



## Report to West Area Planning Committee

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<b>Application Number:</b>	22/07562/FUL
<b>Proposal:</b>	Erection of six 2-bedroomed affordable dwellings and associated works including access
<b>Site Location:</b>	OS Parcel 1332 Chalkshire Road Butlers Cross Buckinghamshire
<b>Applicant:</b>	Mr Eddie Bacon - Hastoe Housing Association
<b>Case Officer:</b>	Jenny Ion
<b>Ward(s) affected:</b>	Ridgeway East
<b>Parish-Town Council:</b>	Ellesborough Parish Council
<b>Date valid application received:</b>	25th October 2022
<b>Statutory determination date:</b>	20th December 2022
<b>Recommendation</b>	

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

- 1.1 Permission is sought for the erection of six 2-bedroom houses as a rural exceptions affordable housing scheme. The application is made by Hastoe Housing Association. In 2021 Hastoe commissioned a Housing Needs Survey, with the support of Ellesborough Parish Council. The survey identified a need for affordable housing to meet local needs and the proposed scheme is designed to meet some of that need.
- 1.2 The scheme is for three pairs of semi-detached, two storey houses, served by a single point of access from the Chalkshire Road, towards its southern end, in Butlers Cross.
- 1.3 Cllr Carroll indicated that if officers were minded to approve the application he would consider calling the application to planning committee. However, due to the level of public interest in the application, in consultation with the Chairman it was agreed that the application should be determined by the Planning Committee.
- 1.4 Recommendation – minded to approve – defer for a S106 planning obligation.

### 2.0 Description of Proposed Development

- 2.1 The application site is located in Butlers Cross, towards the southern end of Chalkshire Road, on its west side, to the north of a ribbon of residential development. It has a road frontage of 42.8 metres, bounded by a mixed hawthorn and leylandii hedge, and is just under 48 metres in depth. To the south of the site is a public

footpath which forms part of the “Aylesbury Ring” circular route. The site is currently used for grazing horses, being part of the equestrian establishment at Home Close Farm, and there is grazing land to the immediate north and west.

- 2.2 The proposal would be served by a single point of access to Chalkshire Road, in a similar position to a gated access, which would be widened on the south side. An access road would turn in a southerly direction to run parallel to Chalkshire Road, retaining a wide landscaped area between the access road and the front boundary. The dwellings would be laid out in a single row on the west side of the access, with private gardens to their rear backing onto the fields.
- 2.3 The application is accompanied by:
  - a) Planning Statement
  - b) Design and Access Statement
  - c) Heritage Impact Assessment
  - d) Flood Risk Assessment (FRA) and SUDS Report
  - e) Soil Investigation Report
  - f) Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS)
  - g) Ecological Impact Assessment
  - h) Housing Needs Survey Report
  - i) Biodiversity Impact Assessment (BIA) and Biodiversity Metric
  - j) Landscape Management and Maintenance Plan
- 2.4 During the course of the application amended plans have been received which have amended the design of the proposed houses and made changes to the layout. The latter were partly in response to comments from consultees, addressing issues relating to the width of the public footpath and surface water drainage. Additional / updated surface water drainage information was also provided. The biodiversity information was also updated.

### **3.0 Relevant Planning History**

- 3.1 There is no relevant planning history on the site.

### **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), DM24 (Affordable Housing), DM25 (Rural Exceptions Affordable Housing), DM42 (Managing Development in the Green Belt)

- 4.1 The site is located in the Green Belt and Butlers Cross is identified as a Tier 6 settlement in the Local Plan.
- 4.2 Policy CP3 sets out the settlement strategy for the Local Plan area. This generally directs residential development to larger settlements, however development in small villages and hamlets is acceptable for rural exceptions affordable housing schemes where the settlement has some local services.
- 4.3 Within the Green Belt development is also restricted, and development within it is inappropriate. The National Planning Policy Framework (NPPF) sets out at paragraph 149 that the construction of new buildings should be regarded as inappropriate in the Green Belt, except for a number of exceptions. The exceptions include “limited

affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)".

- 4.4 Policy DM42 (Managing Development in the Green Belt) of the Local Plan says that development in the Green Belt is inappropriate except for a number of exceptions. These include development that the NPPF classes as not inappropriate, subject to a number of clarifications. This includes "limited affordable housing for local community needs only in accordance with DM25.
- 4.5 Policy DM25 (Rural Exceptions Affordable Housing) requires development for small scale, rural, affordable housing to demonstrate that:
  - a. There is specific, identified local housing need within the community;
  - b. This need cannot be met on a site that would otherwise accord with policy;
  - c. The location proposed is the best practicable location within the local area with regards to material considerations such as access to schools, jobs and services via sustainable transport modes.
- 4.6 The NPPF also supports the provision of housing in rural area by way of rural exceptions sites, to provide affordable housing to meet identified local needs (paragraphs 78 and 79).
- 4.7 The current application is proposed as a rural exceptions sites. All six units would be affordable housing, provided by a registered Housing Association.
- 4.8 The potential for the provision of affordable housing has been under consideration for some time, with a Housing Needs Survey having been first carried out in 2017. That survey established general support of the principle of providing affordable housing in the parish and identified a need for 9 affordable homes.
- 4.9 Recognising that, due to the passage of time, the survey from 2017 would not be sufficiently up to date to support a planning application, a new survey was undertaken in July 2021. This was carried out by Community First Oxfordshire (a community development charity) who were commissioned by Hastoe, with the support of the Parish Council.
- 4.10 The survey was sent to 324 households, with a further 9 forms sent on request. In total 121 responses were received. The responses showed continued support for the principle of providing housing for those in housing need with a local connection to Ellesborough (55% in favour, 23% not in favour, and 22% "maybe"), and also support for a small scheme in Ellesborough Parish (51.5% in support, 27.5% against, 21% "maybe").
- 4.11 The more detailed second part of the survey, was completed by 21 households who expressed a housing need. One of these was found to be ineligible. The results of the analysis of these responses, as set out in the Housing Needs Survey Report, indicates a small need for one bedroom, or 3 or 4 bedroom units, but that the greatest need is for two-bedroom units.
- 4.12 The proposal therefore meets the first criteria of Policy DM25, in that there is a specific, identified local housing need within the community.
- 4.13 The second criteria of the policy is that the need cannot be met on a site which would otherwise accord with policy. In this instance the whole of the Ellesborough Parish is either in the Green Belt or Countryside Outside of the Green Belt. There are no settlements identifies as being in Tier 4 or above in relation to Policy CP3 (Settlement

Strategy). The main settlements within the parish (Terrick, Butlers Cross, Ellesborough) are all Tier 6 (Hamlets). Much of the parish is also in the Chilterns AONB. It should be noted that this designation does not preclude residential development per se, but applications must be appropriately assessed against the relevant AONB policies.

- 4.14 The submitted information shows that a number of potential sites were investigated prior to the selection of the current application site. Of these, the majority were within the Green Belt and Chilterns AONB. One site was outside the Green Belt and AONB but was ruled out on several grounds including tree constraints impacting the capacity of the site, ecology / biodiversity issues, poor visibility from the access and a greater distance from the station.
- 4.15 Also of relevance is that the applicant was not able to secure cooperation from the owners of the other sites. The application site was therefore the only site potentially available to the applicant to progress a rural exceptions scheme.
- 4.16 Given that there is no location within the parish which would otherwise accord with policy for the siting of residential development, the proposal is considered to meet the second criteria of the policy.
- 4.17 Thirdly, the location of the site must be the best practicable location within the local area with regards to considerations such as access to schools, jobs and services via sustainable transport modes.
- 4.18 There are limited facilities within Ellesborough Parish. Community facilities include the Parish Hall with adjacent play area, a pub and the Guide Centre at Butlers Cross and the Parish Church in Ellesborough. There is a filling station on the A4010, a car sales garage at Terrick and a brewery and shop to the east of Terrick at Nash Lee. The nearest railway station is at Little Kimble and there is a bus service along the A4010 and also a limited service along Chalkshire Road.
- 4.19 The selected site would be located within the small settlement of Butlers Cross where it would have access to the community facilities within the Parish. It would have access to public transport – the service along Chalkshire Road connects with both Aylesbury and Princes Risborough, and the service along the A4010 is approximately 1km walking distance. The site is therefore considered to be well located in relation to an existing community, local facilities and public transport options.
- 4.20 The proposal is considered to meet the requirements of Policy DM25 and is therefore not inappropriate development in the Green Belt, as set out in Policy DM42 and the NPPF. It is therefore acceptable in principle, subject to complying with all other relevant policies in the development plan.

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

Wycombe District Local Plan (August 2019), DM22 (Housing Mix), DM24 (Affordable Housing), Planning Obligations Supplementary Planning Document (POSPD)

- 4.21 The proposed development is for six two-bedroom units. The housing needs survey did identify a need for two-bedroom units, although there was also some need for one-bedroom units and a three and four bedroom unit. The Parish Council has indicated it would like to see one-bedroom units included in the scheme.
- 4.22 The applicant was asked to address this point. They have responded, and have said that, in their experience one-bedroom units in rural locations tend to be less popular as people would rather move to a two bedroom house with longer term prospects,

allowing them the opportunity to start a family, rather than moving to a home with only short term potential.

- 4.23 The proposal is for four of the units to be for affordable rent, with two for shared ownership. This meets the needs set out in the housing survey. Although more potential households had indicated interest in shared ownership further assessment as part of the survey suggested that those households may not be able to provide the required deposit for a shared ownership property.
- 4.24 The affordable housing would need to be secured by way of a S106 agreement. It is envisaged that this would take a similar form to S106 agreements on other rural exceptions sites in the area. The agreement would restrict the development to being for affordable housing only and secure its retention as such in perpetuity. It is also envisaged that it would set out the balance of affordable rented and shared ownership units. For shared ownership units “staircasing” (whereby an occupier can increase the proportion of the dwelling they own), would be limited to 80%, so the Housing Association would retain a minimum 20% share of the property.
- 4.25 The agreement would limit the occupation to “eligible persons”, which would be defined in the agreement with reference to specified local connections to Ellesborough parish. Provision would be made for the possibility that if “eligible persons” with a connection to Ellesborough Parish could not be found this would be widened to “eligible persons” from specified adjacent parishes. As a last resort the properties would be made available to eligible persons from within Buckinghamshire.

#### **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)

- 4.26 The site is located on Chalkshire Road which is a C-class road with a speed restriction of 30mph. The Highways Officer advises that a development of this nature would be expected to generate 24 – 30 movements (two-way) per day and this number of trips can be accommodated on the local highway network.
- 4.27 It is proposed to widen the existing access which, at approximately 5 metres in width would allow two vehicles to pass. The access will need to be constructed to meet the relevant specifications for a commercial access, and this would be secured through the licensing regime with the Highway Authority.
- 4.28 The proposal would be required to provide a vision splay of 2.4 x 43 metres on either side of the centre line of the access. This can be achieved as the required land is either part of the application site or is within highway limits (which abut the red edge site boundary). This is likely to require some trimming back of the hedge in the area closest to the access point itself.
- 4.29 The proposal would provide two parking spaces per dwelling which meets the requirements of the Buckinghamshire Countywide Parking Guidance (BCPG). The plans were amended to ensure that all spaces meet the minimum size stipulated in that guidance, of 2.8 x 5 metres. One electric vehicle (EV) charging point would be provided for each dwelling. Each house would also be provided with a shed in the rear garden to provide secure, covered, cycle storage, in accordance with the BCPG.
- 4.30 There is a public footpath on the south boundary of the site. This currently has limited width, being set between the hedge and close boarded fence at no. 29 Chalkshire Road, and the boundary fence to the paddock. At the request of the Strategic Access

Officer the path has been widened to 2 metres, with a post and rail fence defining the northern edge. This improves the accessibility of the path for walkers and would create a better environment for users of the path.

### **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), DM30 (The Chilterns Area of Outstanding Natural Beauty)

DSA: DM11 (Green Networks and Infrastructure)

Residential Design Guide SPD; Chilterns Building Design Guide; Ellesborough Village Design Statement

- 4.31 The proposed scheme has a simple, linear layout, with dwellings facing towards Chalkshire Road, albeit set back behind a parallel private drive within the site itself. This allows the retention of the majority of the front boundary hedge, using a single point of access rather than individual driveways to each plot. The development clearly defines the separation between the private plots of the houses and the public circulation areas.
- 4.32 The majority of development fronting Chalkshire Road faces the road. The dwellings to the south generally have deep front gardens, whereas some of the older properties on the east side of the road are set much closer to the frontage. The proposed dwellings would be slightly further forward than the houses to the immediate south but would still maintain a generous set back from Chalkshire Road, thereby reflecting the general character and layout found in the area.
- 4.33 Parking is, as far as possible, located close to the dwelling it serves, however it has been necessary to amend the parking layout to accommodate the surface water drainage strategy on the site. It is understood that parking would be allocated to individual dwellings.
- 4.34 The scheme incorporates a landscaped area at the front of the site which will contribute positively to the setting of the development, as well as providing ecology and biodiversity opportunities.
- 4.35 Changes have been made to the design of the houses during the course of the application. These include changing the design of the porches, adding pitched roofs over the dormers, inclusion of more brick detailing around windows and on the building corners, and the addition of chimneys, all features which are encouraged in the Chilterns Building Design.
- 4.36 The most significant change has been the off-setting of the front and rear elevations within each pair of dwellings. This has allowed the roof span to be reduced, thereby increasing the roof pitch without significantly altering the height of the buildings. The houses incorporate projecting gables to the front and rear. This has resulted in a building form and design which is more characteristic of the local vernacular.
- 4.37 The plans includes a street scene elevation to show how the development would relate to the immediately adjacent dwelling, no. 29 Chalkshire Road. The applicant has undertaken a topographical survey which show the land falls very slightly from south to north. The ridge of the houses on plots 1 and 2 would be slightly below that of no. 29, reflecting the topography. The scale and mass of the proposed buildings is considered to be consistent with surrounding development and would assimilate into the street scene.

- 4.38 The plans and supporting documentation indicate the use of bricks and clay tiles for the external finishes of the houses. These are appropriate to the local context and the exact details can be secured by way of a condition, along with details of surfacing materials for the parking, patio and pathway areas.
- 4.39 The scheme includes a landscaping scheme which includes hedge planting on site boundaries, and additional tree and shrub planting at the front of the site, including the use of wildflower meadow species for the grassed area. Details of means of enclosure have been amended during the course of the application, to show post and rail fencing on the side and rear boundaries. An element of chain link fencing is proposed along the hedge bounding the public footpath, set back inside the post and rail fence. This has been included to ensure the security of the boundary for plot 1 whilst the hedge establishes. As the hedge grows the fence would become less visible.
- 4.40 It would be appropriate to secure the landscaping scheme by way of a condition, along with the retention of planting.

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

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

Housing Intensification SPD; Residential Design Guide SPD

- 4.41 The proposed dwellings have been designed to meet the Internal Space Standards and would provide a satisfactory living environment for future occupiers in terms of space, light and ventilation. Each house would have a rear garden facing west which would provide a level area for sitting out and children's play. The proposed layout would also not result in undue loss of light or privacy between plots subject to a condition securing the proposed obscure glazing for the side facing bathroom and secondary bedroom windows.
- 4.42 There are no dwellings to the immediate north or west of the site. There is a row of cottages on the east side of the road opposite the southern part of the site. Given the set back of the proposed houses and the road separating them, those properties would not be adversely impacted in terms of light or privacy.
- 4.43 There is a house to the immediate south of the site (29 Chalkshire Road), separated by the public footpath. The side boundary of that house is screened by a hedge to the side of the front garden, then a close boarded fence further to the rear. The proposed house on plot 1 would be set forward of no. 29, but is considered to have an acceptable relationship to no. 29 in terms of light and enclosure. The development is on the north side of no. 29 and would therefore have minimal impact on direct sunlight.
- 4.44 Subject to obscure glazing of the side facing first floor windows the proposed development would not result in undue loss of privacy to no. 29.

#### **Environmental issues**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), CP12 (Climate Change), DM20 (Matters to be determined in accordance with the NPPF), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

Air Quality SPD

- 4.45 The site makes provision for the storage of refuse within each plot. To reduce emissions the scheme includes the provision of one electric vehicle charging point per dwelling as required by the air quality SPD.

4.46 Street lighting is not proposed as part of the development, which is in keeping with the surrounding area and also has benefits in relation to wildlife.

### **Flooding and drainage**

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

4.47 The site is not at risk from river flooding, nor is it identified as being at risk from surface or groundwater flooding. However, all development is required to adequately manage surface water to prevent an increased risk of flooding on the site, or elsewhere. In accordance with Policy DM39 the applicant has been required to demonstrate that a satisfactory solution to managing surface water drainage.

4.48 The Lead Local Flood Authority (LLFA) were therefore consulted on the application. The LLFA was not satisfied that the information submitted initially was sufficient to demonstrate that surface water would be satisfactorily managed. Further information was therefore submitted to address this issue. The scheme proposes a combination of measures to provide surface water drainage, including permeable paving in the parking areas, the provision of swales in the landscaped area at the front of the site, and the use of a borehole soakaway. The inclusion of the soakaway has resulted in some changes to the layout of the access and parking area as the soakaway must be located at least 10 metres from buildings and roads.

4.49 The LLFA is now satisfied that there is a satisfactory solution to the management of surface water, such that the development will not increase the risk of flooding on the site or elsewhere. A condition has been recommended to secure the approval of a detailed SuDS scheme.

### **Landscape Issues/Landscape and visual Impact**

Wycombe District Local Plan (August 2019): CP9 (Sense of Place), DM30 (The 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), DM12 (Green space), DM13 (Conservation and enhancements of sites, habitats and species of biodiversity and geodiversity importance)

4.50 The site is located in the Chilterns AONB and great weight must therefore be given to the conserving and enhancing the natural beauty of the Chilterns AONB.

4.51 As set out above, Butlers Cross is a largely linear settlement, with development fronting the road. The proposed development would continue and existing built-up frontage in a northerly direction, and would thus be regarded as part of the established settlement pattern.

4.52 The development will inevitably result in a degree of change from the existing situation, with the introduction of buildings onto an undeveloped field. It is acknowledged that the proposal will also result in the loss of part of the existing gap between no. 29 Chalkshire Road and the stables to the north of the site. There would, however, be some gap retained to the north of the site, retaining a visual connection to the agricultural land behind from the road. The retention of the boundary hedge would go some way to reducing the visual impact in views from the highway.

4.53 The site is also bounded on its south side by a public footpath. As has already been set out above, the applicant has amended the scheme to increase the available width of the path from its current width to 2 metres, bounded by a post and rail fence with hedge behind. The development would be clearly seen from this path, and the impact



would be greatest on the section of the path closest to the site. However, the proposed planting of hedging around the site will, with time, lessen that impact to a degree.

- 4.54 The development would be seen from further afield on the public footpath network, but at these greater distances it would be viewed in the context of the existing settlement. Given that the development is consistent with the scale and layout of the surrounding settlement it would, together with the mitigation provided by the developing planting, assimilate into the surrounding area.
- 4.55 Policy DM30 requires to development to conserve, and where possible, enhance, the natural beauty of the AONB. Natural beauty of an area includes its flora, fauna, and geological and physiographical features. In this instance the site has been shown to be of little interest in terms of flora and fauna, and the development would not adversely affect geological and physiographical features, on what is a relatively level site. As such the proposal would conserve the natural beauty of the AONB. The introduction of additional boundary hedging, which are a feature of the Chilterns, has the potential to provide some enhancement.
- 4.56 Policy DM30 also requires consideration to given to the social and economic wellbeing of local communities. In this respect, the provision of affordable housing to meet locally identified need would support this objective.
- 4.57 There are only two trees within the site, adjacent to the south boundary. These have been categorised as Category C trees in the tree report submitted. They are not of particularly visual significance in the landscape. It is proposed that they are removed as part of the development. The scheme includes planting of a number of trees in the landscaped area at the front of the site and these would compensate for the loss of the two trees.
- 4.58 There is also an established boundary hedge along the roadside boundary. The hedge is a mix of conifer and native hawthorn. This is shown to be retained, although a section will be removed to facilitate the provision of the access and visibility from it. The hedge is a significant feature in the street scene and its retention is therefore welcomed. Although a section would be removed this would not be extensive, and would be more than compensated for in ecology terms by the proposed mixed native hedging on the rear and side boundaries.

### **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)

- 4.59 An ecological impact assessment was submitted with the application. This identifies the site has having limited ecological interest. The site is grazed and there is limited vegetation, other than the boundary hedge and two poor quality trees on the south boundary. The proposal would not, therefore, have an adverse impact on protected species or significant habitat on the site. However precautionary measures should be taken at construction stage, such as checking for nesting birds and covering open trenches during building work, to prevent harm to wildlife.
- 4.60 All development is expected to secure a net gain in biodiversity. The applicant provided a Biodiversity Impact Assessment and Biodiversity Metric during the course

of the application. This identifies a net gain in hedgerow habitat, but a net loss of habitat (modified grassland). This net loss would be contrary to Policy DM34, however, as set out in the Biodiversity Net Gain SPD this could be mitigated.

- 4.61 This can be achieved by securing a Biodiversity Net Gain Plan (previously referred to as a biodiversity offsetting scheme), through a S106 agreement. The Biodiversity Net Gain Plan can include one of several options, including (at the present time) a payment to Buckinghamshire Council to provide the requisite biodiversity unit, finding an offset site which meets the criteria in the BNG SPD, or finding an offset provider (broker or habitat bank) meeting the requirements set out in the SPD. It is not necessary for the site to be identified at this stage if the applicant enters into a S106 agreement committing them to securing a Biodiversity Net Gain Plan.
- 4.62 The site is also just within the 12.6km Zone of Influence of the Ashridge SSSI part of the Chiltern Beechwoods Special Area of Conservation (SAC). Natural England were therefore consulted on the application, but have raised no objection in terms of the impact on the SAC. Nor did their comments indicate that further assessment was required.
- 4.63 An appropriate assessment has been carried out which does identify the potential for the development to have an impact on the SAC, by virtue of the proposal being for additional dwellings within the Zone of Influence (ZOI).
- 4.64 The Council has agreed a Strategic Access Management and Monitoring Strategy (SAMMS) with Natural England which is capable of mitigating likely significant effects on for sites within the ZOI. For sites in some areas this requires a contribution towards the SAMMS. For sites within the Wycombe Local Plan Area, no such contributions are required, on the basis that this area contributes less than 3% visitors to the SAC. The level of impact is therefore insufficient to require mitigation. Similarly, the provision of Suitable Alternative Natural Green Space is not required.
- 4.65 The application includes details of biodiversity enhancement measures which would be included in the scheme, such as bird and bat boxes, hedgehog highways and hedgehog domes, together with native planting for the hedgerows. The scheme also includes additional tree and shrub planting.

#### **Historic environment (or Conservation Area or Listed Building Issues)**

Wycombe District Local Plan (August 2019): CP9 (Sense of place), CP11 (Historic Environment), DM20 (Matters to be determined in accordance with the NPPF), DM31 (Development Affecting the Historic Environment)

- 4.66 With respect to identified heritage assets, there are three listed buildings in the immediate vicinity, the closest of which is Dunrobin House, a Grade II listed building. This is to the southeast of the site, on the opposite side of the road. The Council's conservation officer was consulted on the application with regard to the potential impact on the setting of the listed building. She has advised that the proposal would not harm the setting of the listed building. The immediate setting of that property has been impacted by the existing 20<sup>th</sup> century development around it. The proposed development would be set further away and would therefore have negligible impact on the heritage asset's significance. There are other listed buildings further afield but the proposed development would not adversely affect their setting.

### **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)

4.67 The supporting information indicates that it is intended to construct the dwellings to high water efficiency standards. This could be secured by way of a suitably worded condition. It would also be possible to condition the incorporation of sustainability measures such as air source heat pumps or solar panels.

### **Infrastructure and Developer Contributions**

DSA: DM19 (Infrastructure and delivery)

Developer Contributions SPD

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

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

4.70 Having regard to the statutory tests in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that the following planning obligation(s) are required to be secured within a section 106 agreement:

- Affordable housing
- Biodiversity Net Gain Plan

4.71 The applicant has confirmed that they are willing to enter into a legal agreement.

## **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. The development is for a rural exceptions affordable housing scheme for which there is a demonstrated local need and is therefore not inappropriate development in the Green Belt. The design and layout are considered acceptable and the proposal would not have an adverse impact on ecology or biodiversity, residential amenity or highway safety, and would make adequate provision for surface water drainage.

- 5.4 The proposal will have result in a degree of change within the AONB landscape but would not overall harm the natural beauty of the Chilterns AONB. In any event, the economic and social benefits of the provision of affordable housing to meet the needs of the local community, are considered to outweigh any harm to the local landscape.
- 5.5 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 erection of six affordable houses. 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.
- 5.6 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's 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 works 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 application was acceptable as submitted and no further assistance was
  - The applicant was provided the opportunity to submit amendments to the scheme/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.

## **7.0 Recommendation**

- 7.1 The recommendation is that the application be delegated and deferred to the Service Director of Planning and Environment for **APPROVAL** subject to the satisfactory completion of a legal agreement to secure:
- Affordable housing
  - A biodiversity net gain plan

Or if this is not achieved then the application be refused for such reasons as the Service Director of Planning and Environment considers appropriate.

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

- 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 L01.A, PD.01 Rev S, PD.02 Rev J and 2208-WWA-ZZ-ZZ-D-L-0300-S2 P03 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 The materials to be used for the external surfaces, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority otherwise first agrees in writing.  
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 Details of all screen and boundary walls, fences and any other means of enclosure, based on the details shown on drawing 2208-WWA-ZZ-ZZ-D-L-0300-S2 P03 shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented. 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 All planting, seeding or turfing comprised in the approved details of landscaping as shown on the Landscape Planting and Habitat plan 2208-WWA-ZZ-ZZ-D-L-0300-S2 P03, 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.
- 7 The new buildings hereby permitted shall be constructed in accordance with the levels information shown on drawing no. PD.02 Rev J unless otherwise first agreed in writing by the Local Planning Authority.  
Reason: To ensure that the development is constructed at an acceptable level with regards to the surrounding area.
- 8 No works (other than the alterations to the site access) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, 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:
- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
  - Demonstrate that water quality, ecological and amenity benefits have been considered
  - 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
  - Existing and proposed discharge rates and volumes
  - Ground investigations including:
    - Infiltration rate testing at depth of proposed soakaway
    - Groundwater level monitoring over the winter period
  - Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 056 of the Planning Practice Guidance.
  - SuDS components agreed in the outline application
  - Full construction details of all SuDS and drainage components
  - Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
  - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.

- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- 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

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

- 9 No other part of the development shall be occupied until the existing means of access has been provided in general accordance with the approved planning drawing and constructed to the appropriate Buckinghamshire Council access standards.

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

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

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

- 11 No wall, fence, hedge or other means of enclosure to be provided along the site frontage shall exceed a height of 0.6 metres above the level of the centre line of the access for a distance of 3 metres to the northern side of the access, and for a distance of 8 metres to the southern side of the access.

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

- 12 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.

- 13 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.

- 14 Notwithstanding any other details shown on the plans hereby approved, the window(s) and any other glazing to be inserted in the first floor flank elevations of the dwellings 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.

- 15 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).

- 16 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).

- 17 Prior to the development being brought into use the electric vehicle charging points, with a minimum rating of 32 amp, shall be installed in the parking area serving the development in the locations shown on drawing PD 01S. 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).

- 18 No development shall be occupied unless and until the Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.



h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

19 No development shall take place (including any demolition, ground works, site clearance) until a method statement for the installation of 6 bat boxes, 6 bird boxes, hedgehog highways and hedgehog dome has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To provide enhancements for wildlife species in keeping with local policy DM34.

20 Prior to occupation, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason:

Many species active at night are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established movement corridors or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. Limiting negative impacts of light pollution is also in line with paragraph 185 of the NPPF.

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

- 22 The development shall take place in accordance with the arboricultural method statement (AMS) and tree protection plan submitted as part of the planning application, and any permitted works Construction Exclusion Zone and other works which are specified in the AMS will take place under the supervision of a retained arboricultural specialist. A single page report and photographic record showing the supervised works will be submitted to the Local Planning Authority within 7 days of each supervised event which will result in a certificate being issued by the planning authority upon completion

Reason: To ensure that the retained trees, shrubs and hedgerows are not damaged during the construction process and in the long term interests of local amenity value.

- 23 The approved cycle and bin storage facilities illustrated on drawings PD 01 Rev S and PDO 02 Rev J 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.

24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), no development falling within Classes A and E of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

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

#### 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:

- was provided with pre-application advice,
  - the applicant/agent was updated of any issues after the initial site visit,
  - the application was acceptable as submitted and no further assistance was
  - The applicant was provided the opportunity to submit amendments to the scheme/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.
- 2 The applicant is advised that the off-site works will need to be constructed under a Section 184/278 of the Highways Act legal agreement. This 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. Please visit the Council's website for further guidance or 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  
[highwaysdm@buckinghamshire.gov.uk](mailto:highwaysdm@buckinghamshire.gov.uk)

- 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 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub and other vegetation are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and other vegetation are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
- 6 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.

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

## Councillor Comments

**Cllr Carroll** - I have had many residents contact about the concerns of the about application can you please keep Steve Broadbent and myself in the loop and if minded to approve it would be good to take it to the planning committee so various residents can have their say.

**Cllr Carroll** - I did send you the concerns of many residents on various issues about the above application a few weeks ago. I believe the consultation was extended? Can you please keep me and Steve Broadbent in the loop and if minded to approve will consider calling this to the planning committee to give the opportunity for residents to express those concerns on this Application.

## Parish/Town Council Comments

### **Ellesborough Parish Council (2.12.22)**

Ellesborough Parish Council (EPC) has given full consideration of the material presented as part of this planning application. Following an Extraordinary General Meeting on 14th November 2022, which was attended by a representative from Hastoe Housing Association, and a subsequent Parish Council meeting on Monday 21st November, and having reviewed all of the public and consultee comments on the planning portal at this time, EPC would like to make the following comments.

EPC do not consider it appropriate to debate the nuances of the Bucks Local Planning Policy, nor question the veracity of the 2 x Housing Needs Surveys (NS) which have been recently conducted, and fully anticipate Bucks Council to undertake this process.

EPC approached Hastoe Housing Association as a delivery partner in the first instance when exploring the potential for this development. They have evidenced their support of rural communities and capabilities at delivering projects such as this in Buckinghamshire. Their housing design awards and housing excellence award offered some assurance that they are a capable partner for this proposal.

EPC have unanimously voted to continue to support the proposed development at this stage.

As the prospect of having a small-scale Affordable Housing (AH) scheme became more publicised, each survey has demonstrably shown increased support in both principle and need. The first NS was undertaken in 2017, and although responses were limited, there was a clear identification of both need and support. Due to changes in policy and the unification of Bucks Council, a second NS was undertaken in 2021. There was a far higher response rate, and the results continued to demonstrate again both need and public support.

On balance, EPC consider a small AH scheme, designed correctly, would enhance the local community and support diversity and sustainability in Butlers Cross. This is an opportunity to improve our village and community, in a small way, which EPC are unanimous in supporting, subject to some conditions.

Chalkshire Road is entirely AONB and the nucleus of the village ribbon development. The subject site would effectively be an extension to the existing developed housing environment and on balance the EPC consider as an appropriate site for the siting of a small AH scheme. It is accepted that this site is part of an AONB, however Chalkshire Road is entirely an AONB, as is a large part of the parish.

EPC fully acknowledge that there are numerous residents along Chalkshire Road which are strongly against this development, but the most recent AH survey demonstrated that as a Parish the majority of Parishioners are in support, of a small-scale scheme.

Within 2 miles of the site exists a brewery and shop, a golf course and clubhouse, a farm shop, multiple farms, a petrol station with convenience shop and a village pub. The site is within walking distance of the local church, village hall, play park and on the local bus route which travels along Chalkshire Road.

The current plans show detailed landscaping proposals, which are welcomed by EPC. However, there are concerns regarding some aspects of these plans.

The rear elevation shows proposed chain-link fencing which is entirely out of keeping with the area. This should be agricultural stock proof fencing. EPC strongly oppose usage of high, close board fencing, particularly on the Southern elevation adjacent to the footpath, specifically to avoid the creation of an urban alleyway.

There is a concern over the visibility splays, and whether the hedge will need to be reduced in height to the front of the scheme. It has always been EPC understanding that the existing established hedges (front) would remain in situ and removing or reducing the height of these hedges should be strongly challenged. Visibility can and should be achievable through regular maintenance to the sides of this hedge, negating the requirement to reduce its height. This hedge also acts as a natural acoustic barrier from the busy road to the proposed properties

The plans show little detail in regard to construction materials. These should be, particularly on front elevations, sympathetic to the Ellesborough Village Design Statement and the Chiltern Design Statement. We would expect this to be a detailed matter for agreement in due course.

Building height lines must not exceed that of the property next door at number 29.

The NS shows a demand for a range of properties. Whilst it demonstrates a need for multiple 2 bed homes, there is an evidenced need for 1 bed units also. Why are there no 1 bed units in the proposal? EPC would like it considered that the mix of properties could be 4 or 5 x 2 bed homes, and 2 x 1 bed.

The footpath adjacent to the site is a well-used footpath, and forms part of the Aylesbury Ring. EPC feel this is an opportunity to improve this footpath and would like to see it resurfaced as part of the development and propose that it is widened to a minimum width of 2.4m following any construction. This will create an openness which will improve the amenity of the footpath. It will also require maintenance similar to the hedge fronting Chalkshire Road.

EPC would need to be the joint authors and co-party to an acceptable S106 Agreement which would control the selection of occupants in accordance with EPC local housing needs and protect these properties in perpetuity.

EPC would expect a detailed and appropriate Construction Traffic Management plan to be agreed prior to undertaking any works. The site is opposite a development of existing cottages. Access and egress to these properties will be very difficult if construction vehicles are allowed to park in front of the subject site at any time. This should include fire safety measures, emergency vehicle access and security of the site.

Finally, there is no reference to a lighting plan. EPC assumes there will be a requirement for some form of lighting on the access road and community area. There is a strong view that any form of lighting should be minimal and proportionate. This site must not be a source of light pollution. As with the materials for construction, we expect this to be a detailed matter for agreement in due course.

These comments have been unanimously agreed by the members of Ellesborough Parish Council and form the key basis upon which the EPC continue to support this application on this rural exception site on AONB.

### **Ellesborough Parish Council comments 16.3.23**

Ellesborough Parish Council (EPC) has given full consideration of the material presented as part of this planning application. The revised plans have been circulated among members of the Parish Council, and these comments are unanimously agreed by these members. Whilst previous comments made by EPC encompassed wider aspects of the planning application, the below comments are solely in response to some of the changes made by the applicant, or lack thereof.

EPC have unanimously voted to continue to support the proposed development at this stage.

To the rear of the properties, what was originally described as chain link fence has been altered to stock proof fence, which is more agricultural and in keeping with the area. However, beside the footpath it is maintained as chain link fence. This should be agricultural stock proof fencing too. As a minimum, the height of this fence needs to be kept below 5'.

The strategic Access Officer report is welcome, and certainly reinforces the original stance that the footpath width needs to be considered, and certainly defined as no less than 3 m to the centre of the hedge.

The plans show the hedge to the front of the properties will be retained, however there is still no reference to the height. There is a concern over the visibility splays, and whether the hedge will need to be reduced in height to the front of the scheme. It has always been EPC understanding that the existing established hedges (front) would remain in situ and removing or reducing the height of these hedges should be strongly challenged. Visibility can and should be achievable through regular maintenance to the sides of this hedge, negating the requirement to reduce its height. This hedge also acts as a natural acoustic barrier from the busy road to the proposed properties

The plans show little detail in regard to construction materials. These should be, particularly on front elevations, sympathetic to the Ellesborough Village Design Statement and the Chiltern Design Statement. This could easily be achieved by using, for example, flint on the front elevations. Whilst the use of clay tiles, clay facing brick and aluminium windows is referenced, it is minor in its detail. Fundamentally EPC would expect the materials to be a detailed condition though.

It is also noted that chimney stacks have been introduced to the design. This seems an unnecessary addition which will add financial and environmental cost. The superfluous use of building materials is unjustified and uneconomical.

Building height lines have been shown not to exceed that of the neighbouring property. This is welcomed and it is crucial that this is adhered to.

No alteration has been made to the mix of properties. The NS shows a demand for a range of properties. Whilst it demonstrates a need for multiple 2 bed homes under shared ownership, there is an evidenced need for 1 bed rental units also. Why are there no 1 bed units in the proposal? EPC would like it considered that the mix of properties could be 4 or 5 x 2 bed homes, and 2 x 1 bed.

There is still no reference to a lighting plan. EPC assumes there will be a requirement for some form of lighting on the access road and community area. There is a strong view that any form of lighting should be minimal and proportionate. This site must not be a source of light pollution. Indeed, the ecological impact assessment references lighting in their recommendation: -

5.4.5 Any new lighting proposed will be sensitively designed, adopting the following principles:

- Maintaining dark corridors along the site boundaries, particularly along the eastern boundary adjacent to the retained hedgerow; and
- Not illuminating any newly created roosting features (i.e. bat boxes).

5.4.6 Where lighting is required, ensuring:

- Light levels are less than 3 Lux;
- LED luminaires with a warm white spectrum ideally <2700Kelvin (to avoid blue / UV elements);
- Bollard or low-level downward directional luminaires are used and mounted on the horizontal (with no upward tilt); and
- Security lighting, if required, is motion-activated with short (1 minute) timers.

EPC would like these recommendations to be a requirement of this proposed development. EPC has received critical comments in the past regarding sources of light pollution within the village, with the property next door (No. 29) being a major source, hence the desire to seek assurances that no light pollution will be generated from the completed site. As with the materials for construction, we expect this to be a detailed matter for agreement in due course.

Finally, the bio-diversity and ecology reports expect that the developer cannot provide on-site solutions to the negative impacts of a new development and do make reference to “offset” payments. EPC would expect that any payments made should be for the exclusive benefit of bio-diversity and ecological improvements within Ellesborough Parish. There is an ongoing project within the parish, in collaboration with BBOWT, towards which these funds would be well received.

As stated previously, EPC would need to be the joint authors and co-party to an acceptable S106 Agreement which would control the selection of occupants in accordance with EPC local housing needs, and protect these properties in perpetuity.

EPC would expect a detailed and appropriate Construction Traffic Management plan to be agreed prior to undertaking any works. The site is opposite a development of existing cottages. Access and egress to these properties will be very difficult if construction vehicles are allowed to park in front of the subject site at any time. This should include fire safety measures, emergency vehicle access and security of the site.

These comments have been unanimously agreed by the members of Ellesborough Parish Council and form the key basis upon which the EPC continue to support this application on this rural exception site on AONB.

### Consultation Responses

#### **Environmental Health**

No objection subject to a condition to secure electric vehicle charging points. Suggest and informative relating to construction noise.

#### **Lead Local Flood Authority – comments 11.11.22**

Objection due to insufficient information regarding surface water drainage.

#### **Lead Local Flood Authority – comments 9.3.23**

Buckinghamshire Council as the Lead Local Flood Authority (LLFA) has reviewed the information provided in the following documents:

- FRA & SuDS Report (HDC/1062/01, April 2021, HEGSONS)
- Indicative Exceedance Event Overland Flow Route (drawing no. HDC 1061\_115, May 2022, HEGSONS)



- Indicative Surface Water Drainage Catchment Plan (drawing no. HDC 1061\_110, May 2022, HEGSONS)
- Indicative Surface Water Drainage Details (drawing no. HDC 1061\_105, May 2022, HEGSONS)
- Indicative Surface Water Drainage Strategy (drawing no. HDC 1061\_100, May 2022, HEGSONS)
- Ground Investigation Report (HDC/1061/01, September 2020, HEGSONS)
- Thames Water Pre-planning enquiry (2nd February 2023, Thames Water)
- FRA & SuDS Report Addendum No.1 (23rd January 2023, HEGSONS)
- SuDS Management Plan (23rd January 2023, HEGSONS)
- Calculations (Storm Sewer Design)

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**

The applicant is proposing to infiltrate via deep borehole soakaways as the primary drainage option but is unable to carry out the infiltration rate testing required to determine the viability of this method at this stage of the planning process. The applicant has therefore provided details of an alternative scheme. The alternative scheme utilises the same attenuation SuDS before discharging to a Thames Water foul sewer at 1 l/s. The applicant has provided calculations and details of permission to connect in support of this method of surface water disposal.

### **Ground investigations**

At detailed design the applicant must conduct infiltration rate tests in order to determine the viability of the deep borehole soakaways. Ideally, this should be in the form of a constant head test in which a head of water is maintained at the top of the DBS and the flow rate measured to determine the actual infiltration rate that can be achieved. The flow volumes used, and duration of the test should as far as possible replicate what might reasonably be anticipated during normal functioning of the soakaway.

The applicant will also be required to carry out groundwater monitoring over the winter period (October to April) to demonstrate a 1m freeboard between

### **Calculations**

The applicant has updated the scheme, so that there is no flooding for the 1 in 100-year plus 40% climate change event. The applicant has provided calculations to demonstrate that the alternative scheme is viable

### **Drainage Layout**

The Indicative Surface Water Drainage Strategy (drawing no. HDC 1061\_100) has been updated as per the LLFAs previous request.

### **Maintenance**

A maintenance schedule for the surface water drainage system has been provided. It details the maintenance tasks that shall be carried out and the frequency at which they shall be carried out.

I would request the following condition be placed on the approval of the application, should this be granted by the LPA:

### **Condition 1**

No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, 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:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- Demonstrate that water quality, ecological and amenity benefits have been considered
- 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
- Existing and proposed discharge rates and volumes
- Ground investigations including:
  - Infiltration rate testing at depth of proposed soakaway
  - Groundwater level monitoring over the winter period
- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 056 of the Planning Practice Guidance.
- SuDS components agreed in the outline application
- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- 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

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

#### **Highways Officer – comments 18.11.22**

Chalkshire Road is a C class road subject to a 30mph speed restriction. The road does not have parking or waiting restrictions and benefits from a pedestrian footway on the near side of the highway to the development site.

This application proposes erection of 6(no) 2-bed dwellings and associated works including access.

When considering trip generation, I would expect a dwelling in this location to generate approximately 4-6 vehicular movements (two-way) per day. Therefore, in terms of trip generation from the site, the 6(no) dwellings would have the potential to generate approximately 24-36 daily vehicular movements (two-way). I am satisfied these movements can be accommodated on the

local highway network. However, the access arrangements will need to be assessed in order to determine its suitability to accommodate the vehicular movements anticipated.

It appears that the site benefits from an existing dropped kerb access from Chalkshire Road, whilst it does not appear that the access has been in use for a significant period of time, there is an existing legal vehicular access. Nonetheless, improvements will be made to facilitate better vehicular access and egress in to and out of the site. Due to the alterations, I will request that the access meets the Council's Commercial Vehicular Access Within the Highway specifications, which can be secured by way of condition. Having assessed the width of the altered access, which measures approximately 5 metres in width, I am satisfied it is sufficient to allow for safe simultaneous two-way 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 proposed plans, I am satisfied that sufficient visibility splays can be achieved within the publicly maintained highway and land owned by the applicant.

I note that the existing hedge fronting the site will be retained, however it appears there are instances of the hedge overgrowing further into the highway verge which would restrict visibility splays achievable from the access. As such, I believe it is necessary for a condition to be recommended to ensure the area contained within the visibility splays are kept free of any obstruction exceeding 0.6m in height.

However, having assessed the visibility splays provided on the proposed site plan, splays commensurate with a speed limit of 30mph (i.e. 2.4m x 43m) have not been accurately demonstrated. Furthermore, I note the splay in each direction is not taken to the near-side edge of the carriageway which would be requested in this instance. Mindful of this, I would request an additional plan demonstrating visibility splays of 2.4m x 43m to the near side carriageway edge to be provided, so that it can be accurately determined the extent in which the hedge needs to be maintained.

Having assessed the development using the Buckinghamshire Countywide Parking Guidance (BCPG) policy document, the proposed development will generate a parking requirement of 12(no) spaces (2(no) spaces for each dwelling). Furthermore, parking space dimensions should measure 2.8m x 5m. Whilst I note the level of parking provided is sufficient, the proposed spaces fall short of the required dimensions (measured at approximately 2.5m x 5m). The Highway Authority must follow these dimensions so that a standard sized family car can safely park clear of the public highway. Therefore, I will also request amended plans to demonstrate the proposed parking space dimensions measuring 2.8m x 5m.

A turning head has been provided to allow delivery, refuse and emergency services to carry a turning manoeuvre within the site, which would ensure they can enter, turn and exit the site in a forward gear. However, it does not appear that a swept path analysis has been provided to demonstrate larger vehicles turning. Whilst I am satisfied with the depth of the proposed turning head, I have concerns over its width to allow larger vehicles to safely complete a turning manoeuvre. This concern would be overcome with the submission of a swept path analysis which demonstrates this; therefore, I will also request this is provided in additional plans.

Finally, 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

Wycombe Local Plan and National Planning Policy Framework. In this location, there are a limited number of daily amenities and public transport options. However, the site is connected to a pedestrian footway that can provide a safe connection to bus stops south of the site which provide services to Aylesbury and High Wycombe. Whilst these services are not frequent, they do provide an option for residents to travel by other means rather than the private car. In addition, I note the provision of cycle storage for each dwelling, would encourage those travelling to and from the development to use this sustainable form of transportation. Nonetheless, I trust that the Planning Authority will determine the suitability of the site's location for residential development in relation to sustainable transport options and local services.

Mindful of the above, I request that the applicant provide amended plans to include and accomplish the following:

- Visibility splays of 2.4m x 43m from the site access, taken to the near side carriageway edge.
- Parking space dimensions measuring 2.8m x 5m.
- A swept path analysis demonstrating turning manoeuvres of delivery, refuse and emergency service vehicles.

#### **Highways Officer – Comments 30.3.23**

The Highway Authority has previously commented on this application dated 18th November 2022. These comments requested additional plans to include and accomplish the following:

- Visibility splays of 2.4m x 43m from the site access, taken to the near side carriageway edge.
- Parking space dimensions measuring 2.8m x 5m.
- A swept path analysis demonstrating turning manoeuvres of delivery, refuse and emergency service vehicles.

I note additional plans have been submitted which the Highway Authority have assessed and will provide comments below.

Firstly, in regard to visibility splays, the amended site plan demonstrates splays of 2.4m x 43m. Whilst I note the splay in the northern direction has not been taken to the near side carriageway edge, upon further assessment of the highway extents in the area, I am satisfied that full visibility splays can be achieved within the publicly maintained highway. However, as mentioned in previous comments, there are instances of the hedge overgrowing further into the highway verge which would restrict visibility splays achievable from the access. Whilst it is the responsibility of the Council to maintain these verges, a condition will be recommended which ensures the areas flanking the access will not have any means of enclosure exceeding a height of 0.6 metres, to ensure appropriate visibility splays can be maintained.

Furthermore, in regard to the improved access arrangements, I note that the junction radii measures approximately 3m. It should be noted that this will likely be required to be increased to 4m or 6m to better serve the development, however the details that have been submitted will be subject to design, technical checks and supervision under the requisite S184/278 Agreement that will allow the works to be constructed within the public highway.

As confirmed in previous highways comments, the proposed development will generate a parking requirement of 12(no) spaces (2(no) spaces for each dwelling). Whilst the previous plans demonstrated parking spaces below the required dimensions set out within the Buckinghamshire Countywide Parking Guidance policy document (i.e. 2.8m x 5m), having assessed the most recent

plans, I am satisfied that the optimum level of parking has been provided within the site with sufficient dimensions.

Finally, having assessed the swept path analysis that has been provided, I am satisfied that refuse and emergency vehicles will be able to enter, turn and exit the site in a forward gear.

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

**Condition 1:** No other part of the development shall be occupied until the existing means of access has been provided in general accordance with the approved planning drawing and constructed to the appropriate Buckinghamshire Council access standards.

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

**Condition 2:** No wall, fence, hedge or other means of enclosure to be provided along the site frontage shall exceed a height of 0.6 metres above the level of the centre line of the access for a distance of 3 metres to the northern side of the access, and for a distance of 8 metres to the southern side of the access.

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

**Condition 3:** The scheme for parking 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 4:** 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 184/278 of the Highways Act legal agreement. This 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. Please visit the Council's website for further guidance or 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

[highwaysdm@buckinghamshire.gov.uk](mailto:highwaysdm@buckinghamshire.gov.uk)

- 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.

### **Strategic Access Officer – comments 1.12.22**

Ellesborough Footpath 13 (ELL/13/2) borders the site on the southern side. The footpath is particularly narrow, less than 1 metre, with insufficient space for two walkers to pass conveniently. The Buckinghamshire Rights of Way Improvement Plan 2020 – 2030 requires double fenced paths to be a minimum of 2 metres wide. Growth of the hedgerow on the southern side of the path in summer further reduces the available width. The plans should be amended to show a clear 2 metres width for the footpath, either as a fence to provide a 2 metre path or a hedge with its centre 3 metres from the fence on the south side of the path.

### **Strategic Access Officer – comments 24.3.23**

As the applicant has submitted revised plans securing a 2-metre passage for walkers along Ellsborough Footpath 13 (ELL/13/12), I have no further objection to this proposal.

### **Conservation Officer**

Recommendation: As the NPPF states, heritage assets are an irreplaceable resource and it is important to conserve them in a manner appropriate to their significance. This proposal complies with s.16 and 66 P(LB&CA)A 1990, policy DM31 and DM35 of the WLP, and heritage advice in the NPPF.

Information Considered: Location Plan; Proposed Site Plan; Heritage Impact Assessment; Design & Access Statement.

The application site comprises a parcel of land on the western extents of Chalkshire Road, Butler's Cross, that is currently used for grazing horses.

The proposal comprises of the construction of three structures, forming six semi-detached properties. Access would be obtained off Chalkshire Road, with the proposed dwellings being set back beyond existing boundary vegetation, amenity space and a turning head.

With respect to identified heritage assets, there are three listed buildings in the immediate vicinity, the closest of which is Dunrobin House, a Grade II listed building. The significance of this heritage asset is most readily identifiable in views along Chalkshire Road. However, the immediate setting of this heritage asset - predominantly on the opposite side of Chalkshire Road - is dominated by 20th century linear residential development. This development exhibits limited reference toward local vernacular building styles and techniques, and the immediate setting of this heritage asset is therefore characterised by significantly evolved growth. Given that the immediate setting of this heritage asset has already been compromised by modern development, the impact of further limited development in a similar form would have a negligible impact on this heritage assets significance.

Regarding the impact of the proposed development on Malthouse Farm and Camkins, both Grade II listed buildings, given the distance involved and that the wider setting of these heritage assets to the south of Chalkshire Road has been subject to linear residential development during the 20th century. This may be considered an impingement upon the wider agrarian narrative of this heritage asset, albeit to a minor extent given intervening built form, vegetation, and topography, which limits direct inter-visibility.

As such in heritage terms, this proposal is considered acceptable.

### **Natural England**

Based on the Plans submitted Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites and has no objections.

The site is in the Chilterns AONB and the LPA's decision should be guided by paragraphs 176 and 177 of the NPPF and any the landscape policies set out in your local plan. We advise consulting the local AONB partnership or conservation board. You should also have regard to the duty on public bodies to have regard to the statutory purpose of the AONB to conserve and enhance the areas natural beauty under S85 of the CROW Act 2000.

Further general advice on consideration of protected species and other natural environment issues is also provided.

### **Biodiversity Net Gain Officer – comments 15.11.22**

Holding objection. A Biodiversity Net Gain report is required along with a biodiversity metric to demonstrate that the proposal will achieve a biodiversity net gain as required by Policy DM34.

The site is within the 12.6km Zone of Influence of the Ashridge Commons and Woods Site of Special Scientific Interest (SSSI) component of the Chilterns Beechwoods Special Area of Conservation (SAC). Recommend that Natural England are consulted.

### **Biodiversity Net Gain Officer – comments 17.3.23**

Holding Objection – amendment required:

#### Biodiversity Impact Assessment (Jan 2023)

I have reviewed the Biodiversity Impact Assessment and request the following amendment is made. I do not believe that 'other neutral grassland g3c' is a suitable habitat type for the 0.03ha space shown post development. A grassland would need to have at least 9 species per m2 to meet this definition and given the location, shading from trees, likely use and management of the amenity area shown on the plans I recommend that this is classified as 'amenity grassland'.

The BIA evidence's an onsite loss of biodiversity and proposes to offset the loss via provision of an offsite Biodiversity Net Gain Scheme, to be secured via planning obligation. Once the above amendment has been provided, I can provide further information in relation to instructing this obligation.

#### Strategic Access Management and Monitoring (SAMMs) contribution

I note that the applicant has committed to pay £566.23 per dwelling towards Strategic Access Management and Monitoring (SAMMs) Projects to ensure appropriate mitigation measures are adopted to protect the interest features of the SAC. This can be secured via planning obligation.

### **Biodiversity Net Gain Officer – comments on updated BIA, Biodiversity Metric and Landscaping Plan 26.5.23**

## No Objection

Informative for nesting birds provided. Conditions required to secure the following:

- o Landscape and Ecological Management Plan
- o Ecological Enhancements
- o Lighting Design Strategy for light-sensitive biodiversity
- o Construction Environmental Management Plan

Section 106 recommended to secure Biodiversity Net Gain Plan. Further information relating to the instruction of the obligation can be provided.

Documents submitted to inform the application including an updated Biodiversity Impact Assessment (BIA) (Ecology by Design, April 2023) and associated Biodiversity Metric 3.1, aerial and street photography and site and species records held by the Buckinghamshire & Milton Keynes Environmental Records Centre (BMERC) have been reviewed.

### Biodiversity Impact Assessment

Following our previous comments dated 20th March 2023 regarding the proposed 'other neutral grassland g3c', this proposed habitat has been replaced in the BIA and metric with 'modified grassland g4' and a target condition of 'good'. This results in an overall net loss of 0.27 habitat units (-30.28%), but a gain of 0.39 hedgerow units (+704.49%). This overall net loss is contrary to national and local policy policies including 'Policy DM34 - Delivering Green Infrastructure And Biodiversity In Development' of the Wycombe District Local Plan (adopted August 2019).

### Biodiversity Net Gain Plan (previously referred to as a Biodiversity Offsetting Scheme)

As identified previously, there is a net loss in biodiversity that will need to be compensated for by creating or enhancing habitat on off-site land (via a Biodiversity Net Gain Plan). A planning obligation will be required to ensure a Biodiversity Net Gain Plan is identified and approved before the development commences [or other trigger as agreed with the planning officer]. The council's Legal Team has draft section 106 wording for this purpose. The Biodiversity Net Gain Plan can include the following:

- o Option 1: Financial payment to Buckinghamshire Council to provide the requisite biodiversity units
- o Option 2: Find an Offset Site meeting the requirements set out in the Biodiversity Net Gain (BNG) Supplementary Planning Document (SPD)
- o Option 3: Find an Offset Provider (Broker or Habitat Bank) meeting the requirements set out within the BNG SPD

An offset site does not need to be identified prior to decision making if the applicant is committed to doing so via Section 106 obligation.

## **CONDITIONS**

### Landscape and Ecological Management Plan

No development shall be occupied unless and until the Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.



- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

#### Ecological Enhancements

No development shall take place (including any demolition, ground works, site clearance) until a method statement for the installation of 6 bat boxes, 6 bird boxes, hedgehog highways and hedgehog dome has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To provide enhancements for wildlife species in keeping with local policy DM34.

#### Lighting design strategy for light-sensitive biodiversity

Prior to occupation, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: Many species active at night are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established movement corridors or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. Limiting negative impacts of light pollution is also in line with paragraph 185 of the NPPF.

#### Construction Environmental Management Plan

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

#### **Informatives:**

Protection of breeding birds during construction (as per D.3.2.2 of BS42020:2013 Biodiversity – Code of practice for planning and development)

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. [Buildings, trees, scrub and other vegetation] are likely to contain nesting birds between 1st March and 31st August inclusive. [Buildings, trees, scrub and other vegetation] are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

#### **Arboricultural Officer**

AIA/AMS/TPP are acceptable and can be secured by condition.

The proposed planting of new trees and hedgerows is acceptable in arboricultural terms, subject to the views of the landscape/ecology officer. Landscaping can be secured by condition.

The existing hedgerows bordering Chalkshire Road will currently be afforded some protection under the Hedgerows Regs (1997) which will no longer be the case when the site is developed. Retention of hedgerows can be secured (in perpetuity if required) by condition.

### **Housing Officer**

On this site of six homes, this would equate broadly to one First Home, four homes affordable for rent and one home for other intermediate/low cost home ownership.

Shared ownership is the preferred intermediate tenure. Further details of First Homes (constituting 25% of the affordable dwellings overall), including the discount and local connection criteria, can be found in the Bucks Council First Homes Interim Position Statement.

Note the application is supported by a Housing Needs Survey.

Would like further information on the wording of any legal agreement.

The Housing Officer has subsequently confirmed that as a rural exceptions site First Homes would not be required.

### Representations

#### **Amenity Societies/Residents Associations**

**Chiltern Society** – object to the proposals. Harmful to the character and appearance of the area. Spoil the contribution of the site to the AONB. Insufficient grounds for dismissing site 1.

**Chiltern Society** – amended plans do not overcome our previous objections

**Chilterns Conservation Board** – Comments neither object to nor support the application.

When discharging the planning balance Policy DM25 will need to be weighed against the legal AONB test in CROW and National and Local Policy in the NPPF, WDLP and AONB management plan in respect of the conservation and enhancement of the natural beauty of the Chilterns AONB.

No landscape assessment was submitted with the application and the LPA will need to satisfy itself with regard to landscape impact. The site is in the Risborough Chalk Foothills Landscape Character area and adjacent to a public footpath which forms part of the Aylesbury Ring. The site sits in a green corridor which runs east west across Butlers Cross and a judgement is required as to landscape impact. The siting and location will result in the gap as experienced from the Aylesbury Ring and the wider view to the east is diminished, resulting in landscape harm.

The rural exceptions policy DM25, and NPPF guidance on rural exceptions will also carry weight. The AONB Management Plan acknowledges the need for affordable housing in the AONB. Policy DP11 of the AONB Management Plan also carries weight and supports the development of well designed small scale homes for people who work within or have long standing family connections to the Chilterns AONB where there is an identified local need.

Although many homes have been permitted in the AONB in recent years very little of it has been affordable housing and there have been no rural exceptions schemes in the Chilterns for several years. The supply of affordable housing has dwindled with the Right to Buy and loss of tied housing. Sensitively designed conversions, infill, rural exceptions and community led housing schemes in the villages of the AONB can benefit the AONB. The CCB has recently supported a rural exceptions scheme in Dacorum BC and is seeking affordable housing provision in a scheme in South Oxfordshire. Each proposal must be determined on its merits.

We would welcome some reflection on the design, with commentary and ideas drawn from the Chilterns Building Design Guide. The detailing is difficult to ascertain from the plans.

Would welcome clarification with regard to the position in relation to the Chilterns Beechwood SAC.

Scrutiny of the housing needs evidence is a matter for the LPA, who will need to balance policies in the NPPF, Local Plan and AONB Management Plan relating to rural exceptions sites with the impact on the Chilterns AONB.

## **Other Representations**

### Original Plans

15 comments have been received supporting the proposal:

- Support the principle of affordable housing in the interest of a balanced community
- Would allow those with a close link to the community to maintain that link, who would otherwise be unable to afford to do so
- Number of units is small and would be well integrated into the landscape
- Would attract people not normally regarded as disadvantaged, such as key workers,
- Poor public transport is common to most rural areas and a reason why even those on low incomes own cars
- Scale of development unlikely to put a strain on local services
- Much of what is considered an “enhancement” of the village has been built in the last 100 years and this is a continuation of that process. Otherwise we would stagnate.
- Arguing the houses would not be affordable confuses “expensive” with “affordable” and the point of offering some houses to rent and others for shared ownership is to make them affordable in the current market.
- Efforts to provide affordable housing should be admired, not condemned.
- Other affordable housing schemes in the wider area is not a reason to resist affordable housing in Ellesborough.
- Application should be considered on its merits as not endangering the AONB status of the village and not setting a precedent, but providing much needed affordable housing.
- Having worked in the social housing sector am aware of the desperate shortage of affordable housing and it is now almost impossible to over provide.
- Residents likely to be young and contribution to a generational balance.
- The development would be for people with a local connection which would benefit the village.
- The village has accommodated such developments in the past that have contributed to what the village is today. This is an organic continuation of those developments.
- Is sensitively designed and located.
- Would not set a precedent for further development.
- Encouraging diversity in the community is likely to be of greater benefit than harm
- Uncomfortable with the suggestion that affordable housing should take place “elsewhere” and never “here”
- Resisting new housing and only permitting extensions and renovations will subtly but irrevocably alter the character of a village and its demographic over time to the detriment of the community overall
- Similar developments locally are of benefit to their communities
- Proposed development offers positive opportunities which should not be obscured by negative opinions
- Support the scheme provided the design conforms to the Ellesborough Village Design Statement and occupation is restricted to people with a connection to Ellesborough
- The parish has a history of supporting housing for parishioners
- Creating 6 new homes for people with connections to the village feels like the right thing to

do and will add to our community and allow people from a wide variety of backgrounds to stay local.

- Would add to the future not take away from it.
- Small developments in villages are a sustainable form of development and an alternative to bolting on large developments to towns.
- Will enhance the community
- Pleased to see the landscape and habitat plan includes a wide variety of native species.
- The grass monoculture may be a feature of the AONB but contributes little to biodiversity
- When I arrived in the village in 1972 there was a wide range of social housing but that is no longer the case. The price of property precludes young families and this is to the detriment of the village.
- There have been a number of needs surveys over the years since the idea of providing a rural exceptions site in the village was first proposed 15 years ago, and all have identified a need.
- Only one landowner was prepared to put forward land, which would be at a cost considerably less than land with planning permission (on the open market).
- Land used would be a very small area, particularly compared to huge swathes being developed for HS2.
- The benefits to generations of parishioners would be considerable.
- Many of the objections are lifted from a leaflet circulated by a campaign group which objects to the development, but which did not fully explain the distinction between affordable housing and rural affordable housing.
- Location is suitable in the heart of the village
- Have been impressed by the Hastoe development at Redding Court in Great Kimble.
- NPPF provides an exception on the prohibition of development in the Green Belt for affordable housing
- Church, village hall, allotments, play park and recreation ground are worthy local facilities.
- Some employment opportunities available at the golf course, pub, brewery and farm shop and in agriculture.
- Will benefit the social and economic well being of the village
- Long term benefits outweigh any harm to the AONB
- Are currently very few 2 bedroom properties in the village
- Often smaller properties are redeveloped into much large houses at greatly inflated prices

1 comment has been received expressing neither objections or support

- Concern over access to driveways of nearby properties during construction
- If the footpath is widened fencing should be appropriate to the area, not a close boarded fence.
- Would not want the footpath to become used by off road vehicles, motorcycles, mountain bikes.
- Concern that development does not assess fire safety risks

35 comments have been received objecting to the proposal:

- Site is in the Green Belt
- Site is in the AONB
- Loss of open space
- Detrimental to the character and appearance of the area
- Site is unsuitable due to lack of facilities and public transport
- Critical of the housing needs survey and the level of need it has identified

- Alternative site 1 is more suitable, being outside the Green Belt and AONB and has been discounted on weak grounds
- No guarantee it would be occupied by Ellesborough residents
- Alternative locations for development, e.g. Princes Risborough, are more suitable
- Ellesborough is not identified as a location for additional housing
- Could set a precedent for other development in the GB and AONB
- Too far to walk to Kimble or Wendover stations
- There is no street lighting in the area
- Proposal doesn't justify the exemption from policies which protect the AONB and Green Belt
- NPPF demands exceptional circumstances for building in the Green Belt and directs development to brownfield land first.
- Great weight is afforded to the protection of the AONB.
- Needs survey was flawed as it related to the whole parish of Ellesborough, not the specific site.
- Needs survey does not include any assessment of housing costs and affordability in the area
- Needs survey is inaccurate and misrepresents data.
- Some households in the parish did not receive a copy of the survey therefore it is not representative of all the parish.
- Questions in the survey were poorly worded and insufficient guidance was given on how to complete the form.
- Analysis of the result of the survey is insufficiently robust.
- Insufficient investigation of potential occupants current housing situation or financial circumstances mean the conclusions on level of need are unsound.
- Single storey extension at no. 29 Chalkshire Road not shown correctly in relation to the footpath.
- Scheme does not address overlooking from the flank windows towards no. 29.
- Proposal will result in loss of light to no. 29 Chalkshire Road.
- Strict parameters were applied to the replacement of no. 29 Chalkshire Road in relation to height, position and windows, and the relationship to the footpath.
- Elevations and styles of the housing area poor.
- Does not comply with the Ellesborough Village Design Statement or other relevant design guidance.
- Proposal does not comply with Policy DM25 due to lack of access to jobs and services and poor public transport
- Concern over how the development will integrate into the surrounding development.
- Too many houses for the size of the site.
- Would be forward of the established building line along the road.
- Rear gardens are very shallow.
- Density is approximately 30 dwellings per hectare.
- 2 metres is insufficient space between dwellings.
- Row of 12 parking spaces not in accordance with EVDS.
- No cycle racks or EV charging points shown.
- Loss of sun to solar panels on the rear roofslope of the garage at no. 29 Chalkshire Road
- Housing needs survey was not site / project specific
- There is existing affordable housing in Elm Close and Royal Mead operated by Red Kite.
- Alternative sites have not been revisited since they were ruled out 5 years ago.
- Will reduce views across the landscape to the Parish church and other notable locations such as Beacon Hill.

- Vision splays may be affected by the hedge and will be affected by cars parking along the road.
- No details provided of potential pricing / rents to demonstrate the development will be affordable.
- Road speeds often exceed the speed limit.
- Major development in locations such as Aylesbury and Princes Risborough are delivering affordable housing along with scheme in Great and Little Kimble Parish, therefore there is no need for affordable housing in Ellesborough.
- Wycombe District Local Plan allocates sufficient sites to meet housing need to 2033
- Urbanising impact on the Green Belt
- Contrary to policies to preserve and enhance the AONB
- Only one resident is currently on the Homes Choice Register
- Design and layout will harm the scenic beauty of the AONB and the character of the street scene.
- Road is not suitable for a development of this size opposite other cottages and will cause traffic mayhem.
- Just because it is the only site does not mean it is the best one
- Scale of houses is not commensurate with other houses in the area
- Presents a built up frontage to the road which is not characteristic of the area
- Represents a 5.5% increase in properties on Chalkshire Road
- Not enough space to create sympathetic landscaping to help the development merge into the vista
- Road is a rat run and do not need more traffic on it which would present a danger to people who part their cars on the road.
- Current level of affordable housing in the area is not given and it is not known if this could meet the identified need.
- New hedging would restrict the view across the fields.
- Impact on views from the public footpath
- Would be better to build retirement housing or assisted living accommodation to free up family homes which are underoccupied
- Would support a smaller scheme for 2 houses
- Could be built on brownfield land at Home Close Farm
- Special circumstances to justify development in the Green Belt do not exist
- Search for sites only covered a small part of the parish and there may be other suitable sites elsewhere in the Parish
- Provision of charging points does not mean occupiers will use electric cars
- Provision of cycle storage does not mean people will give up their cars
- Allowing people to extend their homes is a better solution
- Access to Aylesbury is difficult because of the volume of traffic
- Contrary to Local Plan Policies, including DM42, DM25, DM30, DM32, DM33.
- Will not the closure of RAF Halton result in the provision of more affordable homes?
- Potential light pollution from street lighting
- Difficult to scale the plans
- Loss of privacy to Southfield Cottages
- Adverse impact on wildlife
- Will increase carbon emissions
- Houses would not be affordable

Further comments received in relation to First set of amended plans (in addition to comments already made above)

Support

- Good to have this sort of development in the village
- Improvements in the amended plans show peoples views are being listened to

Neutral comments

- Concern over how parking regulations will be enforced during construction

Objections

- Object on the same grounds as before
- Remain opposed to the development
- Buildings remain unsympathetic
- Biodiversity Impact Assessment shows loss of habitat
- Environmental Impact Assessment shows increased recreational pressures with no mitigation
- Retained access to the adjacent field is not needed
- Majority of parishioners do not support affordable housing, as stated by supporters of the proposals
- Footpath has not been widened sufficiently to allow for the hedge
- Alternative options for development suggested
- Conflict between retention of hedge and provision of vision splays
- Concern over the impact of the borehole soakaway on surrounding properties
- Support the concerns raised over landscape impact raised by others

Further comments received in relation to second set of amended plans (in addition to comments already made above)

Support

- Continue to support the application for reasons previously stated

Objection

- Object to the loss of trees adjacent to the footpath
- Concern over the suggested highway condition requiring part of the hedge to be cut back
- Hedge does not appear to be within the application site
- Amended plans do not address previous concerns or comply with the village design statement
- Amendment of the plans is irrelevant as the majority of parishioners object to the proposals
- Great weight should be given to parishioners views
- Flank windows should not be openable and should be obscurely glazed
- Remain opposed to the development



# APPENDIX B: Site Location Plan

