



Report to West Area Planning Committee

Application Number:	23/05913/FUL
Proposal:	Demolition of existing stables and barn and erection of two dwellings with associated landscaping and access and parking
Site Location:	Outbuildings Rear of Greenacres Bovingdon Green Marlow Buckinghamshire
Applicant:	Marlow Land Company
Case Officer:	Victoria Burdett
Ward(s) affected:	Chiltern Villages
Parish-Town Council:	Great Marlow Parish Council
Date valid application received:	5th April 2023
Statutory determination date:	31st May 2023
Recommendation	Approval

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application seeks full planning permission for the demolition of existing stables and barn and erection of two dwellings with associated landscaping and access and parking.
- 1.2 The application site comprises land to the rear of Greenacres (a detached residential property located in Bovingdon Green). The application site itself is accessed via the existing driveway serving Greenacres, to the south of the site where a series of detached buildings are situated, including stables and a barn.
- 1.3 The application site is located within the Green Belt, but within an area of Previously Developed Land (PDL) by virtue of its lawful equestrian use, and existing coverage of buildings across the site.
- 1.4 The proposal is considered to be an appropriate form of development in the Green Belt which would not have an adverse effect upon the Chilterns AONB or character of the area, neighbouring and future amenities, highway safety, landscaping, ecology and flooding.
- 1.5 The application has been called in to the West Area Planning Committee by Councillor M. Turner due to its impact on the Green Belt and AONB, over development and poor access arrangements.

- 1.6 Taking into account the above, the proposal is considered to comply with the policies of the Development Plan and is therefore recommended for approval.

2.0 Description of Proposed Development

- 2.1 Full planning permission is sought for the demolition of existing buildings at land to the rear of Greenacres, and the erection of two detached dwellings with associated landscaping, access and parking.
- 2.2 The application site is located on the south-western side of Bovingdon Green and is accessed via an existing access and track between Greenacres and Stoke House.
- 2.3 It is important to note that the access track and parking layout received planning permission under REF: 08/06713/FUL (demolition of the existing bungalow and the erection of 2 detached dwellings, 1 x 4 bed and 1 x 5 bed, and associated parking). Condition 6 of this planning permission secured the parking arrangements in accordance with the approved site drawing P2811/12. The layout of the parking area is different to that originally approved. A Certificate of Lawfulness was submitted to regularise this breach of condition (22/05619/CLE) but was refused as it was not considered, on the balance of probability, that the breach of planning control had commenced for a period of over 10 years.
- 2.4 As such, as part of this application, permission is sought to change the parking layout from what has been implemented but differs slightly to what was approved under 08/06713/FUL. The changes have been reviewed by the Highway Authority who consider the proposed parking layout, access arrangements and manoeuvrability within the site to be acceptable.
- 2.5 The existing track from the parking area serving Greenacres and Stoke House leads down towards the buildings to the south, where the track comprises of a grass route. It is proposed for this area to be formally laid with gravel with post and rail fencing and associated landscaping to form a formal route to the proposed development. A 5-bar timber gate would separate the parking area for Greenacres, from the proposed access track to the proposed development.
- 2.6 The existing site comprises of a series of detached equestrian buildings which are spread across the whole site. There are 5 substantial buildings on the site. There is also evidence of two other buildings on the southern boundary of the site but due to their poor condition, they have not been taken into account in any calculations of existing footprint and volume.
- 2.7 Planning permission W/6605/83 was granted for the erection of twelve stables and a paddock on the application site. Condition 3 of this permission restricted the livery from being used for any commercial teaching or hiring out of the horses and was only granted on the basis of it being used for horse boarding. An appeal which was dismissed for the conversion of the barn (99/07086/FUL) refers to the use of the land as stables and livery. The lawful use of this part of the site, and the buildings is therefore equestrian.
- 2.8 Dwelling A is proposed to the top section of the application site which would be laid out within an L shaped footprint, comprising of a 3-bed chalet-style bungalow. The dwelling would incorporate an attached store and covered parking area. The dwelling would be finished in timber cladding, incorporating clay roof tiles and red brickwork.
- 2.9 Dwelling B is proposed to the bottom section of the application site, comprising of a 5-bed, two storey dwelling. A detached covered parking area would be located to the

north of the dwelling. The dwelling would be finished in timber cladding, incorporating slate roof tiles and red brickwork.

2.10 Exact material details have not been submitted with this application and would be required by planning condition.

2.11 The application is accompanied by:

- a) Planning, Design and Access Statement
- b) Sustainability and Energy Statement
- c) Bat Report
- d) BNG Metric
- e) Technical Note: Ecology
- f) Technical Note: Biodiversity Net Gain
- g) Flood Risk/Drainage Appraisal
- h) Tree Survey Report

2.12 Amended plans have been received throughout the duration of the planning application in order to ensure consistency across the site plan and landscaping plan. No changes have been made to the proposed development as such from the original submission.

3.0 Relevant Planning History

Reference	Development	Decision	Decision Date
88/07955/FUL	OVERNIGHT PARKING OF ONE COMMERCIAL VEHICLE	REF	5 January 1989
89/05591/OUT	ERECTION OF A DETACHED CHALET BUNGALOW WITH INTEGRAL GARAGE	REF	19 April 1989
89/05602/OUT	DEMOLITION OF EXISTING BUNGALOW AND GARAGE AND THE ERECTION OF 4 3-BED DWELLINGS WITH INTEGRAL GARAGE	REF	19 April 1989
90/07379/FUL	ERECTION OF FRONT BOUNDARY WALLS, GATE AND PIERS (RETROSPECTIVE)	PER	7 January 1991
99/07086/FUL	Conversion of existing barn to 1 detached dwelling, erection of new double garage and demolition of various outbuildings, clearance of site and re-landscaping.	REF	1 December 1999
01/06232/RCDN	Retention of development permitted under WR/444/57 without complying with	PER	18 July 2001

	condition 3 (agricultural occupancy) imposed on that development		
05/05003/FUL	Demolition of existing house barn and outbuilding and erection of two 5 bed detached houses with provision of amended residential curtilage	WDN	28 February 2005
05/06805/FUL	Demolition of existing house, barn and outbuildings and erection of two detached houses (1 x 3 bed and 1 x 5 bed) with provision of amended residential curtilage	REF	19 October 2005
08/05770/CLE	Continued use of land as residential garden ancillary to Greenacres Spinfield Lane Marlow (as shown edged blue on the Plan)	GRCLE	4 June 2008
08/05787/FUL	Demolition of existing bungalow and erection of 2 new detached dwellings (1 x 4 bed and 1 x 5 bed) and detached garage	WDN	20 May 2008
08/06713/FUL	Demolition of existing bungalow and erection of 2 new detached dwellings (1 x 4 bed and 1 x 5 bed) and associated parking	PER	9 September 2008
10/05037/MINA MD	Proposed non-material amendment to permission for demolition of existing bungalow and erection of 2 new detached dwellings (1 x 4 bed and 1 x 5 bed) and associated parking granted under planning ref 08/06713/FUL	PER	9 February 2010
10/06548/FUL	Variation of house type to Plot B only as permitted under planning reference 08/06713/FUL	WDN	8 September 2010
10/07339/FUL	Variation of house type to Plot B only as permitted under	PER	7 December 2010

	planning reference 08/06713/FUL		
10/07616/MINAMD	Proposed non-material amendment to permission for (Demolition of existing bungalow and erection of 2 new detached dwellings (1 x 4 bed and 1 x 5 bed) and associated parking) granted under 08/06713/FUL	PER	16 December 2010
PI11/00227/ADRC	Application for approval of details subject to condition 2 (Materials), 3 (surface materials) , 5 (screen and boundary walls) 6 (Means of access)10 (landscaping) 13 (tree protection) 14 (method statement) of planning approval 10/07339/FUL	PECOND	12 April 2011
PI11/00316/ADRC	Application for approval of details subject to condition 1 (Time limit), 2 (Materials), 3 (Surfacing Materials), 4 (Fencing), 5 (Access), 6 (Parking), 7 (Future proposals), 8 (Windows), 9 (Landscaping), 10 (Planting), 11 (Flank Windows), 12 (Tree Protection), and 13 (Tree Protection) of planning approval 08/06713/FUL	PECOND	24 March 2011
11/05527/MINAMD	Proposed non- material amendment to permission for variation to house type to Plot B only as permitted under reference 08/06713/FUL granted under planning ref 10/07339/FUL	PER	6 April 2011
22/05619/CLE	Certificate of lawfulness for existing provision of parking and access for residential dwelling in breach of condition 6 of planning application 08/06713/FUL	RECLE	23 September 2022

22/05620/CLE	Certificate of lawfulness for existing use of land as residential garden associated with existing residential property approved under planning application 08/06713/FUL	RECLE	9 September 2022
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4.0 Policy Considerations and Evaluation

Principle and Location of Development

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP3 (Settlement Strategy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM42 (Managing Development in the Green Belt) DSA: DM1 (Presumption in favour of sustainable development).

- 4.1 The application site lies within the Green Belt but falls within the definition of previously developed land (PDL) due to the site containing buildings used for equestrian purposes. Comments have been received during the planning application on whether some of the buildings on site should be regarded as agricultural. As evident in the planning history, these buildings historically formed part of a livery and have been referred to as equestrian buildings associated with the livery. Planning condition 3 of W/6605/83 restricted the livery from being used for any commercial teaching or hiring out of the horses and was only granted on the basis of it being used for horse boarding. It is not therefore considered that any of the buildings are agricultural.
- 4.2 Moreover, it is not considered that Policy DM5 of the Delivery and Site Allocations Plan is relevant in this instance as the original development was not approved as an employment generating use. Overall, the lawful use of the land and buildings of the application site is equestrian.
- 4.3 Planning permission 08/06713/FUL was granted for 'Demolition of existing bungalow and erection of 2 new detached dwellings (1 x 4 bed and 1 x 5 bed) and associated parking'. Within the Officer's Report for this planning permission the demolition of the equestrian buildings subject of this application was mentioned, as was proposed as part of the application. However, the demolition of these buildings was not included in the application description, a condition was not imposed requiring their removal and the land where the buildings are situated were not included within the red edge, only the blue edge. As such, the LPA were not and are not able to enforce for these buildings to be removed as they were not formally included as part of the proposed development. The buildings are therefore lawful, and no enforcement action can be taken to have them removed from the site.
- 4.4 Moving on to the assessment of the acceptability of the redevelopment of this site, Local Plan Policy DM42 refers to 'Managing Development in the Green Belt' where it states that development in the Green Belt is inappropriate subject to a list of exceptions.
- 4.5 Part b) of Policy DM42 includes 'Development that the NPPF classifies are not inappropriate, but only when subject to the following clarifications'. The proposal is not for development for agriculture and forestry, is not an essential rural workers dwelling, is not a replacement or extension of a dwelling, is not located in a built-up village identified on the Policies Map for limited infilling and is not a scheme for affordable house. As such, the proposal falls to be assessed against the relevant parts of the NPPF.

- 4.6 Policy DM42 of the Local Plan makes it clear that inappropriate development will be refused unless there are very special circumstances. Very special circumstances will exist when the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 4.7 Section 13 of the NPPF refers to 'Protecting Green Belt Land'. Paragraph 149 states that 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are...' Point g) allows for the 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development; or, not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 4.8 As identified above, the application site is not located in an area which is designated for limited infilling but does comprise of previously developed land. The proposal also does not comprise of an affordable housing scheme. As such, the redevelopment of the site is considered to be an appropriate form of development, subject to it not having a greater impact on the openness of the Green Belt than the existing development.
- 4.9 The application site already hosts a number of equestrian buildings and therefore is not without existing development. The site has an existing impact on openness but not so that it harms the purposes of including land within the Green Belt. It does not prejudice the purposes of the Green Belt designation.
- 4.10 It is proposed to redevelop the site by demolishing all 7 buildings on site, to replace them with 2 detached dwellings with carports. 2 of the 7 buildings are not included within the calculations due to their dilapidated condition. The existing volume of the 5 main buildings to be removed is 2481m³, with a footprint area of 548m². The proposed two dwellings would have a total volume of 1966m³ (reduction of 26.19%) and a footprint area of 405m² (reduction of 35%).
- 4.11 In terms of building heights, the existing structures are single storey, but the main barn (marked B on the plans) is higher. The heights of the existing buildings vary between 2.14m (being the smallest building) and 6m. The proposed dwellings have been designed so that the smaller of the two (Dwelling A) is positioned where the highest building is currently and would have a ridge height of 6.26m. Dwelling B would have a ridge height of 6.65m.
- 4.12 It is noted that the proposed dwellings would be higher than the existing which would result in some additional impact (as would be expected from new development) but this is not considered to have an adverse impact due to the overall reduction in building footprint and volume from the existing buildings.
- 4.13 The site is currently in a dilapidated state and subsequently is of an untidy appearance. A significant amount of landscaping enhancement is proposed through the inclusion of new planting. This will improve the landscape setting of the site. There will be an increase in the amount of hard surfacing on the site, due primarily to the need to upgrade the existing access drive to the site. However, it is considered that the proposed improved access drive, which will be of permeable gravel, will not have a detrimental impact on the openness of the Green Belt.

- 4.14 Although there will be some physical change to this area of Green Belt, due to the nature of the proposals and the existing built form on the site, this change is not considered harmful over and above what is already there and the potential activity levels which could accompany an equestrian use.
- 4.15 The proposed development is not considered to result in any encroachment and would be located within an area of previously developed land. The addition of two detached dwellings with carports is considered to be acceptable in this location given the sites circumstances.
- 4.16 As such, it is concluded that the proposed development, whilst introducing new dwellings onto the site, will not harm the openness and purposes of the Green Belt and is therefore regarded as appropriate development in accordance with Paragraph 149(g) of the NPPF, and therefore also complies with Part b) of Policy DM42. It is however considered appropriate to remove permitted development rights for the new dwellings to ensure the LPA have control over any future development. This will be imposed by a planning condition.
- 4.17 It is of note that planning permission has previously been refused on the application site for residential redevelopment in the 1980's and 1999 (W/84/6256, W/89/5591, W/89/5602 and 99/07086/FUL). However, since these decisions there has been a significant change in circumstances. The NPPF was published which introduced the principle that the partial or complete redevelopment of previously developed land in the Green Belt is not inappropriate development, provided the development would not have a greater impact on the openness of the Green Belt than the existing development. In addition, a new Development Plan has been adopted which reflects the requirements of the NPPF.
- 4.18 Planning law requires that applications for planning permission is to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is considered that the proposal accords with Policy DM42 of the Local Plan. As such, the principle of development is acceptable, subject to complying with all other relevant Development Plan Policies.

Affordable Housing and Housing Mix

Wycombe District Local Plan (August 2019): DM22 (Housing Mix), DM24 (Affordable Housing), DM41 (Optional Technical Standards for Building Regulations Approval)

- 4.19 The application falls below the Council's threshold for affordable housing.
- 4.20 Detached dwellings are present within the vicinity and therefore the proposed redevelopment would be consistent with the housing mix within the locality.

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)

- 4.21 The Highway Authority has been consulted as part of this application.
- 4.22 As mentioned above, the parking layout that currently exists on the access track for Greenacres and Stoke House does not reflect the layout approved as part of planning permission 08/06713/FUL. A breach of condition has therefore occurred, namely Condition 6 of planning permission 08/06713/FUL. A Certificate of Lawfulness was submitted to regularise this breach of condition (22/05619/CLE) but was refused as it

was not considered, on the balance of probability, that the breach of planning control had commenced for a period of over 10 years.

- 4.23 A revised parking layout has been proposed as part of the planning application to serve the occupiers of Greenacres, whilst ensuring the access track is accessible for the future occupiers of the proposed development to the south. A 5-bar gate would separate the two areas.
- 4.24 The Highway Authority has confirmed that in comparison with the existing lawful use of the site, the proposed development would result in a reduction in the trip generation from the site. The proposals must be assessed against the potential level of movements that could be associated with the site's existing lawful use. Current and/or historic levels of use and movements are not necessarily reflective of the lawful potential of the site.
- 4.25 The Highway Authority further notes that the front hardstanding area for Stoke House is sufficient to accommodate at least 3 car parking spaces, which was the parking requirement of both Stoke House and Greenacres as per the 2008 consent. Although this area was originally intended to be a drop-off/turning area, the Highway Authority raises no concerns over this area being used for just parking. With regard to Greenacres, the submitted plans demonstrate 2 parking spaces at the front, with a further 2 spaces at the rear. However, compared to the existing fenced arrangement at the rear, part of the current development includes these spaces set further back into the site curtilage, which would formalise these spaces and ensure a wider passage for traffic associated with the proposed development (as evidenced by the submitted swept path analysis). No objections have been raised regarding the parking arrangements for Greenacres. In addition, whilst the existing vehicular access will continue to be utilised, improvements will be made including widening the access to 4.8m and increasing the visibility to the south. A 4.8m access width will be maintained for approx. 5.7m from the carriageway into the site, which is sufficient to allow for safe simultaneous two-way vehicular movements.
- 4.26 Dwelling A will be provided with 2 parking spaces, whilst Dwelling B will be provided with 4 parking spaces. The Highway Authority is satisfied that the required level of parking for each dwelling has been provided within the site and meet the required dimensions with sufficient manoeuvrability space to allow vehicles to park, turn and exit the site in a forward gear.
- 4.27 The Highway Authority notes the turning area is provided to also allow for a 7.5t delivery van and fire appliance to manoeuvre within the site. Having assessed the swept path analysis, the Highways Authority is satisfied there is sufficient space for these vehicles to enter, turn and exit the site in a forward gear. With regard to refuse collection, Manual for Streets guidance states that residents should not be required to carry waste more than 30m to the storage point, and waste collection vehicles should be able to get to within 25m of the storage point. The proposed site plan does not accord with these requirements, and residents will therefore have to carry their waste bins in excess of this distance to enable roadside collection from Spinfield Lane, which is the same arrangement for other properties within the vicinity of the site. Whilst this is not ideal, as the access road will not be adopted by the Highway Authority, they are not in a position to justify this as a reason for refusal of the application.
- 4.28 Mindful of the above comments, the Highway Authority raise no objections subject to conditions.

Raising the quality of place making and design

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM30 (Chilterns AONB), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development)

- 4.29 As mentioned above, the proposal comprises of the redevelopment of the existing site to allow for the erection of two detached dwellings, with carports and landscaping.
- 4.30 The existing site contains a series of buildings dating from the 1980's. The existing site has an untidy appearance, but still retains its rural character. As the application site is set back from the main residential ribbon, it is imperative that any proposed development reflects the rural character of the area and causes no harm to the surrounding countryside and Chilterns AONB.
- 4.31 Two dwellings are proposed to replace 7 existing buildings. As such, the overall spread of development across the site would be reduced with new landscaping proposed in between, and around the new dwellings which helps to break up the appearance of the new built form.
- 4.32 Informal advice has been sought from the Council's Landscape and Urban Design Officer where it was raised that the key views of the site would be from the public footpath which is situated to the south-west of the application site. Views of the existing development are present from the public footpath and therefore any future development would also be visible. It was advised that the design of the proposed dwellings is key in retaining the rural appearance of the site and surroundings to ensure the landscape character is not disrupted.
- 4.33 The proposed dwellings have been designed to incorporate rural type features which pick up the characteristics of farm buildings. Both dwellings have been designed to be slightly different to avoid a uniform appearance, as opposed to estate style houses which would not be present in this type of area. The design approach adopted is considered to be suitable to the application site.
- 4.34 Various materials are also shown to be used, including red brickwork, timber cladding, slate roof tiles and clay roof tiles. A full material schedule has not been submitted with the application, and therefore details will be required as part of a planning condition. Within the immediate area a mixture of indicative materials proposed are evident, and there are no objections to these materials in principle, subject to details.
- 4.35 Mixed native hedgerow is proposed along the western boundary and Greenacres boundary along with tree planting, native shrubs and wildflowers. The proposed landscaping is considered to contribute to the character of the area, whilst also providing screening from key viewpoints.
- 4.36 Given the proposed design of the dwellings and proposed landscaping, the development would conserve the natural beauty of the Chilterns AONB and respect the rural nature of the character of the area.

Amenity of existing and future residents

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

Housing Intensification SPD

- 4.37 The proposed dwellings would be of an acceptable size which comply with Policy DM40 in regard to the Technical housing standards – nationally described space standards.
- 4.38 Furthermore, the level of amenity space proposed for each dwelling would be sufficient.
- 4.39 Given the separation from neighbouring properties to the north and difference in land levels it is not considered that any loss of privacy, loss of light or overbearing impacts would occur.
- 4.40 In terms of future occupiers, the proposed dwellings would feature a rear to front facing relationship. This could potentially result in mutual overlooking. The two dwellings would be separated by the garden area of Dwelling A and the parking area and carport of Dwelling B, a total distance of 17.7m at the closest point. However, the proposed dormer windows accommodating the bedrooms of Dwelling A would be set back even further at approx. 25m away. A small first floor window is proposed at the rear elevation of Dwelling A, but as this is a secondary window, it is considered appropriate to condition it to be obscurely glazed to prevent any overlooking/loss of privacy.
- 4.41 In addition, hedging and planting is proposed throughout the development and along the rear boundary of Dwelling A which would aid in a source of screening.
- 4.42 Overall, the proposed development is not considered to adversely affect the amenities of neighbouring properties or future occupiers.

Environmental issues

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

- 4.43 The proposed development requires the installation of two electrical charging points (x1 per dwelling) which will be secured by planning condition.

Flooding and drainage

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

- 4.44 The application site is located Flood Zone 1.
- 4.45 A Flood Risk/Drainage Appraisal has been submitted with the application. The site is not considered to be at risk from surface water sources. The recommendations included within the submitted Flood Risk/Drainage Appraisal will be conditioned accordingly.

Green networks and infrastructure

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

- 4.46 The Council's Tree Officer has been consulted as part of the application.
- 4.47 The following trees/group of trees are proposed for removal:
- Tree 3 is a mature ash tree moderately affected by ash dieback. It has a short likely retention span and shall be removed for reasons of sound management.
 - Tree 4 is a dead, decayed and highly fragile ash tree in imminent danger of collapsing. It shall be removed for reasons of sound management.
 - Tree 10 is a mature ash tree heavily affected by ash dieback. It has a short likely retention span and shall be removed for reasons of sound management.

- Tree 13 is a highly distorted beech of low quality and value. This tree shall be removed for sound management to favour the development of Trees 12 and 14 either side of it.
- Tree 16 is a multi-stemmed part collapsing mature goat willow. The tree is of low quality and value and shall be removed to facilitate development.
- G4 comprises predominantly dead and dying young ash trees (with decline caused by ash dieback) growing through bramble and scrub. The group shall be removed to facilitate development.

4.48 A Tree Protection Plan has been submitted which illustrates the use of Tree Protection Fencing (TPF) around the perimeter of all retained trees, with an area of temporary ground protection.

4.49 The Council's Tree Officer has reviewed the submitted tree documents and raises no objections subject to a condition requiring the development to be carried out in accordance with the approved details. This will be conditioned accordingly.

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)

4.50 The Council's Ecologist and Newt Officer have been consulted as part of this application.

4.51 Documents submitted to inform the application include a Bat Report (Ecology by Design, August 2022), Technical Note: Ecology (AAE, February 2023), Technical Note: Biodiversity Net Gain (AAE, February 2023) with completed Biodiversity Metric 3.1 and Technical Note: Badgers (AAE, September 2023), aerial and street photography and site and species records held by the Buckinghamshire & Milton Keynes Environmental Records Centre (BMERC) have been reviewed.

4.52 A site walkover was undertaken on 24th January 2023 and several habitats were identified on site including buildings and hardstanding, grassland, scrub and scattered trees. According to the Technical Note: Ecology (AAE, February 2023), the majority of trees and some areas of shrub are to be retained, with the scrub to be enhanced.

4.53 A Preliminary Roost Assessment (PRA) was undertaken in September 2021 of the application site. Building 1 (B1) was concluded to have high potential for roosting bats due to a plethora of potential roosting features (PRF's), however it should be classified as a confirmed roost due to the presence of bat droppings. Buildings 2 (B2) and 3 (B3) were concluded to have negligible potential for roosting bats as they were in a moderate/poor state of repair and therefore did not provide suitable conditions for bats. The remaining buildings in the south of the site were considered to have negligible potential for roosting bats.

4.54 Birds' nests were identified within B1, B2 and B3, though no species were identified during the survey. The applicant should be reminded of legislation that protects nesting birds. An informative will be attached to this effect.

4.55 B1, B2, B3 and T1 were subject three bat activity surveys on 27th June, 20th July and 11th August 2022. No bats were recorded emerging/re-entering the buildings or T1 during any of the activity surveys. It was concluded that roosting bats were likely absent from B2, B3 and T1, whilst B1 was confirmed to support serotine and brown long-eared bat

day and feeding roosts. Therefore, a European Protected Species Licence will be required for the proposed development and secured by an appropriately worded condition.

- 4.56 The mitigation and compensation measures within the Bat Reports, Pages 16-18 (Ecology by Design, August 2022) are considered acceptable. The recommended 'enhancement boxes' to compensate for the permanent loss of the roosts should be of a specification that is integrated into the fabric of the proposed new dwellings, such as the recommended Habitat Bat Box. These will be secured via a suitably worded condition.
- 4.57 A survey was undertaken on 7th August 2023 and two badger setts were identified on site and another sett was located approx. 30m away from the site. The two setts on site were monitored using camera traps for 22 days. No badgers were recorded emerging or entering either of the setts during this monitoring period. It was concluded that both setts were disused outlier setts. Mitigation measures for badgers were provided within the Technical Note: Badgers, Page 4 (AAE, September 2023), which are considered appropriate and should be secured via a suitably worded condition.
- 4.58 The Technical Note: Biodiversity Net Gain (AAE, February 2023) and associated biodiversity metric have been reviewed. It indicates that the proposed development will achieve a net gain of 0.03 habitat units and 0.46 hedgerow units, which equates to a 0.49% net gain in habitat units and a 100% net gain in hedgerow units. However, there are issues with the habitat classification. The proposals include enhancement of a large area of mixed scrub and the creation of four small areas of mixed scrub and an area of wildflower meadow. Although these proposals are welcomed, these habitats to be created/enhanced fall within the private gardens of the proposed dwellings. It is not possible for these areas to be classified as anything but vegetated garden within the metric as they cannot be legally secured. By amending the metric to add the proposed other neutral grassland and mixed scrub areas to that of the vegetated garden, it indicated that this would result in a small net loss of biodiversity.
- 4.59 The inclusion of ecological features such as nest boxes, bat boxes, bee bricks, hedgehog houses and hibernacula/log piles within the development, would not affect the measurable net loss of biodiversity, however they would increase opportunities for wildlife on site. The combination of the proposed habitat enhancement/creation and inclusion of ecological features would allow the proposed development to align with Policy DM34.
- 4.60 It is recommended that an Ecological Design Strategy (EDS) be secured via planning condition. The EDS should include detailed information of habitat enhancement/creation on site, including planting schemes and how these habitats will be managed long-term. The location, specification and any maintenance requirements of ecological features will also be included. How the applicant proposes to share this information with future occupants of the dwellings should be outlined within the EDS so that they are aware of how to appropriately manage the valuable habitats to be enhanced/created. A user-friendly document, such as a leaflet, could be a useful resource for this.
- 4.61 The Council's Newt Officer has raised no objections, subject to an informative.

Building sustainability

Wycombe District Local Plan (August 2019): DM41 (Optional Technical Standards for Building Regulations Approval)

4.62 It is considered necessary to condition water efficiency in accordance with Policy DM41.

Infrastructure and Developer Contributions

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

DSA: DM19 (Infrastructure and delivery)

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

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 relevant Development Plan Policies.

5.4 In line with the Public Sector Equality Duty the LPA must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in Section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief sex, and sexual orientation). The application provides for the demolition of existing stables and barn and erection of two dwellings with associated landscaping and access and parking. In this instance, it is not considered that this proposal would disadvantage any sector or society to a harmful extent.

5.5 The Human Rights Act 1998 Article 1 the protection of property and the peaceful enjoyment of possessions and Article 8 the right to respect for private and family life, have been taken into account in considering any impact on the proposed 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 the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

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

6.3 In this instance:

- The applicant was provided with pre-application advice,
- the applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- The application was determined without delay.
- 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 It is recommended that this application be **GRANTED**, subject to the following conditions and reasons:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).

2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers DS02022201.03, DS02022201.04, 22-56-PL-101 A, 2203 03 B, 2203 04, 2203 05 and 2203 06; unless the Local Planning Authority otherwise first agrees in writing.

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

3 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance.

4 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory appearance.

5 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-E (inclusive) 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.

- 6 No other part of the development shall be occupied until the existing means of access has been altered in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Private Vehicular Access Within the Public Highway".

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

- 7 No other part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided on both sides of the access and 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.

- 8 The scheme for parking, garaging 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.

- 9 No windows, doors or openings of any kind shall be inserted in the first floor rear elevations of Dwelling A hereby permitted.

Reason: To safeguard the privacy of occupiers of the adjoining properties.

- 10 Notwithstanding any other details shown on the plans hereby approved, the first floor windows in the south rear elevation of Dwelling A, 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.

- 11 Prior to the occupation of the development hereby permitted, two electric vehicle charging points (one per dwelling) with a minimum rating of 32amp must be installed in a location suitable to its use.

Reason: To comply with the air quality SPD and, to reduce the carbon emissions and the impact on the health of Nitrogen Dioxide emissions from the development.

- 12 The development hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the development does not increase the risk of flooding elsewhere.

13 The development shall be implemented in accordance with the approved tree report and tree protection plan (TPP) submitted as part of the approved planning application. Arboricultural supervision is to be undertaken by retained arboricultural specialist in order to ensure ground protection measures detailed in the report are undertaken. A schedule of arboricultural monitoring and supervision (which includes visits by the arboricultural specialist during installation of protective measures and structures within the RPAs of retained trees) with associated feedback in the form of photographic evidence showing compliance with the tree report and TPP shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development.

Reason: To maintain the amenity of the area and ensure retained trees, shrubs and hedges are not damaged during all phases of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 by ensuring the development accords with method statement and that the correct materials and techniques are employed which conform to current British Standard 5837 specification guidance.

14 Unless otherwise first agreed in writing by the Local Planning Authority there shall be no building up or increase of the existing ground levels on the site.

Reason: To ensure that the proposal is constructed at an acceptable level with regards to the surrounding area.

15 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

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

16 The development shall be implemented in accordance with the following measures:

- mitigation and compensation measures for roosting bats outlined within the Bat Report, Pages 16-18 (Ecology by Design, August 2022), including the requirement for a European Protected Species Licence; and
- mitigation measures for badgers outlined within the Technical Note: Badgers, Page 4 (AAE, September 2023).

A written statement from the ecologist acting for the developer, testifying to the plan having been implemented correctly, shall be submitted to and approved by the LPA prior to the occupation of development. The approved measures shall thereafter be retained and maintained for the lifetime of the development.

Reason: To ensure that measures are undertaken in accordance with submitted plans for the benefit of important wildlife.

- 17 No development shall take place until an ecological design strategy (EDS) addressing habitat enhancement and creation and ecological enhancements within the development as outlined within the Technical Note: Biodiversity Net Gain (AAE, February 2023) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance.
 - i) Details for monitoring and remedial measures.
 - j) Details for disposal of any wastes arising from works.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
Reason: To ensure that the development safeguards protected wildlife and achieves a net gain in biodiversity.

- 18 The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.
Reason: In the interests of water efficiency as required by Policy DM41 (Optional Technical Standards for Building Regulations Approval) of the Local Plan.

- 19 Details of cycle and bin storage facilities shall be submitted to and approved by the Local Planning Authority prior to the occupation of development. Thereafter the facilities shall be permanently retained, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure the provision of cycle parking and waste storage and in the interests of the amenities of the occupiers and adjacent residents.

INFORMATIVE(S)

- 1 In accordance with paragraph 38 of the NPPF 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.

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

In this instance:

- The applicant was provided with pre-application advice,
- the applicant/agent was updated of any issues after the initial site visit,

- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
 - The application was determined without delay.
 - 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:

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

- 3 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.
- 4 The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England or opt into Buckinghamshire Council's District Licence. If a great crested newt is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Mark Turner:

“If the planning department are minded to approve this application, I would like to call it into the West Planning Committee. Locals and neighbours were supportive of the original application 08/06713/FUL because the houses were infill and the applicant had submitted plans that included the removal of these derelict barns. The application site is in AONB and Green Belt and I am concerned for local residents and neighbours that this development is inappropriate, an overdevelopment of the site, and with poor access”.

Parish/Town Council Comments

Great Marlow Parish Council

“The Parish Council strongly objects to this application proposed in the AONB and Green Belt. There are various neighbours who would be adversely affected by the proposed development:

1. Various earlier applications to convert the outbuildings (barn and stables etc) to a dwelling (1999-2000) and demolish the outbuildings and erect 2 detached houses (2005-2006) were refused and appeals dismissed. In 2008 an application for permission to demolish the old bungalow and erect 2 detached houses (which became Greenacres and Stoke House) was granted, but the planning documents evidence that it was explicitly on the basis that the outbuildings would be demolished. However they were not demolished as they should have been.
2. It is argued that because the outbuildings (10 livery stables) would generate more daily traffic movements than the proposed two new dwellings, planning permission would result in a reduction of potential traffic activity! This conveniently ignores the fact that the outbuildings ought to have been demolished, and that in any event the usage of the outbuildings as a livery had been abandoned many years ago, so that in the real world the development would hugely increase traffic activity.
3. The land is Green Belt and in an AONB, so that under Para 147/149 of the NPPF and Policy DM42 of the Wycombe Local Plan, inappropriate development should not be approved except in very special circumstances. Any erection of a new building is inappropriate subject to certain prescribed exceptions. KPL argue that Para 149(g) does provide an exception vis that the application is for the redevelopment of “brownfield” land and that the redevelopment would not have a greater impact on the openness of the Green Belt than the existing development. Again, the argument is flawed because the applicant is relying upon the existence of the outbuildings to justify the redevelopment when he ought to have demolished the outbuildings in the first place. In any event 2 new dwelling houses would manifestly have a greater adverse impact on the openness of the Green Belt than some former agricultural outbuildings.

Consultation Responses

Highways – No objection, subject to conditions and informatives.

Ecology and Newt Officer – No objection, subject to conditions and informatives.

Environmental Health – No objection, subject to condition.

Tree Officer – No objection, subject to condition.

Representations

One comment has been received in response to the received objection letters from Aardvark Planning Law on behalf of the Applicant:

- The stables and barn were sited in the blue line and not in the red line of the location plan under 08/06713/FUL
- No condition was imposed requiring the removal of the stables or barns on the previous planning permission
- There is no binding requirement for the barns or stables to be removed in connection with the previous planning permission
- Because the run of 3 stables and the large barn containing 9 stables have planning permission they cannot be abandoned

24 comments have been received objecting to the proposal:

- New buildings in the Green Belt are deemed to be inappropriate except in very special circumstances.
- Do not see how the stables and barn can be classified as brownfield land.
- Proposal will harm the openness of the Green Belt.
- Dwellings would be visible from the public footpath to the west of the site.
- Impact on the Chilterns AONB.
- Loss of valuable green space.
- Further urbanisation to the area.
- Significant impact on the local ecosystem including wildlife and plant species.
- Impact on traffic.
- Site first received planning permission on the understanding that the barns and stables were removed, which wasn't implemented.
- Buildings will exceed the boundary line of all other houses along the narrow lane and will encroach into the Green Belt.
- Proposed entrance into the site is very narrow and would become a dangerous entry point from a steep hill.
- Buildings should remain for agricultural use.
- Not enough space for refuse collection.
- Loss of amenity.
- Light pollution.
- Buildings not used as stables.

APPENDIX B: Site Location Plan

23/05913/FUL
Scale 1/1250

