



Report to South Area Planning Committee

Application Number:	PL/22/3993/FA
Proposal:	Conversion of agricultural building into dwellinghouse including external and internal alterations, alterations to access, entrance gate and associated boundary fencing, and laying of hardstanding
Site location:	Dukes Kiln Farm Windsor Road Gerrards Cross Buckinghamshire,
Applicant:	The STEM Property Group Ltd
Case Officer:	Ian Severn
Ward affected:	Denham
Parish-Town Council:	Fulmer Parish Council
Valid date:	17 November 2022
Determination date:	28 July 2023
Recommendation:	Defer and delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and any others which he considers appropriate and the satisfactory completion of a Planning Obligation to secure a SAMMs payment for the Burnham Beeches Special Area of Conservation, or to refuse planning permission if a satisfactory Planning Obligation cannot be completed for the appropriate reasons relating to the impacts on Burnham Beeches Special Area of Conservation.

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application proposes the conversion of an existing unused agricultural building for use as a dwellinghouse. An extension to form a 'winter garden' also forms part of the proposal, along with boundary treatment and hardstanding.
- 1.2 The application has been called before the Planning Committee for determination by Councillors Hollis and Chhokar. Councillor Bass had also requested that the proposal be determined by the Planning Committee.
- 1.3 The recommendation from Officers is that this application be granted planning permission subject to appropriate conditions and informatives, and the completion of a Planning Obligation to secure a financial contribution towards Burnham Beeches mitigation.

2.0 Description of Proposed Development

- 2.1 The application site comprises an existing disused agricultural building set within open land. The application site restricts the area proposed for residential amenity.
- 2.2 The application site is located on the South East side of Windsor Road, Gerrards Cross. It is located opposite the residential properties of Tranquillity and Tranquillity Cottage. A row of terraced dwellings known as Dukes Kiln Cottages lie to north of the application site, with open land buffering the site from the M40 to the South. Open agricultural land would bound the rear of the proposed associated garden land for the proposed dwelling. The application site is within the Metropolitan Green Belt, and within 5.6 kilometres of Burnham Beeches SSSI (SAC).
- 2.3 The application is accompanied by:
- a) Noise Impact Assessment Report 25891.NIA.01 Rev B (09 June 2023)
 - b) Flood Risk Assessment (17 March 2023)
 - c) Design and Access Statement (17 November 2022)
 - d) Structural Report (17 November 2022)
 - e) Highways Report (17 November 2022)
 - f) Ecology Report (17 November 2022)
- 2.4 Plans:
- Proposed Floor Plan – 2793-PL104 Rev. C (09 June 2023)
 - Proposed Access Plan and Access Elevation – 2793-PL103 Rev. C (09 June 2023)
 - Proposed Roof Plan and Elevations – 2793-PL105 Rev. B (09 June 2023)
 - Proposed Site Plan – 2793-PL102 Rev. C (09 June 2023)
 - Existing Topographic Plan and Site Plan 2793-PL100 Rev. B (17 March 2023)
 - Existing Floor Plan 2793-PL101 Rev. A (17 March 2023)

3.0 Relevant Planning History

Relevant planning history for the site:

PL/20/2432/FA - Withdrawn, 24 November 2020 - Redevelopment of site to provide one detached dwelling.

PL/21/0929/FA - Refused, 14 July 2021 - Change of use of buildings to B8 (Storage and Distribution)

AP/21/0083 - Dismissed, 24 February 2022 - Change of use of buildings to B8 (Storage and Distribution)

4.0 Summary of Representations

- 4.1 Objections have been received from 3 addresses in relation to plans as originally submitted and following amended plans, these are summarised in Appendix A. Supporting representation has been received from 1 address, this is summarised in Appendix A. Some representations comment on land outside of the application site but within the blue line area delineating land within the same ownership but not subject to the application. As this land does not form part of any decision, these comments cannot be taken into account.
- 4.2 Fulmer Parish Council has objected to the application, their full representation is within Appendix A.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), July 2021.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011
- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
- Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020
- Buckinghamshire Parking Guidance, September 2015

Principle and Location of Development

- Core Strategy Policies:
CP1 (Housing provision and delivery)
- Local Plan Saved Policies:
GB1 (Green Belt boundaries and the control over development in the Green Belt)
GB2 (Re-use of buildings in the Green Belt)
GB9 (Agricultural diversification)

5.1 The NPPF was revised on 20th July 2021 and whilst this replaced the previous Planning Policy Statements and Guidance Notes, it does not replace existing local policies that form part of the development plan. It does state however, that the weight that should be given to these existing local policies and plans will be dependent on their degree of consistency with the NPPF. Therefore, the closer the policies in the development plan to the policies in the Framework, the greater the weight that may be given to them.

5.2 The application site is within a Green Belt location. Development in the Green Belt is generally considered inappropriate under the National Planning Policy Framework (NPPF) and relevant Local Plan Policies. The NPPF provides national policy guidance relating to appropriate development within Green Belt locations which is specifically detailed within section 13 of the NPPF under 'Protecting Green Belt land'.

5.3 Paragraph 150 d) of the NPPF states in full that:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

d) the re-use of buildings provided that the buildings are of permanent and substantial construction.”

5.4 A Structural Report has been submitted with the application, and the building can be considered to be of permanent and substantial construction. This is consistent with the Council's Officer Report for a refusal for a change of use of the building in July 2021. The refusal was appealed with a decision issued by the Planning Inspectorate in February 2022, the Inspector did not disagree with this consideration. The building is therefore considered to be of permanent and substantial construction.

5.5 The existing lawful use of the building is for agricultural purposes. For this use it would not be unusual for the building to have a small number of vehicles parked outside, this

would be comparable to the proposed dwelling and the Highways team's assessment has found that the potential number of vehicle movements would again be similar to the potential of the existing use.

- 5.6 Likewise a very limited amount of outside storage or paraphernalia (farming equipment etcetera) would not be unusual within the vicinity of the agricultural building, this would again be comparable with a small amount of garden furniture, play equipment or a washing line, as would be expected for a bungalow akin to that proposed.
- 5.7 The proposal includes boundary treatment which would be considered appropriate to both an agricultural holding, and a domestic property. The proposed hardstanding is likewise a common feature to either. These aspects are therefore not considered to present greater harm to the Green Belt in the context of the change of use of the building and site.
- 5.8 Local Plan Policy GB2 is consistent with the NPPF in allowing for the conversion of agricultural buildings of permanent and substantial construction provided that they have no greater impact on the openness of the Green Belt. This Policy also allows for an extension as part of the conversion, but only where:
- I. they are essential to facilitate a new use which is otherwise acceptable in planning terms; and
 - II. they would be strictly ancillary to the main use; and
 - III. they would not detract from the open and undeveloped character of the Green Belt; and
 - IV. they are of a very limited size and floorspace and subordinate in height, form, bulk and scale to the main building; or
 - V. in the case of proposals within the settlements listed in Policy GB3 the proposal is in accordance with Policy GB5
- 5.9 Due to the site's location close to the M40 motorway, the proposed building would include a 'winter garden' as an additional largely glazed amenity space. Due to initial noise concerns raised by the Council's Environmental Health team this would be regarded as essential to facilitate the use. It would remain strictly ancillary to the main use. It's size, position and the materials used mean that it is not considered to detract from the open and undeveloped character of the Green Belt. And it is of very limited size and floorspace and subordinate in height, form, bulk and scale to the main building. The 'winter garden' is therefore considered to be compliant with the requirements of Local Plan Policy GB2.
- 5.10 Therefore, overall, the proposed change of use is not considered to have a greater impact on the openness of the Green Belt and is considered to comply with relevant Local Policies and the NPPF. As such the proposal is not considered to amount to inappropriate development.
- 5.11 In terms of the general matter of the provision of additional residential accommodation, this scheme would provide a benefit of a single additional dwelling. Whilst this benefit would be small, its contribution to the Council's shortfall in its 5 year housing supply would be positive, and would attract limited weight in favour of the scheme.

Transport matters and parking

- Core Strategy Policies:
CP7 (Accessibility and transport)

- Local Plan Saved Policies:
 - TR5 (Access, highways work and traffic generation)
 - TR7 (Traffic generation)

- 5.12 The Council's Highways team have reviewed the proposal and consider that sufficient parking is provided for the size of dwelling proposed. They also have no objection to proposed access subject to conditions allowing vehicles to clear the highway without obstruction.
- 5.13 A number of representations note that a previous application for conversion of the building for warehouse and distribution use was refused and dismissed on the grounds of highway safety. However, on that occasion the highways safety matter related to the use of the access by large, slow moving commercial vehicles which would need turning space into the road, presenting a highways hazard. The proposed use as a dwelling would not result in an increase of vehicles of this nature.
- 5.14 Taking these factors into account, it is therefore considered that the proposal complies with relevant local and national planning policies and would not lead to any adverse highway implications.

Raising the quality of place making and design

- Core Strategy Policies:
 - CP8 (Built and historic environment)
- Local Plan Saved Policies:
 - EP3 (The Use, Design and Layout of Development)
 - EP4 (Landscaping)
 - EP6 (Designing to Reduce Crime)
 - H9 (Residential development and layout)

- 5.15 The proposal involves the conversion of an existing building which is already established within the street scene and wider locality. The existing building is not readily visible within the street scene due to being low level and set close to boundary treatment of similar height.
- 5.16 Although a 'winter garden' extension is proposed this would not be visible from the street scene. Any changes required to the materials of the building to meet habitable standards could be incorporated by way of condition to ensure that there is no harm by way of appearance.
- 5.17 Overall therefore, it is considered that the proposal would not adversely impact upon the character or appearance of the site or locality in general.

Amenity of existing and future residents

- Local Plan Saved Policies:
 - EP3 (The use, design and layout of development)
 - EP5 (Sunlight and daylight)
 - H11 (Alterations and extensions to dwellings)

- 5.18 The dwelling would be single storey with windows on inward facing elevations, as such no overlooking of neighbouring property would occur. The proposal does not result in loss of light or overshadowing of neighbouring properties.
- 5.19 The property is in relatively close proximity to the M40 motorway. The applicant has worked with the Council's Environmental Health team to overcome concerns regarding

noise. The proposal includes a 'winter garden' in addition to outdoor amenity space, concerns regarding noise relating to the use of the outdoor space have been sufficiently mitigated.

5.20 In addition to the 'winter garden' the proposal includes sufficient outdoor amenity space for a dwelling of the proposed size. Conditions are proposed to ensure appropriate landscaping.

5.21 Sufficient light is provided into each of the proposed habitable rooms, and both the dwelling and the outdoor amenity space are sufficiently sized.

Environmental issues

- Core Strategy Policies:
CP12 (Sustainable energy)
- Local Plan Saved Policies:
EP3 (The use, design and layout of development)
EP5 (Sunlight and daylight)

5.22 The proposal involves the re-use of a barn and agricultural land. The Council's Environmental Health team have looked at the possible risk of the land being contaminated and have recommended conditions which haven't been reviewed by Officers and agreed as being reasonable and necessary.

Flooding and drainage

- Core Strategy Policies:
CP13 (Environmental and resource management)

5.23 The property lies in Flood Zone 1 (the lowest possible risk category). A Flood Risk Assessment has been submitted with the application. The conclusion sets out a number of recommended measures regarding floor heights, materials and other practicable steps. The proposal will not increase the risk of flooding to future occupants or neighbouring properties. It is recommended that a condition be added requiring the measures set out within the conclusion be undertaken prior to occupation of the building.

Landscape and visual Impact

- Core Strategy Policies:
CP9 (Natural environment)
- Local Plan Saved Policies:
EP3 (The use, design and layout of development)
EP4 (Landscaping)

5.24 Although the proposed plans show indicative areas for planting, details regarding species and size of planting will be required. Conditions are therefore proposed to enable the Council to ensure that landscaping is appropriate and retained for a reasonable minimum period.

Ecology

- Core Strategy Policies:
CP9 (Natural environment)
CP13 (Environmental and resource management).

5.25 The Council's Ecology team have recommended that a net gain in biodiversity enhancement is achieved in line with the NPPF. Whilst they have recommended a

condition for the installation of a bat box within the building, as the building is single storey and with no roof void, it is considered that alternative methods of biological enhancement would be more effective. As such a condition requiring the agreement and installation of appropriate enhancement measures is recommended.

- 5.26 The development site is located within 5.6km of Burnham Beeches. Recreation within Burnham Beeches has resulted in an adverse impact on the health of the site. Impacts include trampling, soil compaction, climbing damage to trees, dog fouling, the spread of disease and an import of non-native species.
- 5.27 Natural England have advised that due to new evidence coming to light as part of the evidence base for the emerging Chiltern and South Bucks Local Plan, it is recognised that new housing within 5.6km of the internationally designated Burnham Beeches Special Area of Conservation (SAC) can be expected to result in an increase in recreation pressure. They advise that the 5.6km zone represents the core area around the SAC where increases in the number of residential properties will require Habitats Regulations Assessment.
- 5.28 In light of the new evidence relating to the recreation impact zone of influence, Natural England advise that planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species Regulations 2017 (as amended), to housing development within 5.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.
- 5.29 Development in accordance with the new evidence would not be likely to have a significant effect on the SAC because it will provide, or make an appropriate contribution to, acceptable avoidance and mitigation measures. The planning authority can grant planning permission to such developments in accordance with the Regulations.
- 5.30 The mitigation would be in the form of a financial contribution towards the Burnham Beeches Access Management Scheme, or any subsequent scheme which replaces it, and this would be secured by way of a legal agreement.
- 5.31 However, development proposals which are not in accordance with the new evidence would be likely to have a significant effect on the SAC, either alone or in combination with other plans and projects.
- 5.32 In this instance, an HRA undertaken by the Council concludes that the proposed development is likely to lead to significant effects on the SAC as a result of increasing recreational pressure, and that mitigation is required to address it. An Appropriate Assessment undertaken by the Councils for this application concludes that the Strategic Access Management and Monitoring Strategy (SAMMS) which has been agreed with Natural England is robust and capable of mitigating the likely significant effects of the proposal provided the proposal pays a contribution towards the Strategic Access Management and Monitoring Strategy and legal fees to the Council. A copy of the Appropriate Assessment can be found attached as Appendix C.
- 5.33 Provided a legal agreement is completed which secures this financial contribution, Natural England are satisfied with the development and do not raise an objection on grounds relating to its impact on Burnham Beeches.
- 5.34 The applicant has provided written confirmation of their agreement to enter into a legal agreement.

Infrastructure and Developer Contributions

- Core Strategy Policies:
CP6 (Local infrastructure needs)

5.35 The application would also be subject to the Council's Community Infrastructure Levy (CIL) scheme, for which a further fee would be applicable.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 6.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.3 It is acknowledged that the Council cannot demonstrate a 5 year supply in the South Bucks Area and paragraph 11(d) of the NPPF is engaged. As set out above it is considered that the proposed development would accord with development plan policies.
- 6.4 Housing delivery is a strategic aim of the Core Strategy. The proposed development would make a positive contribution to the Council's housing needs and supply. This housing provision represents a benefit that weighs in favour of the proposal. It is considered that this should be attributed limited weight.
- 6.5 Compliance with Core Strategy and Local Plan policies have been demonstrated in terms of Green Belt, visual impact, preserving residential amenities, parking and access, flooding, and conserving and enhancing the natural environment, however these do not represent benefits of the scheme but rather demonstrate an absence of harm to which weight should be attributed neutrally.
- 6.6 In terms of applying paragraph 11 d of the NPPF it is concluded that there are no policies that protect areas or assets of particular importance, that provide a clear reason for refusing the development proposed and there are no adverse effects of the proposal that would significantly and demonstrably outweigh the benefits.
- 6.7 Taking all of the above into account it is considered that the proposal would provide for a sustainable form of development that meets the requirements of the NPPF and relevant Development Plan policies.

6.8 It is considered that a fair and reasonable balance would be struck between the interests of the community and the human rights of the individuals concerned in the event planning permission being granted in this instance.

6.9 The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

7.0 Working with the applicant / agent

7.1 In accordance with Section 4 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

7.3 In this instance:

- The applicant was provided the opportunity to submit amendments and supplementary information to the address concerns raised.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Recommendation:

Defer and delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and any others which he considers appropriate and the satisfactory completion of a Planning Obligation to secure a SAMMs payment for the Burnham Beeches Special Area of Conservation, or to refuse planning permission if a satisfactory Planning Obligation cannot be completed for the appropriate reasons relating to the impacts on Burnham Beeches Special Area of Conservation.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.

Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990. (SS01A)

2. Prior to the conversion of the building to a dwellinghouse a schedule of materials to be used in the elevations of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. (SM01)

Reason: To safeguard and enhance the visual amenities of the locality. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

3. No development shall take place above slab level until details of biodiversity features of 1 bat box to be integrated into the proposed building on site have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in

accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development and retained thereafter.

Reason: To ensure that the development provides gains in biodiversity through ecological enhancements.

4. Notwithstanding the information already submitted, the dwellinghouse hereby approved shall not be occupied until there has been submitted to and approved by the Local Planning Authority, flood risk prevention measures, ensuring that the proposed development would be resilient and resistant to the risk of flooding within the site and neighbouring land. Thereafter the development shall be implemented in accordance with this approved scheme.

Reason: To ensure satisfactory natural drainage from the proposed development in the interests of the application site and neighbouring properties. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999), Core Policy 13 of the South Bucks Core Strategy (adopted February 2011) and Section 14 of the National Planning Policy Framework refer.)

5. Notwithstanding any indications illustrated on drawings already submitted, the dwellinghouse hereby permitted shall not be occupied until a scheme of landscaping which shall include indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained has been submitted to and approved in writing by the Local Planning Authority. None of the trees, shrubs or hedgerows shown for retention shall be removed or felled, lopped or topped within a period of five years from the date of this permission, without the prior written permission of the Local Planning Authority. (ST01)

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, 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 gives written consent to any variation. (ST02)

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

7. Prior to the commencement of the conversion of the building to a dwellinghouse, a plan detailing the erection of protective fencing for trees and other vegetation shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented prior to the commencement of the conversion of the building to a dwellinghouse and shall include the accurate representation of the crown spreads of all trees, shrubs and other significant vegetation. All protective fencing erected to protect existing trees and other vegetation during construction shall conform to British Standard 5837:2012 'Trees in relation to design, demolition and construction' or any replacement thereof or EU equivalent and

shall consist of a vertical and horizontal scaffold framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. Onto this, weldmesh panels shall be securely fixed with wire or scaffold clamps. The fencing shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without the prior written consent of the Local Planning Authority. (ST14A)

Reason: To ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction and in the long term interests of local amenities. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

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

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

9. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

10. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
11. Development shall not begin until a written scheme for protecting the residents of the proposed dwelling, including the proposed winter garden, from noise from nearby traffic sources has been submitted and approved in writing by the Local Planning Authority. The scheme shall comprise of such measures as are necessary to ensure compliance with sound levels as outlined in the BS 8233:2014 standards. Any measures which form part of the scheme approved, which shall also include external amenity areas, by the Authority shall be carried out in accordance with the approved scheme, prior to the first occupation of the development and shall thereafter be retained.
Reason: To accord with the terms of the application and to safeguard the amenities of the area. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)
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. Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order) no gates, fences, walls or other means of enclosure other than those shown on the approved plan shall be erected along the site frontage within 5 metres of the edge of the carriageway.
Reason: To enable vehicles to draw off clear of the highway for the safety and convenience of the highway users.
14. The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings:

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
9 Jun 2023	2793-PL104 Rev. C
9 Jun 2023	2793-PL103 Rev. C
9 Jun 2023	2793-PL105 Rev. B
9 Jun 2023	2793-PL102 Rev. C
17 Mar 2023	2793-PL100 Rev. B
17 Mar 2023	2793-PL101 Rev. A

INFORMATIVE(S)

1. Whilst it would appear from the application that the proposed development is to be entirely within the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over any adjoining property. (SIN06)
2. Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.

By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk. (SIN35)

3. The Council is the Charging Authority for the Community Infrastructure Levy (CIL). CIL is a charge on development; it is tariff-based and enables local authorities to raise funds to pay for infrastructure.

If you have received a CIL Liability Notice, this Notice will set out the further requirements that need to be complied with.

If you have not received a CIL Liability Notice, the development may still be liable for CIL. Before development is commenced, for further information please refer to the following website <https://www.southbucks.gov.uk/CIL-implementation> or contact 01494 475679 or planning.cil.csb@buckinghamshire.gov.uk for more information.

4. Protection of breeding birds during construction 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 and other vegetation are likely to contain nesting birds between 1st March and 31st August inclusive.

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

Appendix C: Appropriate Assessment

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Santokh Chhokar (following amendments):

Stance: Customer made comments neither objecting to or supporting the Planning Application.

Comment: I believe that due to the issues raised this Application would benefit from consideration by the Planning Committee.

Cllr Santokh Chhokar (as originally submitted):

Stance: Customer made comments neither objecting to or supporting the Planning Application.

Comment: The Application raises issues which would benefit from consideration by the Planning Committee.

Former Cllr Paul Bass

Stance: Customer made comments neither objecting to or supporting the Planning Application.

Comment: Call-in request. This PA would benefit from scrutiny at the Southern Region planning committee due to concerns about green belt and existing groundworks - detail that isn't exposed by the PA.

Cllr Guy Hollis

Stance: Customer made comments neither objecting to or supporting the Planning Application.

Comment: I think that this application might benefit from the extra layer of scrutiny and as a result would like to request a ' call in ' to the Planning Committee

Parish/Town Council Comments

Comment: Fulmer Parish Councils has resolved to object to object to this change of use on the following grounds: It is within the Green Belt and there are no special circumstances to support going against the Council's Green Belt policy. The accompanying paraphernalia would result in an intensification of use. Significant unauthorised development of the paddock area associated with this property has already started and is advanced. Hardcore and membrane having been laid, the site dug out and a large retaining wall built. Also a road into the area has recently been built. Finally, the area included in the application includes land owned by a neighbour as can be seen in the Land Registry document for their property. This encroachment on someone else's land is totally unacceptable. Approaches to resolve this matter have, according to reports, been met with aggressive behaviour.

Consultation Responses

Ecology

Summary

No Objection – Informatives for nesting birds provided. Condition required to secure biodiversity enhancement of one bat box.

Natural England are required to be consulted on this application if the proposed development will result in a net gain in residential units as it falls within the Burnham Beeches Special Area of Conservation 5.6km Zone of Influence.

Discussion

Documents submitted to inform the application a combine Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) (Arbtech, November 2022), aerial and street photography and site and species records held by the Buckinghamshire & Milton Keynes Environmental Records Centre (BMERC) have been reviewed.

The site falls within the 5.6km Zone of Influence (Zoi) for Burnham Beeches Special Area of Conservation (SAC). **If the proposed development will result in a net increase in residential units, the Local Planning Authority is required to consult Natural England on this application.**

The PEA/PRA survey was undertaken on 24th October 2022 and the building was concluded to have negligible potential for roosting bats. It is considered that there is not a reasonable likelihood of protected species being present and/or affected by the proposed development. **The applicant should be reminded of the legislation that protects nesting birds. An informative has been provided below.**

Opportunities to improve biodiversity in and around developments should be integrated as part of their design in line with recognised good practice and national policy on biodiversity and sustainability (National Planning Policy Framework 2021). One bat box should be integrated into the proposed building on a southerly aspect/orientation (south, south-east and south-west). Example specifications include the Habibat Bat Box shown below or Schwegler 1FR/2FR Bat Tube. Boxes should be located a minimum of 2 metres, but ideally 5-7 metres above ground, in a position near the eaves or gable apex. Placement should avoid windows, doors and wall climbing plants. Please note that in order to secure access for bats to the bat box, a hole would need to be cut in the proposed timber cladding. **Should this application be granted, a planning condition should be applied to secure the provision of biodiversity enhancement within the proposed development.**

Conditions

Restrictions on stage of development until specific biodiversity outcomes are achieved Condition: No development shall take place above slab level until details of biodiversity features of 1 bat box to be integrated into the proposed building on site have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development and retained.

Reason: To ensure that the development provides gains in biodiversity through ecological enhancements.

Informatives

Protection of breeding birds during construction

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 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 and other vegetation are likely to contain nesting birds between 1st March and 31st August inclusive.

Legislation, Policy and Guidance

Opportunities to improve biodiversity

The NPPF (2021) Paragraph 180d states “When determining planning applications, local planning authorities should apply the following principles... development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

Environmental Health (Buckinghamshire Council - contamination)

The Councils historical maps show that there were buildings on site in the 1920s, a feature is shown to the north, the feature is depicted as having sloping sides and appears to be a pit or quarry, further buildings are shown on site during the 1955-1974 epoch, the buildings are likely to have been associated with Dukes Kiln Farm, the M40 Motorway is shown adjacent to the site to the south on the map for the 1970s.

Online historical mapping shows that there was a small building on site in 1899.

Our records indicate that the land to the south of the site has had a previous potentially contaminative use (clay bricks & tiles (manufacture) & Unknown Filled Ground (Pit, quarry etc.)).

The proposed development site has had an agricultural use. There are associated risks from landfilling, storage and use of fuels, fertilisers, pesticides and herbicides, asbestos containing materials in buildings and other activities as outlined in the Department of Environment Industry Profiles.

The site has had a previous potentially contaminative use. An assessment of the risks associated with the site is considered necessary.

Based on this, the following contaminated land condition is recommended on this **and any subsequent applications** for the site.

The application requires the following condition(s):

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - i. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - ii. A site investigation, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments
 - iii. The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

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

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

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

<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.

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

Environmental Health (Buckinghamshire Council - noise – final comments)

Further to my initial response dated 27th March 2023 and follow up response dated 28th April 2023, please accept this subsequent submission which based on the most recent amendments made to the application.

As previously stated, given the close proximity of the development site to the M40 there is a significant potential for noise to materially impact on the amenity of the future residents of the proposed dwellings. However, Environmental Health have reviewed the Noise Impact Assessment Report prepared by KP Acoustics Ltd. (report ref: 25891.NIA.01 Rev B, dated 18/05/2023) submitted in support of this application and agree with its main conclusion – with careful acoustic design the dwelling can be adequately insulated against excessive external noise.

In order to address the issue of external amenity, the acoustic consultant has recommended a 'typical residential-sized winter garden area'. Following our previous comments, the winter garden has been repositioned and recommendations on the minimum required glazing performance has been provided within the acousticians report.

BS8233 recommends that for external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T. It is clear from the provided Noise Impact Assessment Report that these levels would be exceeded in the proposed external amenity spaces. However, the proposed winter garden demonstrates an effort to design the development to achieve an acceptable level within the winter garden, in place of acceptable levels in the remaining external amenity areas.

Ultimately the LPA will need to consider the level of compromise for this development between elevated noise levels and the desirability of the development. However Environmental Health accept the steps taken by the applicant propose mitigation/alternatives that are practically achievable within the setting of the development.

Recommendation

For the avoidance of doubt, whilst the findings of KP Acoustics Ltd. are accepted, that with careful acoustic design, the dwelling can be adequately insulated against excessive external noise; the glazing specification is still only in the form of a recommendation to the applicant from a third party. The acoustician provides minimum glazing and ventilation performance for the main dwelling in tables 5.2 & 6.1 and the winter garden in tables 7.1 & 7.2.

As such, it is recommended that in order to ensure such acoustic design and internal levels are achieved, including the proposed winter garden, should the LPA grant permission, they may wish to impose a condition in respect of such controls.

The below condition aims to ensure acceptable noise levels are achieved:

Development shall not begin until a written scheme for protecting the residents of the proposed dwelling, including the proposed winter garden, from noise from nearby traffic sources has been submitted and approved in writing by the Local Planning Authority. The scheme shall comprise of such measures as are necessary to ensure compliance with sound levels as outlined in the BS 8233:2014 standards. Any measures which form part of the scheme approved, which shall also include external amenity areas, by the Authority shall be carried out in accordance with the approved scheme, prior to the first occupation of the development and shall thereafter be retained.

Reason: To safeguard the amenities of future occupiers.

Should you require any further information please do not hesitate to contact me.

Highways Management (Buckinghamshire Council)

Windsor Road is classified as the B416.

When considering trip generation, the site as it currently operates is likely to generate vehicle trips comparable to that of the proposed dwelling. Therefore, I do not consider the overall development to result in an intensification of the site. The Highway Authority is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.

The site is not considered sustainable in the context of the transport requirements of the National Planning Policy Framework (NPPF) and would be reliant on the use of the private motor vehicle. However, it is recognised that other policies of the Framework support the principle of farm diversification and that accessibility to non-car modes will not be as well provided for in rural areas as they would be in urban areas.

Two spaces are proposed in line with the Buckinghamshire Countywide Parking Standards. The parking standards specify that each parking space should be a minimum of 2.8m x 5m wide. I can confirm that these spaces are of adequate dimensions and would allow for vehicles to park, turn and leave the site in a forward gear. The existing access is to be retained.

The proposals involve the additional of gates access point. The Highway Authority requires gates to be set back a minimum of 5m from the carriageway edge to allow vehicles to pull clear of the highway. I can confirm this measurement is met.

Mindful of the above, I do not have any objections to this proposal subject to the following conditions imposed in any consent you may grant:

Condition: The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

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

Condition 2: Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order) no gates, fences, walls or other means of enclosure other than those shown on the approved plan shall be erected along the site frontage within 5 metres of the edge of the carriageway.

Reason: To enable vehicles to draw off clear of the highway for the safety and convenience of the highway users.

Waste Management (Buckinghamshire Council)

I have looked at the amended plans, and there is now a clear indication of bin storage area, in a designated area inside the gates. On collection days, bins will be moved to kerbside outside the gates. Therefore, Waste services have no objections towards the proposal for waste and recycling provisions at property. Residents to present their waste and recycling at the property boundary. All collections to take place in accordance with Council policies.

Representations

Amenity Societies/Residents Associations

None.

Other Representations

Supporting (representation from 1 address summarised below)

- Would enhance the site

Objecting (representations from 3 addresses received in relation to plans as originally submitted and following amended plans – all summarised below)

- Green Belt impact / No 'very special circumstances'
- No local desire or need for a dwelling
- Insufficient / incorrect information (ecology report photographs are not recent; highways report may not be accurate)
- Recent appeal dismissed on grounds of highway safety
- Trees have been removed near to entrance point
- Additional planting along front boundary would impair visibility
- Not in keeping with locality
- Hardstanding and boundary treatment already undertaken
- Wildlife impact
- No community benefit
- Encroachment onto neighbouring land (Officer Note: Comment received prior to receipt of amended plans which address the site boundary, the applicant has confirmed that all of the application site is in their ownership.)

Officer note: Some representations comment on land outside of the application site but within the blue line area delineating land within the same ownership but not subject to the application. As this land does not form part of any decision, these comments cannot be taken into account.