycombe District Local Plan (August 2019): CP5 (Delivering Land for Business)

DSA: DM5 (Scattered business sites)

- 4.3 The site is currently in an employment generating use and as such is regarded as a Scattered Business Site under Policy DM5. Redevelopment of such sites is acceptable

in principle for alternative employment uses, or for community or town centre uses. In this case the proposal is for a retail unit, which falls within the definition of a town centre use. As such development for retail use is acceptable in principle. The retail use would continue to provide jobs on the site and as such is acceptable in relation to Policy DM5.

- 4.4 The scheme does also include an element of residential use. Were the scheme for residential use only the applicant would be required to demonstrate that use of employment use, or a town centre or community use, was not practicable on the site. However, given the retail use forms a significant element of the proposals, and the retail and residential elements are inseparable due to the design and layout, it is considered that providing a residential element in addition to a policy compliant retail use is acceptable.

Retail issues

Wycombe District Local Plan (August 2019): CP6 (Securing Vibrant and High Quality Town Centres)

DSA: DM7 (Town centre boundaries), DM8 (The Primary shopping areas), DM9 (District centres), DM10 (Threshold for the assessment of schemes for town centre impact)

- 4.5 The proposal would provide a convenience store of 279 square metres with a customer retail area of 133 square metres. As set out above, town centre uses, such as retail, accord with the Council's policy on the redevelopment of scattered employment sites.
- 4.6 The site itself is not within a designated centre and Policy CP10 of the DSA sets out the threshold for impact assessments for retail proposals which would not be in a designated centre. The scheme is below the thresholds for impact on High Wycombe town centre and Princes Risborough (1000 sqm and 500sqm respectively) and is located more than 3km from a designated District Centre (Hazlemere, Bourne End and Flackwell Heath).
- 4.7 In this instance it is therefore only necessary to consider impacts on Local Centres – that is other local parades and village centres which provide a basic range of small shops and services of a local nature which serve a predominantly local catchment with walking distance of the centre. The purpose of the assessment is to assess the capacity for comparison goods shopping in the locality and whether a new unit on this site would harm the viability of existing retail units in the vicinity.
- 4.8 The application is accompanied by a retail statement, this has assessed the impact on both Walters Ash and Naphill. Walters Ash has a small group of facilities a short distance to the northwest, including the petrol station, Co-op, dentist, barber, optician and coffee shop, with facilities in Naphill being more dispersed and including the Post Office, estate agent and take away.
- 4.9 The facility is designed as a convenience store and the report identifies that the majority of trade would come from within Walters Ash, some from Naphill, with the remainder from people passing through the village, e.g. on a commute to work. As such is unlikely to divert trade from businesses which do not provide an equivalent offer such as the hairdresser or takeaway.
- 4.10 The main diversion of spending would be from retail outlets in Princes Risborough and High Wycombe. The level of trade diversion relative to the overall level of trade in those centres would not be significant and would not undermine their vitality or viability. The report concludes that there would be some limited impact on the Post

Office in Naphill and the store at the petrol station in Walters Ash. There would be some impact on the Co-op in Walters Ash but this would not be so severe as to threaten the future of that store.

- 4.11 It is therefore concluded that the proposal would provide additional convenience store facilities within the local area which would, largely, retain spending within the area which currently takes place in larger settlements in the wider area. The proposal would not have an adverse impact on the local centres and therefore is acceptable in relation to policies DM10 and CP6.

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)

- 4.12 The proposal involves altering the existing access points into the site and forming two separate parking areas, one for customer parking, the other for the flats and staff. The latter area would also provide access to the service area for the retail unit.
- 4.13 The Highway Officer is satisfied that vision splays can be provided to the appropriate standard for both access points. In addition, the highway network can accommodate the increase in vehicle movements associated with the change of use. The site layout demonstrates that a delivery lorry could access the service area and turn within the site to leave in forward gear. Also, each access is wide enough for two vehicles to access and egress the site simultaneously. As such there is no objection to the proposal on highway safety grounds.
- 4.14 The proposed parking is split into two areas, one on either side of the building, each with a separate access. The parking area on the southeast side would be for retail customer parking only. The parking area on the northwest side would provide for residents parking, along with two spaces for shop staff, and a delivery vehicle parking and turning area. It is proposed to divide the parking in this way to prevent conflict between resident and customer parking, and delivery vehicle and customer parking. The use of appropriate signage could make it clear which access serves which area.
- 4.15 The proposal includes 16 parking spaces for customer parking for the retail unit, three of which would be disabled spaces. A further two staff parking spaces are proposed in the service yard, giving a total of 18 spaces for the retail unit. This is one space less than the parking requirement for a retail unit of less than 1000 square metres in this location. Six parking spaces are proposed for the flats. The flats each have no more than four habitable rooms therefore the parking guidance requires one space per flat a total of four spaces. The two additional spaces make provision for visitor parking over and above that required by the guidance. Overall, the development makes provision for 24 spaces, against an assessed combined requirement of 23 spaces. The Highway Officer has indicated the overall provision of parking is acceptable on highway grounds.
- 4.16 In addition to vehicle parking a motorcycle parking space is also provided along with cycle stands for the retail unit. A covered secure cycle store is provided within the building for the residential units. The proposal therefore makes provision for sufficient parking of all types.
- 4.17 The site is located on a main road with a regular bus service and can be accessed by alternative means of transport in addition to the private car. The layout provides for

pedestrian access to the front of the store from the footway, and a dedicated footway to the entrance to the flats.

Raising the quality of place making and design

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)
DSA: DM11 (Green networks and infrastructure),
Housing intensification SPD

- 4.18 The site is located within an existing settlement which is within the Chilterns AONB. Great weight must be given to the conservation and enhancement of the natural beauty of the AONB. The site is viewed within the context of the built-up frontage along Main Road. This is predominantly, but not exclusively, residential in character, with the majority of buildings dating from the mid-20th Century, including bungalows, two storey dwellings, and commercial buildings such as the petrol station, and those at the RAF base.
- 4.19 The proposed development is for a retail unit, with residential units above, and the applicant has therefore selected a contemporary design approach to reflect the nature of the proposed use. The option of attempting to design a pseudo-residential style building was rejected, given that the proportions required for a retail unit do not lend themselves to this approach.
- 4.20 The proposed building would be constructed using a mix of traditional and contemporary materials, comprising Bucks multi or similar bricks for the ground floor with full length windows on two sides and dark grey metallic panels to clad the first floor, with silver grey projecting window reveals. Balconies have been designed as an integral part of the building for the upper floor flats. The building would have a flat roofed design, which enables solar panels to be sited on the roof, and the use of a green roof, which is of benefit in terms of both biodiversity and surface water drainage.
- 4.21 The use of the flat roof also means that the overall height of the building is in keeping with that of neighbouring buildings. The building itself would have an overall frontage width of 24.8 metres, with a gap of over 12.5 metres to the northwest side boundary and 11.5 metres to the southeast side boundary. Excluding the railings around the roof, the building would be 7.5 metre high. There is a slight slope across the site and the building would be set down slightly from the pavement level. The height of the building would be below that of the property to the northwest, and slightly above that of the property to the southeast, which reflects the general change in levels along the road.
- 4.22 The proposal also includes the provision of access and parking either side of the building, and an area of hardstanding to the front which would incorporate a small seating area along with cycle parking and a disabled parking spaces. A detailed landscaping scheme has been included with the application which shows the provision of a dozen new trees, hedge planting around much of the perimeter and shrub planting across the frontage, to replace the existing boundary hedge.
- 4.23 In your officer's opinion the design, scale and massing of the building area acceptable in this location. Although the contemporary design differs from the domestic style of the neighbouring dwellings, given the wider context, which exhibits a variety of designs, including several flat roofed buildings, the proposed building is of acceptable design quality and visual interest for this location. Its height is consistent with

surrounding development, and the use of brick with dark cladding above references the traditional approach of using brick with a darker material for the roof above. Large gaps would be maintained to the sides of the buildings giving a sense of space around the building. There would be significantly more planting, including a variety of trees, compared to the existing situation of a site largely covered in buildings and hardstanding, with little planting.

Amenity of existing and future residents

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

- 4.24 The proposed flats would all be two-bedroom, three person flats and would meet and exceed the internal space standards for dwellings of this size. Each flat would have its own balcony which would measure 1.5 x 4 metres, which provides an adequate amount of space to sit out. A small terrace is also proposed to the rear to supplement the balcony space.
- 4.25 Each flat would have sufficient light and natural ventilation. Two of the flats would be dual aspect, the other two flats are shown to have the addition of a rooflight over the living / kitchen space to provide more light / ventilation.
- 4.26 With regard to the impact on neighbouring properties the building is set well in from the side boundaries and will not therefore result in loss of light to the immediate neighbours to the side. The two-storey element of the building is set towards the front of the site, with a gap of 17 metres (excluding the stair well) to the rear boundary.
- 4.27 The single storey element projects down the site – this wing would be 4.3 metre high. The two properties immediately to the rear, nos. 20 and 21 Allen Drive, have their garages located between them and these project up to the rear boundary of the site. The rear wing would be behind these garages with a gap of over 3.5 metres to the boundary.
- 4.28 The existing buildings are located at the rear of the site – these will all be removed. These extend across the rear of no. 20 Allen Drive and up to the boundary with Stoney Ash. The plans indicate that a retaining wall and acoustic fence would be erected on the boundary following the removal of these buildings. It is considered that the proposed building will have an acceptable impact on the properties to the rear in terms of loss of light and enclosure. In some respects, these properties will have a more open aspect to the rear, following the removal of existing buildings.
- 4.29 With regard to potential overlooking, no. 288 Main Road has a side facing window in its flank elevation, however the windows proposed in the flank elevation facing this would be obscure glazed. Iona, on the southeast side, has no openings in the flank elevation. The proposed plans indicated an obscure glazed window, a high-level window and one clear glazed window in the flank elevation facing Iona. Given the degree of separation from the boundary, and existing boundary screening this would not result in an unacceptable loss of privacy.
- 4.30 The proposed roof terrace to the rear of the development would be screened by proposed planting and further planting is proposed around the perimeter of the flat roof, which will together screen the outlook from the rear balcony and terrace.
- 4.31 The rear windows would be at a distance of 23.5 metres from the properties in Allen Drive. Although slightly below the guide figure of 25 metres the proposal would still maintain an acceptable degree of privacy for the properties at the rear. The projecting

rear wing, distance and boundary treatment would prevent overlooking to the rear gardens and ground floor.

- 4.32 In terms of the impact of activity and associated noise and disturbance on surrounding properties, the site is currently in commercial use, which includes deliveries to the site and vehicles arriving and leaving, without any restrictions on hours of use. Proposed hours of use have not been provided as the intended occupier is not yet known, however it would be possible to condition hours of use and deliveries to protect the amenities of neighbouring properties. Conditions are therefore proposed which restrict opening to hours similar to other retail units in the locality, with further restrictions on the hours of deliveries. Around the service yard the northern corner of the site would be screened by a brick wall, to provide acoustic screening, with the remainder of the rear boundary screened by acoustic fencing, which would provide further protection for the adjacent properties.
- 4.33 It is proposed to condition the approval of details of any external plant/machinery to ensure that they would not have an adverse impact on amenity. In this regard, the properties closest to any roof top plant would be the flats within the development itself.
- 4.34 Subject to the imposition of conditions relating to boundary screening, the screening around the roof terrace, obscure glazing, plant, and hours of use and deliveries it is considered, having regard to the existing use and disposition of buildings on the site, that the proposed development would not have an adverse impact on the amenities of neighbouring properties.

Environmental issues

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF)

- 4.35 Due to the former use of the site, and its location within 250m of a former landfill site, a ground investigation report has been submitted with the application. This has identified elevated levels of some contaminants and of CO₂. Environmental Services have advised that, subject to conditions to address this contamination, the development would not propose a risk to future occupiers of the site.
- 4.36 Refuse facilities are incorporated in the scheme for both the retail and residential elements of the scheme. The residential bin store is adjacent to the main entrance to the flats and the store for the retail unit is in the service area to the rear.
- 4.37 The adopted Air Quality SPD requires the provision of car charging points in connection with all minor developments. This is to reduce air pollution within the Council's Air Quality Management Areas. Whilst the site is not within an AQMA it is likely that traffic generated by the development would travel through the AQMA to access services in higher order centres such as High Wycombe.
- 4.38 The scheme includes provision for electric vehicle charging points. Four points would be provided for the residential element of the scheme, on shared posts, and four points would also be provided for the retail element. Two of these would be provided to serve the disabled spaces at the front of the site, with a further two in the rear parking area. This meets the requirements of the Air Quality SPD. This also meets the objectives of Policies CP12 and DM33 to address carbon emissions and climate change.

Flooding and drainage

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

- 4.39 The site is at risk of surface water flooding. This may well be attributable to the fact that the majority of the site is covered in buildings and hardstanding. As required by Policy DM39 the development is required to demonstrate that it would not increase the risk of flooding on the site or elsewhere and would satisfactorily manage surface water drainage.
- 4.40 Site investigations have indicated that due to the ground conditions infiltration is not a suitable method of managing surface water on this site. The proposed scheme includes the use of permeable paving, the green roof and active rainwater harvesting. Any overflow from the rainwater harvesting tanks would be to an attenuation tank from which there would be controlled discharge to the combined sewer.
- 4.41 The proposed surface water drainage strategy has been the subject of a number of revisions and clarifications and the Lead Local Flood Authority is now satisfied that the development can achieve a suitable scheme of surface water management which would not increase the risk of surface water flooding on the site or elsewhere.

Landscape issues and landscape and visual Impact

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM30 (Chilterns Area of Outstanding Natural Beauty) DM32 (Landscape character and Settlement Patterns), DM34 (Delivering Green Infrastructure and Biodiversity in Development)
DSA: DM11 (Green networks and infrastructure),

- 4.42 The application site is surrounded on three sides by existing built development. On the opposite side of the road to the site there is some residential development and the allotments, beyond which is woodland. The visual impact of the development will therefore be largely to local views, and the development would not have any significant impact on the wider landscape. Given that it would be viewed in the context of the built-up area the development would not harm the wider AONB natural landscape.
- 4.43 Concern has been expressed about potential light pollution from the development, including light spillage from the upper floor. The first floor would be at a similar, although slightly higher, level than the upper floors of the two storey houses along the length of Main Road. In addition, the full length glazing would be recessed behind the balconies, the enclosure of which would limit light spillage from within the first floor of the building. Since it would not be dissimilar to surrounding development in this respect, this is considered to have an acceptable impact.
- 4.44 The plans indicate low level 1 metre high lighting bollards at intervals around the car park. This is reasonable to light these areas for the benefit of users of the car park. It is proposed to require details of any additional external lighting to be agreed by way of a condition, including the hours of illumination. This would be of benefit both to visual amenity generally, the amenity of neighbouring properties, the AONB and to ecology, given the proposals to incorporate ecology features into the building construction.

Green networks and infrastructure

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development)

DSA: DM11 (Green networks and infrastructure)

4.45 There is very little planting within the existing site, other than the front boundary hedge, a couple of poor quality trees on the north west boundary and some scrub at the eastern corner. As such, the site makes little contributions towards green infrastructure. The proposal would remove the existing planting and replace it with a significant amount of new planting. This includes a hornbeam hedge along the rear and south east boundaries, shrub and hedge planting along the front boundary, planting within the parking area and the inclusion of 12 new trees of varying species. In addition the proposal incorporates a green roof.

4.46 The proposals would therefore result in a significantly greater level of landscaping and increased canopy cover compared to the existing site, as required by Policy DM34.

Ecology

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

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)

4.47 Additional and revised information has been submitted with regard to biodiversity and ecology during the course of the application. Biodiversity enhancements include the green roof and planting together with incorporating bat boxes, bird boxes, bee bricks and log piles into the development. The Council's Natural Environment Officer has assessed the proposals and is satisfied that the development would achieve a satisfactory level of biodiversity net gain (almost 47%). Subject to appropriate conditions to secure a precautionary approach to demolition, the development would not have an adverse impact on protected species. Conditions would be required to secure the mitigation and enhancement measures proposed.

Building sustainability

Wycombe District Local Plan (August 2019): CP12 (Climate Change), DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM41 (Optional Technical Standards for Building Regulations Approval)

4.48 Policy CP12 promotes mitigation and adaptation to climate change and supports the integration of renewable technologies into residential and commercial developments of all sizes. Policy DM33 also requires the integration of renewable technologies into developments.

4.49 The proposal incorporates renewable technologies, in the form of the installation of solar panels on the roof and air source heat pumps for the flats. This would therefore accord with Policies CP12 and DM33 of the adopted Local Plan.

4.50 The building is provided with a lift to provide access to the flats. To meet the requirements of policy DM41 it will be necessary to impose a condition to ensure that the development would be constructed in accordance with Part M4(2) of the building regulations to provide accessible dwellings. It will also be necessary to condition water efficiency for both the flats and retail unit.

Infrastructure and Developer Contributions

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

DSA: DM19 (Infrastructure and delivery)

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

4.52 It is considered that there would not be other types of infrastructure, that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.

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 the proposed development would accord with the development plan policies.

5.4 In line with the Public Sector Equality Duty the LPA must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). The application provides for the proposed demolition of existing commercial buildings on site and replacement with mixed use development consisting of Retail to ground floor and 4 x self contained flats to first floor with associated landscaping, parking, works to accesses and servicing for both uses. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent. The development has been designed to include level access, lift access to the first floor and disabled parking to facilitate access for customers and residents with mobility issues.

5.5 The Human Rights Act 1998 Article 1 the protection of property and the peaceful enjoyment of possessions and Article 8 the right to respect for private and family life, have been taken into account in considering any impact of the development on residential amenity and the measures to avoid and mitigate impacts. It is not considered that the development would infringe these rights.

6.0 Working with the applicant / agent

- 6.1 In accordance with paragraph 38 of the NPPF (2021) 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 applicant/agents of any issues that may arise in the processing of their application.
- 6.3 In this instance
 - was provided with pre-application advice,
 - the applicant/agent was updated of any issues after the initial site visit,
 - The applicant was provided the opportunity to submit amendments to the scheme/address issues.
 - The application was determined in accordance with the timescale agreed with the applicant.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

7.0 Recommendation

The application is recommended for permission 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 19-415-01 Rev B, 19-415-02, 19-415-05 and 881-01 Rev C 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 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.
- 4 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces of the development takes place. The surfacing materials should align with the

requirements of the surface water drainage strategy. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory appearance.

- 5 The development hereby approved shall not be occupied until the means of enclosure, including the walls and fencing to the site boundaries and the screen panels and planters and hedging around the roof terrace, have been fully implemented in accordance with the details shown on the approved plans, unless otherwise first agreed in writing by the Local Planning Authority. The screen and boundary walls, fences and any other means of enclosure which are part of the approved scheme shall thereafter be retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development.

- 6 The first-floor side facing window(s) shown on drawing no. 19/415/02 to be obscurely glazed shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass. The window(s) shall thereafter be retained as such.

Reason: In the interests of the amenity of neighbouring properties.

- 7 The dwellings hereby permitted shall be designed and built to meet the standards set out 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 dwellings as required by Policy DM41 of the adopted Wycombe District Local Plan (2019).

- 8 The dwelling(s) hereby approved shall be constructed to meet as a minimum the higher standard of 110 litres per person per day using the fittings approach as set out in the 'Housing: optional technical standards' guidance and prescribed by Regulation 36(2)(b) of the Building Regulations 2010.

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; and to use natural resources prudently, and in accordance with Policy DM41 of the Wycombe District Local Plan (adopted August 2019) and guidance contained in the NPPF (2021).

- 9 The retail unit hereby permitted, shall be designed and constructed to meet a water efficiency standard equivalent to 'excellent' under the BREEAM rating with a maximum number of water credits.

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; and to use natural resources prudently, and in accordance with Policy DM41 of the Wycombe District Local Plan (adopted August 2019) and guidance contained in the NPPF (2021).

- 10 Prior to the development being brought into use the electric vehicle charging points with a minimum rating of 32 amp shown on drawing no. 19/0415/01, shall be installed

in the parking area serving the development. The charging points shall thereafter be retained for the lifetime of the development, in working order.

Reason: To assist in the reduction of air pollution from vehicular traffic by facilitating the use of electric vehicles to reduce the negative impact on the health of residents living within the Air Quality Management Area and to meet the requirements of Policies CP12 (Climate Change) and DM33 (Managing Carbon Emissions, Transport and Energy Generation) in the adopted Wycombe District Local Plan (2019).

11 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A supplementary investigation, based on the findings of the Ground Investigation Report prepared by Sub Surface (Report ref. SE1474C) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. A pre-commencement condition is considered necessary as the remediation strategy may require works which need to be carried out prior to the construction of the building and for the construction to be undertaken in a particular way to avoid pollution.

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

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

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance.

- 13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within the next working day to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, submitted to and approved in writing by the Local Planning Authority. The development thereafter must be carried out in accordance with the agreed details. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and submitted to and approved in writing by the Local Planning Authority before the development is brought into use.

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

- 14 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
- Brownfield runoff calculations
- Discharge from site limited to 2.0l/s
- Drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s), showing pipe numbers, gradients, and sizes, complete together with storage volumes of all SuDS component(s)
- 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
- 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 condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 167 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

- 15 Prior to the occupation of either the residential or retail elements of the proposal, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Photographs showing the installed ecological enhancement features (as set out in the Roof Plan & Elevations Showing Ecology Features, the Landscape Masterplan and the Aspect Ecology Technical Briefing Note), the green roofs and other habitats which contribute to the biodiversity net gain of the site.
- A landscape and ecological features management plan which includes the green roofs and will ensure that the relevant distinctiveness and condition of those habitats is achieved.

Following the installation of the habitats and ecological features, they must be maintained accordance with the approved landscape and ecological features management plan for the life of the development in.

Reason: To ensure that proposed habitats and ecological features are seen to be installed properly and thereafter maintained to deliver the biodiversity net gain as required by Policy DM34 of the adopted Wycombe District Local Plan.

16 The recommended mitigation measures contained within section 6 of the Aspect Ecology, Ecological Appraisal of April 2022, must be followed. These measures include:

- MM1 - protection of retained trees and hedgerows,
- MM2 - further pre-demolition bat surveying of the buildings must be undertaken in accordance with BCT survey guidance, if bats are subsequently found, an EPS licence must be sought from Natural England.
- MM3 - careful removal of roofs under a watching brief, this must be proceeded by a toolbox talk by the retained ecologists.
- MM4 - Sensitive lighting must be designed following the guidance given and details of the lighting, showing how it relates to ecological features must be submitted to and approved in writing prior to occupation.
- MM5 - Safeguards must be employed to avoid impacts on badgers during construction.
- MM6 - An updated badger survey must be undertaken, to identify whether further safeguards are required.
- MM7 - Safeguards must be employed to avoid impacts on hedgehogs during construction.
- MM8 - Timing of works or other mitigation measures must be put in place to avoid impacting upon nesting birds.
- MM9 - Precautions must be implemented with regards to invasive species.

Reason: To ensure that protected and priority species are not negatively impacted upon and to avoid the spread of invasive plants.

17 All planting, seeding or turfing comprised in the approved details of landscaping as shown on the Landscape Masterplan drawing no. 881-01 RevC, 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.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.

- 18 The use of the retail premises shall be restricted to the hours of 07:00hrs to 23:00hrs on any day.
Reason: In the interest of the amenity of adjoining properties.
- 19 Deliveries to the retail unit hereby permitted and the associated activity of loading and unloading shall be restricted to the hours of 07:00hrs to 19:00hrs Mondays to Saturdays and 08:00hrs to 19:00hrs on Sundays and Bank and Statutory Holidays
Reason: In the interest of the amenities of adjoining properties.
- 20 The windows to the retail sales area shall be glazed in clear glass and at no time shall more than 25% of the total glazed surface area be obscured by the application of opaque panels or film.
Reason: In the interest of the character of the area and to maximise opportunities for casual surveillance to reduce the risk and fear of crime.
- 21 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.
- 22 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 Buckinghamshire Council's guide note "Commercial Vehicular Access Within Highway Limits" 2013.
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
- 23 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 in consultation with the Highway 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.
- 24 The approved cycle and bin storage facilities illustrated on drawing 19/415/01 shall be provided prior to occupation and thereafter the facilities shall be permanently retained, unless otherwise first agreed in writing by the Local Planning Authority. These facilities shall thereafter be so retained.
Reason: To ensure the continued provision of cycle parking and waste storage and in the interests of the amenities of the occupiers and adjacent residents.
- 25 Details of any external plant to be installed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to its

installation. The plant shall be installed in accordance with the approved details before the development is occupied and retained as such.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity.

- 26 Other than the low level bollard lighting shown on the approved Landscape Masterplan no floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination and hours of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details and shall not be illuminated outside the agreed hours.

Reason: In the interest of visual amenity and ecology and the Chilterns AONB.

- 27 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), or the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended by the Town and Country Planning (use Classes) (Amendment) (England) Regulations 2020, (or any Order revoking and re-enacting that Order) the ground floor unit shall be used for purposes falling within Class E (a) (for the display or retail sale of goods other than hot food, principally to visiting members of the public) and for no other purpose 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 NPPF 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 applicant was provided with pre-application advice. The agent was updated of issues during the course of the application and afforded the opportunity to submit information to address issues. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application. The application was determined in accordance with the timescale agreed with the applicant.
- 2 The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health Section of the Environment Service on 01494 421737 at the Council Offices.

- 3 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.
- 4 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.
- 5 It is contrary to Section 163 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 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 Transport for Buckinghamshire at the following address for information:

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

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Broadbent: Further to previous comments made I would like to confirm my request for this application to be considered by the planning committee.

The nature of the development represents a significant change of use to the site with associated impacts upon neighbours and the community at large. Significant local concern is expressed about a loss of privacy, the inclusion of a mixed development and the wider operational impacts of the proposed use.

Cllr Carroll: Can I please request the above application go to the Planning committee over major community concerns on various changes on this position. Which could have a detrimental change of the local area.

Parish/Town Council Comments

Hughenden Parish Council

HPC offer no objections but request that egress is carefully considered for safety on this main road.

Consultation Responses

Highway Officer

Main Road is a C-classified road subject to a speed restriction of 30mph, parking and waiting restrictions are not present within the vicinity of the site. The road benefits from pedestrian footways.

This application proposes demolition of the existing commercial buildings and replaced with a mixed-use development consisting of retail to ground floor, and 4(no) flats to first floor.

Having assessed the proposed development using the Buckinghamshire Countywide Parking Guidance (BCPG) policy document, each flat would require 1(no) parking space whilst the retail area would require 19(no) parking spaces. Therefore, the total number of parking spaces required amounts to 23(no) spaces.

Two parking areas are proposed in order to increase the number of parking spaces accommodated within the development site. Each parking area has its own access onto Main Road which are proposed to be moved slightly, this can be secured by way of condition. The most northern parking area is shown to accommodate 8(no) parking spaces, whilst the southern parking area is shown to accommodate 16(no) parking spaces. Therefore, I am satisfied the level of parking is sufficient to accommodate the number of parking spaces required when considering the development proposed.

In accordance with the BCPG policy document, parking space dimensions should measure 2.8m x 5m, after assessing the proposed plans I can confirm that these spaces are of adequate dimensions and would allow for vehicles to park, turn and leave the site in a forward gear.

Having assessed the proposal against the site's existing lawful use, the development will lead to an intensification in use of the site. Therefore, the access points serving the development will need to be assessed in order to determine its suitability to accommodate the additional vehicular movements. In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions commensurate with a speed limit of 30mph. Having reviewed the submitted plans, I am satisfied that sufficient visibility splays can be achieved for both

access points within the publicly maintained highway or land owned by the applicant. Furthermore, both accesses will benefit from a width which is sufficient to accommodate safe simultaneous two-way vehicular movements.

The application proposes a recycling area at the rear of the northern parking area. After assessing the tracking information provided for an 18-tonne ridged box lorry, I am satisfied that large delivery vehicles and a refuse vehicle would be able to complete a turning manoeuvre within the site, ensuring the vehicles can enter, turn and exit the site in a forward gear.

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. Main Road benefits from a frequent bus service and there is a bus stop within close proximity to the site. Therefore, the site has accessibility to public transport so would not be fully reliant on the use of the private car.

Mindful of the above, I do not have any objections to the proposed application subject to the following conditions:

Condition 1: 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.

Condition 2: To 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 Buckinghamshire Council's guide note "Commercial Vehicular Access Within Highway Limits" 2013.

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

Condition 3: 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 and approved in writing by the Planning Authority in consultation with the Highway 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.

Informative Points:

- 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

- 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.
- 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 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.

Lead Local Flood Authority

Initial Comments:

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

The following information is required in support of the application at this stage of the planning process. This list should be read in conjunction with the context of the LLFAs letter where full explanations to the following points are provided:

- Pre-planning enquiry from Thames Water
- Clarification on how the discharge rate of 2.0l/s was derived
- Clarification on how green roofs will connect to the wider surface water drainage network
- Clarification on how surface water from the permeable paving and slot drains will be conveyed to the hydrobrake

Second Comments

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

The following information is required in support of the application at this stage of the planning process. This list should be read in conjunction with the context of the LLFAs letter where full explanations to the following points are provided:

- Pre-planning enquiry from Thames Water to demonstrate there is capacity within the foul network to accommodate surface water flows from the proposed development
- Clarification on how the discharge rate of 2.0l/s was derived
- Provide a cross-section of the permeable paving, slot drains and the pipe network which conveys the runoff to the outfall location

Third Comments:

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

Final Comments:

The LLFA has no objection to the proposed development subject to the following planning condition listed below being placed on any planning approval.

Surface water drainage

Permission from Thames Water, in the form of a pre-planning enquiry letter has been provided which demonstrates there is sufficient capacity within the receiving Thames Water network to accommodate surface water runoff generated by the proposed development.

Discharge Rate

Following a meeting with a consultant, it was stated that the 100% of the rainfall that falls on the impermeable area makes up 100% of the existing brownfield runoff. At the detailed design stage, the brownfield runoff rate will need to be provided.

Proposed layout

The Typical Drainage Details (drawing no. 13506-03) has been updated to show that surface water collected by the slot drains will discharge straight into the permeable paving subbase.

Condition 1

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
- Brownfield runoff calculations
- Discharge from site limited to 2.0l/s
- Drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s), showing pipe numbers, gradients, and sizes, complete together with storage volumes of all SuDS component(s)
- 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
- 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 condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 167 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

Ecology Officer

Initial Comments: The Ecological Appraisal includes details of the habitats found on site and some details about the assessment of the buildings for bat roost potential and then some information about the follow up surveying for bats. However, the level of information submitted is very limited. No photographs are included in the report to evidence the habitats on the site or the bat roost

potential of the buildings. The bats survey has only very limited information given about how it was carried out and there is no plan showing where surveyors were positioned or where the passes were seen. This is all the more important because of the proximity of the Chiltern Beechwoods SAC, which is known to contain many species of bats.

Given the timing of the bat surveying at the end of the bat surveying season, it is clear that further surveys will be necessary to confirm the presence or likely absence of bats.

The assessment of the hedge on the edge of the site as 'ornamental' seems strange, given that it is composed of native species.

The submitted Landscape Masterplan show that the planting on the site will be of almost entirely non native species and as a result it will provide only minimal value to biodiversity.

It is clear that this does not link up with the suggested ecological enhancements in the Ecological Assessment.

The roof plan shows that parts of the roof will be covered with sedum. This is a positive step which may add to the biodiversity value of the site.

No biodiversity metric has been submitted and so it is not possible to ascertain whether the proposals will result in a measurable biodiversity net gain, as is required by policy DM34.

The following is required prior to determination:

A biodiversity metric (using the latest government metric) needs to be produced. This will need to relate to a baseline habitat assessment with evidence for the distinctiveness and condition of the habitats and cross referencing between the plan and the metric.

The proposals will need to be entered into the metric and it is likely that the Landscape Masterplan will need to be amended so that a measurable biodiversity net gain can be achieved in line with policy DM34. The Ecological Appraisal needs to be updated to give appropriate information about surveying and to evidence the findings.

The suggestions in the Ecological Appraisal for ecological enhancements are appreciated, but it is difficult to see where suitable locations would be for bat boxes, bird boxes and bee bricks. Therefore, it is appropriate for them to be shown on plans.

Mitigation measures and other details can be conditioned following the satisfactory resolution of the above issues.

Second Comments: I am now satisfied with regards to the survey information The Ecological Appraisal now includes images of a biodiversity metric. This shows that there would be a 0.02 unit (26.46%) net gain. However, the images show that Trading rules have not been satisfied. And an apparent discrepancy with areas of proposed habitats means that the supposed net gain will not be achieved. Without a copy of the excel spreadsheet it is not possible to properly assess its findings.

The Green Roof and Faunal Habitat Provision plan within the Ecological Appraisal Does not match the Landscape Masterplan. On the higher large flat roof area, it shows a layout of areas of green roof, paving and solar panels which does not appear to make sense to me and will make it more complicated and expensive to build and result in less benefits for SuDS, insulation and importantly from an ecological perspective. It would make much more sense to have the whole of this area as green roof with the solar panels positioned on frames on top of it.

It appears from the images of metric that this area has been shown as 0.023 ha, or 230 m³. This is likely the area of the whole of this upper area of roof, but it may also include the inaccessible area to the northern corner. This area measurement is clearly incorrect as it appears to include all of the

paved area which has no biodiversity value. There may be potential to increase the distinctiveness to moderate by it being an urban brown roof or an intensive green roof, and with appropriate management a better condition may be achievable. The area of green roof areas and paved areas on the lower flat roof appears to be fully accessible to be walked on by the residents. This area will only be of poor distinctiveness, the area is appears to have been assigned (0.002 ha (20m²) needs to be clarified. The Ecological appraisal refers to an ornamental hedgerow on south west boundary but it is not mentioned on metric and is not shown on plans, is this off site?

The plant area for the retail unit has several ecological enhancement features situated around it. Depending on exactly what the plant is, it may be inappropriate siting for the ecological enhancement features. It is unclear how the proposed bee, bird and bat features will be incorporated with the modern cladding design, this needs clarification.

A copy of the metric as an excel spreadsheet needs to be submitted. The situation with regards to green roofs needs to be improved and clarified. The siting of the ecological enhancement features needs further clarification with drawings and descriptions. The landscape masterplan needs to be updated to reflect changes.

Final Comments:

DOCUMENT REFERENCE Biodiversity Metric as a spreadsheet; Roof Plan & Elevations Showing Ecology Features; Landscape Masterplan; Aspect Ecology Technical Briefing Note

COMMENTS

Through the Roof Plan & Elevations Showing Ecology Features, the Landscape Masterplan and the Aspect Ecology Technical Briefing Note, clarification has now been given with regards to the nature of the green roofs proposed. The extent of green roof has been expanded to cover the majority of the roof area.

Details of the locations and the sections through the locations for installing ecological enhancement has now been given on plans.

The increase in green roof area has resulted in a biodiversity net gain of 46.78%, this is a good level of gain. The metric shows that the trading rules have not been satisfied, this is flagged up as the scrub is a medium distinctiveness habitat and its loss should have been compensated for by trading up. However, with the level of net gain proposed and the other ecological enhancements, I feel that the failure to meet the trading rule is outweighed by the other ecological benefits of the scheme which should be sustainable in the long term.

RECOMMENDATIONS

All of the recommendations of the previous comments have now been addressed and I am confident that the proposals will result in a long-term measurable biodiversity net gain in line with policy DM34.

CONDITIONS

Prior to occupation the following shall be submitted to and approved in writing by the LPA:

Photographs showing the installed ecological enhancement features, the green roofs and other habitats which contribute to the biodiversity net gain of the site.

A landscape and ecological feature management plan which includes the green roofs and will ensure that the relevant distinctiveness and condition of those habitats is achieved.

Following the installation of the habitats and ecological features, they must be maintained in good ecological condition for the life of the development.

Reason: to ensure that proposed habitats and ecological features are seen to be installed properly and thereafter maintained to deliver the biodiversity net gain as required by policy DM34

The Mitigation measures contained within section 6 of the Aspect Ecology, Ecological Appraisal of April 2022, must be followed. The recommendations are repeated below with additional requirements:

MM1 - protection of retained trees and hedgerows,

MM2 - further pre-demolition bat surveying of the buildings must be undertaken in accordance with BCT survey guidance, if bats are subsequently found, an EPS licence must be sought from Natural England.

MM3 - careful removal of roofs under a watching brief, this must be preceded by a toolbox talk by the retained ecologists.

MM4 - Sensitive lighting must be designed following the guidance given and details of the lighting, showing how it relates to ecological features must be submitted to and approved in writing prior to occupation.

MM5 - Safeguards must be employed to avoid impacts on badgers during construction.

MM6 - An updated badger survey must be undertaken, to identify whether further safeguards are required.

MM7 - Safeguards must be employed to avoid impacts on hedgehogs during construction.

MM8 - Timing of works or other mitigation measures must be put in place to avoid impacting upon nesting birds.

MM9 - Precautions must be implemented with regards to invasive species.

Reason: to ensure that protected and priority species are not negatively impacted upon and to avoid the spread of invasive plants.

Strategic Environmental Protection Team

Comments:

As per the air quality SPD, four electric vehicle charging points with a minimum rating of 32 amp (one per dwelling) must be provided prior to the occupation of the development.

The intrusive investigation has identified elevated concentrations of PAHs in exceedance of the relevant generic assessment criteria (commercial land use) (1% SOM). These are as follows: benzo(b)fluoranthene M5 0.10-0.20m bgl 89mg/kg; dibenz(ah)anthracene M2 0.30-1.00m bgl 3.8mg/kg; dibenz(ah)anthracene M5 0.10-0.20m bgl 9.1mg/kg; benzo(b)fluoranthene M8 0-0.70m bgl 140mg/kg; benzo(b)fluoranthene M10 0-0.50m 45mg/kg; benzo(a)pyrene M8 0-0.70m bgl 150mg/kg; dibenz(ah)anthracene M7 0-1.0m bgl 5.9mg/kg; dibenz(ah)anthracene M8 0-0.70m bgl 19mg/kg; dibenz(ah)anthracene M10 0-0.50m bgl 8.2mg/kg.

The surrogate marker test has been applied, this shows that genotoxic PAHs are present in the near surface made ground soils at one exploratory location (M8). Asbestos has been identified at one exploratory location; M4 0.20-0.70m bgl (fibres/clumps of chrysotile, 0.002% w/w).

Following ground gas monitoring, the site has been classified as Characteristic Situation 2, due to elevated concentrations of CO₂. Gas protection measures are therefore required. The Environmental Consultant has recommended the following: 'excavation and removal of UST from site, sampling of sides and base of excavation;' clean topsoil/subsoil to be imported for use in

landscaped areas to protect end users and to provide a growing medium;' installation gas protection measures.

There will be commercial units at ground floor, which are not considered a sensitive end use. However, there will be 4 x flats at first floor, which are considered a sensitive end use. However, there will be limited soft landscaping at ground floor, which is likely to be managed, future site users are unlikely to be exposed to contaminants of concern that may be present in the underlying soils. A roof terrace for residents is proposed. A supplementary investigation is required to allow the site to be fully characterised. The investigation should include post demolition sampling beneath structures, sampling beneath the UST & associated petroleum infrastructure following removal. Where soils are imported, it is not acceptable to provide the relevant conveyancing notes and the supplier's topsoil certificate of conformity alone, independent sampling and analysis must be carried out.

Recommendation (with conditions if appropriate):

Objection, unless following conditions imposed

Condition - Electric Vehicle Charging Points

Prior to the occupation of the development hereby permitted, four electric vehicle charging points with a minimum rating of 32amp must be installed (one per dwelling). 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.

Condition - Contaminated Land

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - i. A supplementary investigation, based on the findings of the Ground Investigation Report prepared by Sub Surface (Report ref. SE1474C) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
 - ii. The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

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

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

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

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

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

Construction/Demolition Noise

INFORMATIVE

The attention of the applicant is drawn to the requirements of section 60 of the control of pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61 of the Act, for prior consent to the works, can be made to the environmental Services Division of the Council.

Thames Water

No objection with regard to waste water or sewage treatment. Water Supply in this area is the responsibility of Affinity Water Company. Suggest that the LLFA is consulted with regard to surface water disposal.

Representations

Amenity Societies/Residents Associations

Walters Ash and Naphill Residents Association

- Existing commercial sites should be protected from non-business and mixed development. This is to protect local employment opportunities and ensure a strong local economy – reference Policy CP5 of the WDLP.
- No demand for additional retail capacity in Naphill and Walters Ash. Will impact the trade of existing businesses. The opening of the existing Co-op caused Walters Ash Country Store to close. Opening hours of existing stores provide for shift workers.

- Overdevelopment of the site.
- Proposed building is higher than existing, close to residential properties and will have an impact on amenity.
- Highway safety concerns due to existing on-road parking which is likely to get worse following the development of the site in Clappins Lane. Larger delivery vehicles would have to park on the main road causing an obstruction.
- Unsympathetic design and use of material in the Chilterns AONB. Proposal neither conserves nor enhances the AONB. Metal cladding is out of keeping with the area.
- Detrimental to the character of the two villages

Chilterns Conservation Board

- Site is in the Chilterns AONB. It is not in the open landscape but sits between SSSI and SAC nature conservation habitats at Naphill Common SSSI, the Bradenham Woods, Park Wood and the Coppice SSSI and the Chiltern Beechwoods SAC. Impact on ecological connectivity should therefore be considered. Naphill and Walters Ash form a development edge of 3 – 4 km with the allotments being the only significant gap. Would welcome a preliminary ecological appraisal.
- Design appears out of place and out of context
- Potential for light spill from the upper level.
- Decision maker should consider the Chilterns AONB management plan and protection of dark skies, minimising the use of lighting and designs which result in light spill.

Other Representations

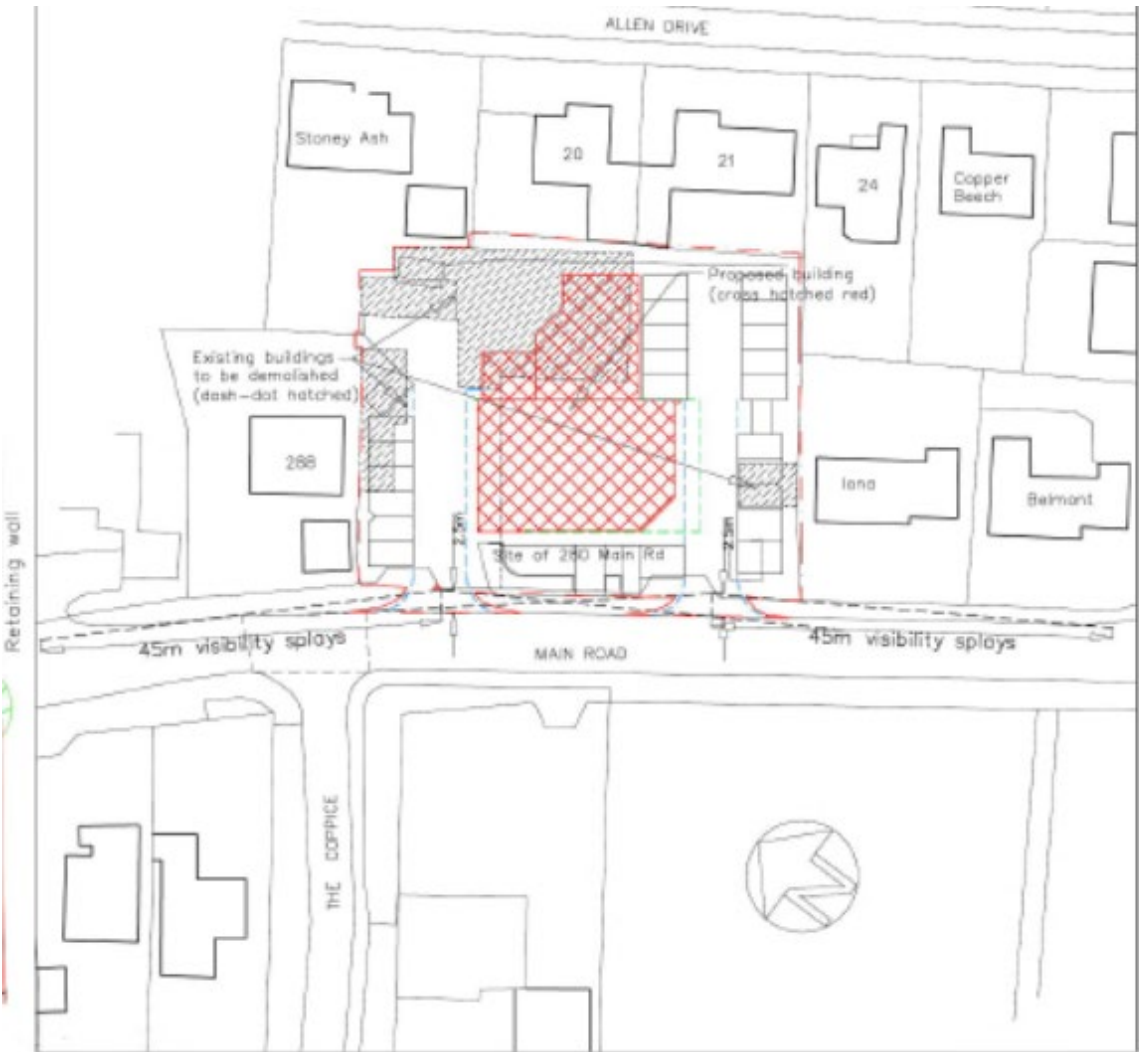
20 comments have been received objecting to the proposal:

- No need / justification for a convenience store
- Existing stores in Naphill and Walters Ash already operate extended hours from 6-7am to 9-11pm seven days a week
- Concern over increase in traffic
- Concern over impact on pedestrians of vehicles entering and leaving the site
- Concern over noise and fumes from cars and delivery vehicles
- Potential for displaced parking onto Main Road
- There are parking problems associated with the existing Co-op store
- Insufficient parking for the retail unit
- Not enough parking for the flats
- Access is close to a junction with limited visibility
- Proposal doesn't solve existing congestion issues.
- Potential overlooking to neighbouring properties, particularly from the balconies and roof terrace
- Concern over impact of unrestricted opening hours on surrounding residents, from noise and disturbance and vehicular movements.
- Existing business operates 8.30 – 5.30 Monday to Friday and 8.30 to 12.30 on Saturdays.
- Removal of the existing buildings on the rear boundary with Stoney Ash will have an adverse impact on its character.
- Would prefer a 2 metre high wall on the boundary with Stoney Ash to create a more robust boundary and maximum noise attenuation
- Potential impact of lighting from the development if open late at night, particularly as there

is no street lighting in the area

- Site could be used for affordable housing
- 100% residential development would be preferred
- Site is in the AONB
- Suggest more mature trees should be planted as younger trees take time to establish
- Proposed screening around roof terrace could be higher and more robust to protect privacy and improve noise attenuation
- Surface water drainage issues with more impermeable area
- Potential for surface water to run off into adjacent properties
- Design is inappropriate for this area
- Permission previously refused for 4 dwellings as over-development, three were subsequently approved but not built and that permission has now lapsed.
- Concern over potential smell from refuse and the possibility it will attract pests
- Loss of light to properties at the rear as the buildings will be higher than the existing, particularly winter sun.
- Properties behind have very short gardens which will increase the impact of customer / vehicle movement on amenity.
- Potential noise and disturbance from use of roof terrace.
- Concern over potential noise from roof top plant.
- Loss of the tyre business
- Loss of commercial site
- Potential for anti-social behaviour
- Overdevelopment
- Ridge height appears 2.5 metres higher than surrounding dwellings
- Choice of materials out of keeping with the surroundings – should use materials similar to other residential buildings in the area
- Over development in the AONB due to incremental development for new housing over the last 20 years
- Existing buildings are single storey, replacements are 2 – 3 storeys high and resemble a shed.
- Right of way from the site into two private gardens at the north west corner should be rescinded
- Welcome the eco-friendly approach but the appearance is too modern and not in keeping with the surrounding area

APPENDIX B: Site Location Plan



SITE PLAN 1:500

