

BUCKINGHAMSHIRE COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (As Amended)

APPEALS BY

Appeal under Section 78 of the Town and Country Planning Act 1990 against the decision by Buckinghamshire Council to refuse planning permission for 'Demolition of open sided barn; conversion, alteration and change of use of existing buildings to Use Class C3 to provide 7 residential units and construction of 5 new residential units; hard and soft landscaping, attenuation pond, bin and cycle stores, car parking, infrastructure and associated works, at Boveney Court Farm, Boveney Road, Dorney, Bucks.

Written statement of Buckinghamshire Council

Buckinghamshire Council Ref. PL/22/3562/FA

APP/N0410/W/23/3335905

Date – April 2024

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1.0 The Planning Application

- 1.1 Planning application PL/22/3562/FA was validated on 7th November 2022.
- 1.2 The Council consulted the relevant statutory bodies, internal and external consultees, and the occupiers of adjoining properties, as set out in the Officers Reports, which have already been forwarded.
- 1.3 The application seeks full planning consent for the demolition of open sided barn; conversion, alteration and change of use of existing buildings to Use Class C3 to provide 7 residential units and construction of 5 new residential units; hard and soft landscaping, attenuation pond, bin and cycle stores, car parking, infrastructure and associated works.
- 1.4 The application was refused, with the reasons for refusal being as follows:

- 1. The application site is located within the Metropolitan Green Belt wherein there is a general presumption against inappropriate development except in very special circumstances. The proposed development, by virtue of the increase in built form on the site, the increase in the number of buildings, and the bulk and massing of the new buildings, would cause substantial harm to the openness of the Green Belt spatially and visually, including when viewed from across the adjacent fields. The proposed development therefore fails to meet any of the exceptions for development allowed in the Green Belt, and as such constitutes inappropriate development within the Green Belt, which by definition is harmful. Harm is therefore caused to the Green Belt by virtue of its inappropriateness, and substantial reduction in its openness. The NPPF sets out that substantial weight should be given to any harm to the Green Belt. No very special circumstances have been*

advanced that clearly outweigh the harm that would be caused to the Green Belt by reason of inappropriateness and a reduction in openness .As such the proposal is contrary to policy GB1 of the South Bucks District Local Plan (adopted March 1999) and section 13 (Protecting Green Belt Land) of the NPPF.

- 2. The application site predominantly falls within the Boveney Conservation Area. The Boveney Conservation Area Document notes that Boveney has a tranquil rural character and seems to be almost untouched by the development that has spoilt similar settlements. Furthermore, it highlights that the hamlet has a rural, low density character which is worthy of preservation. The size of the proposed development, including the number of dwellings and its overall density, would be out of character within the context of the rural, low density character of the existing hamlet and it would therefore fail to preserve or enhance the character and appearance of the Boveney Conservation Area. The public benefits of the scheme do not outweigh the harm that would be caused to the conservation area. As such, the proposal is contrary to policies EP3, and C1 of the South Bucks District Local Plan (adopted March 1999), CP8 of the South Bucks Core Strategy (adopted February 2011), and the provisions of the NPPF.*
- 3. The NPPF seeks the provision of affordable housing provision on residential development where 10 or more homes will be provided. Core Policy 3 of the South Bucks District Core Strategy (2011) seeks to secure at least 40% of a development to be provided in the form of units of affordable accommodation, unless it is clearly demonstrated that this is not economically viable. In the absence of a suitable legal agreement*

to secure an appropriate affordable housing contribution, the proposal would be contrary to the aims of the NPPF and Core Policy 3 of the South Bucks District Council Core Strategy (2011).

2.0 The Appeal Site

2.1 The appeal site is located within the Parish of Dorney, and within the collection of buildings that lie within the area known as Boveney. It is accessed via Boveney Road, and lies within the Green Belt, and partly within a Conservation Area. The site was historically an agricultural in nature, but its most recent use has been for B8 storage purposes. The site is currently unoccupied.

2.2 The site consists of a collection of buildings, one of which is a Grade II listed building. The site lies within national Flood Zones 2 and 3, and Strategic flood zone 3a.

3.0 Consultations

3.1 Consultee responses are as set out in the respective Officers Reports.

4.0 Planning History

PL/19/4124/EU - Granted - 1 May 2020 - Certificate of Lawfulness for existing: storage use (Use Class B8) of outbuildings and barns at Boveney Court Farm.

PL/21/1884/HB - Conditional Consent - 23 June 2023 - Listed building consent for removal of the existing decayed timber sole plate, the installation of a new oak sole plate, the repair, strengthening and replacement of the timber and the roof, the installation of rainwater goods, the removal and replacement of weatherboarding, the removal and repair of the brick infill panels and other associated repair works.

PL/22/3563/HB - Conditional Consent - Listed building consent for demolition of open sided barn; conversion, alteration and change of use of existing buildings to Use Class C3 to provide 7 residential units and construction of 5 new residential units; hard and soft landscaping, attenuation pond, bin and cycle stores, car parking, infrastructure and associated works.

5.0 Planning Policy

5.1 At the time of determination, the site was affected by planning policies contained in the following documents:

- The South Bucks District Local Plan (adopted in March 1999) - Policies referred to in the decision notice - GB1, EP3, and C1
- The South Bucks District Core Strategy (adopted in February 2011) - Policies referred to in the decision notice are CP3, CP8. (copies of the above have been forwarded to the Inspectorate).

5.2 Copies of the policies referred to above, were provided previously with the appeal questionnaire.

5.3 The following documents are also material considerations in the determination of this appeal:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- South Bucks Residential Design Guide SPD
- National Design Guide
- South Bucks Affordable housing SPD

6. Key Issues

6.1 The Council submits that the principal issues in respect of the consideration of this appeal are:-

- Whether the development constitutes inappropriate development within the Green Belt;
- Would there be harm to the openness of the Green Belt and it's purposes;
- If inappropriate development within the Green Belt, are there Very Special Circumstances that exist; and
- Whether the development will preserve and enhance the Boveney Conservation Area; and
- Whether the development will provide an appropriate level of affordable housing.

Reason for refusal 1 - Green Belt

6.2 The site falls within the Green Belt. The NPPF states at paragraph 137 that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6.3 The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions

to this are provided in Policy GB1 of the Local Plan and Paragraph 149 of the NPPF. The redevelopment of a site to provide a residential development does not fall within the list of exceptions as set out in policy GB1 of the Local Plan. However, the NPPF does include an exception for this type of development as set out in point G of para. 149 (set out below):

'limited infilling or the partial or complete redevelopment of previously developed sites, 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.'

6.4 For a development to meet the above exception it would need to constitute 'previously developed land' (Brownfield Land). In this instance, following the granting (reference: PL/19/4124/EU) of a certificate of lawfulness for existing use of the existing buildings and the land that serves them for B8 storage purposes, it is considered that the site constituted previously developed land which can be assessed against point G of para. 149 of the NPPF.

Impact on Openness

6.5 It is acknowledged that the proposal would result in a reduction of hardsurfacing on the site. However, whilst it is acknowledged that

hardsurfacing is an urban feature, hardstanding has limited impact on openness, therefore it is considered that the weight that should be attributed to a reduction in the level of hardsurfacing should be limited.

6.6 In terms of built form, the proposals result in an increase in the level of built form in a number of ways. The resultant footprint of buildings that make up the development would be increased by approximately 46sqm. In terms of floorspace however, the increase is greater, with an increase of approximately 156sqm over that which currently exists. The floorspace figures take into account ground and first floor elements of the buildings, and therefore provide a better indication of how the increases would be physically displayed on site and demonstrate that a greater proportion of the increases would be at first floor level. It is considered that increases at first floor level result in greater physical bulk and massing at first floor level and above, which itself has a greater impact upon openness than increases at ground floor level.

6.7 A further calculation that demonstrates the increase in built form, is that of the proposed volume of the buildings. In this instance, the proposals would result in an increase of approximately 864 cubic metres over and above that of the existing buildings on site. It is considered that this is a significant increase in volume, which will result in a significant increase in built form being displayed on the site.

6.8 Further to this, one of the existing buildings that is to be replaced consists of an opened sided barn, which is open on all four sides and is akin to a 1 and half storey building. This building would be replaced with a row of terraced

properties that would be two stories in height, and which would display a much greater physical bulk and massing, not only at ground floor level because they are not open sided, but also at first floor level and above. It is considered that this proposed level of built form would be significantly greater than that which is currently displayed by the existing open sided barn and adversely impacts upon openness.

6.9 Openness is further impacted upon by the fact that the proposals would spread the built form further across the site, by virtue of the introduction of the pair of semi-detached properties which are to be located to the east of the existing buildings. This is an area of land that is currently free from any built form or buildings, which will be replaced by the introduction of a pair of semi-detached dwellings which are two stories in height, and would display a considerable height, bulk and massing. This pair of semi-detached dwellings also result in an increase in the total number of buildings on the site. It is considered that this would significantly reduce the openness of the Green Belt on this part of the site.

6.10 Overall therefore, the proposal would result in a substantial increase in the amount of built form on site by virtue of an increase in the footprint, floorspace and volume of the buildings, as well as the increase in the number of buildings and the spread of the built form across a greater extent of the site. From a spatial point of view, it is considered that the proposals would substantially reduce the openness of the Green Belt.

6.11 From a visual point of view, it is acknowledged that there is natural vegetation located along the sites boundaries which provide a level of

screening and reduce the ability to obtain clear views into the site from certain points. However, notwithstanding this, views into the site are still very much attainable through the existing vegetation, and more so in the months where the vegetation sheds its foliage. Further to this, the proposed row of terraced properties which would replace the existing open sided barn, is located in close proximity to the western boundary, and by virtue of its size, height, bulk and massing, would clearly be visible from views from outside of the site, and from across the adjacent fields. The existing open sided barn is lower in height and much less prominent due to its lesser scale and massing and due to the fact that it is open sided. The new pair of semi-detached properties, while located further from the sites boundaries would also be viewable from outside the site and adjacent fields. They would noticeably introduce new built form into a location where there is currently none, impacting upon the visual openness of the site. From a visual point of view, it is considered that the proposals would substantially reduce the openness of the Green Belt.

- 6.12 In light of the above, it is considered that the proposals would have a substantial impact upon the openness of the Green Belt, and as such, would fail to meet either of the exceptions as set out at para. 154 'g'.
- 6.13 It is considered therefore that the proposed development on this site does not fall within the list of appropriate forms of development as set out in policy GB1 of the Local Plan or the NPPF. As such, under Local Plan policies and the NPPF, a proposal of this nature constitutes inappropriate development in the Green Belt. The NPPF reiterates that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to

the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Reason for Refusal 2 - Impact on Boveney Conservation Area

- 6.14 The appeal site predominantly falls within the Boveney Conservation Area. The Boveney Conservation Area Document (copy attached to Appendix 1) notes that Boveney has a tranquil rural character and seems to be almost untouched by the development that has spoilt other similar settlements. It goes on to advise that due to these characteristics, the Council would not want to see further development or any intensity in the use of the settlement by visitors.
- 6.15 Around two thirds of the buildings within the conservation area are listed. The uses of the existing buildings have also had an influence upon the character of Boveney over the years. Uses have predominantly remained residential, however, Boveney Court Farm, (the appeal site) has had an influence upon the character of the settlement by reinforcing the rural nature of the area.
- 6.16 The appraisal document goes on to advise that the listed buildings display a similarity in construction type and materials, which helps to provide a visual coherence within the settlement. In addition to this, it advises that because of Boveney's rural nature and the relatively small number of widely dispersed buildings, the settlement has a low density. It is this rural, low density character which is considered worthy of preservation.

- 6.17 The proposed development would double the number of dwellings that would exist within the hamlet of Boveney, and would introduce new built form which would result in an urbanising effect on the appeal site and Conservation Area in general. The increase in the number of dwellings would result in the overall density of development within the Conservation Area doubling, which would lead to associated activities, including vehicular movements, also doubling.
- 6.18 It is also considered that whilst the proposed new buildings would be no higher than the tallest existing building on the site, it will introduce a greater number of buildings of greater height, and which would alter the existing characteristics of generally lower level buildings within the site.
- 6.19 It is considered that the introduction of such increases would be out of character within the context of the rural, low density character of the existing hamlet and it would therefore fail to preserve or enhance the character and appearance of the Boveney Conservation Area.
- 6.20 It is considered that the proposal would lead to less than substantial harm to the significance of a designated heritage asset. The NPPF advises that great weight should be attached to the conservation of such assets. In accordance with the NPPF, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.21 In this regard, it is acknowledged that the proposal would contribute towards the general need for housing, in the form of 12 residential units, which is

needed to meet the Councils Housing targets, and it is also acknowledged that the Council does not currently have a 5 year housing supply. However, when taken in the context of the Councils housing targets, a net increase of 12 dwellings, whilst being a benefit, represents only a moderate contribution, and should therefore only be attributed moderate weight.

6.22 It is acknowledged that the proposal would contribute towards the Council provision of affordable housing. However, given that the contribution is not being provided on-site, and only represents a contribution equivalent to a 21% provision, whereas the Councils affordable housing policy seeks a 40% provision in the first instance, whilst being a benefit, represents only a limited contribution, and should therefore only be attributed limited weight. It is important to note that if a legal agreement to secure the affordable housing is not completed, then this would not represent any form of benefit.

6.23 It is acknowledged that the proposal would also provide some economic benefits via supporting the construction industry, support to the local economy due to an increase in the use of local services. Such benefits are considered to be of moderate benefit.

6.24 Works to the listed buildings are acknowledged, however Listed Building consent has been already been granted for these works and can be undertaken independently from this proposal As such, it is considered that such benefits carry limited weight.

6.25 Biodiversity improvements are acknowledged. The Habitats Regs require developments of these nature to provide at least 10% Biodiversity Net Gain,

therefore whilst it is acknowledged that the proposed improvements go beyond what is required as a minimum, the benefits are considered limited.

6.26 Alleged benefits relating to landscape and flood mitigation are noted, however it is considered that these are requirements of any development of this nature, and therefore are considered to weigh neutrally on the balance.

6.27 Overall, when taking into consideration all of the identified public benefits, on balance, it is not considered that they outweigh the harm that would be caused by the proposed development to the character and appearance of the Conservation Area. As such, the proposal is contrary to policy C1 and EP3 of the South Bucks District Local Plan (adopted March 1999), CP8 of the South Bucks Core Strategy (adopted February 2011), and the requirements of the NPPF.

Reason for refusal 3 - Affordable Housing

6.28 Policy CP3 of the Core Strategy sets out the Councils affordable housing requirements. It requires that schemes of 5 or more units, or on sites of 0.16ha and above, where there is a net gain in the number of dwellings, must provide 40% of the proposed units as affordable housing unless it is clearly demonstrated that this is not economically viable. If this is the case, then it would be for the applicant to demonstrate and justify this, providing a viability assessment setting out what they consider to be a more appropriate amount or justifying zero provision. In addition to this, policy CP3 advises that affordable housing should normally be provided on site, however, where there are sound planning or other reasons, and the developer and Council agree, a financial contribution in lieu of on-site provision, may be acceptable.

The NPPF states in para. 65 that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. For housing, major development is defined in the glossary 10 or more homes, or the site has an area of 0.5 hectares or more.

6.29 Given that the proposal involves the provision of 12 residential units, it meets the definition of a major development in the context of affordable housing, as set out in the NPPF, and as such, it is considered that the application of the affordable housing policy, CP3 is applicable in this instance.

6.30 In this case, the applicant has submitted that it is not viable to provide a 40% provision of affordable housing, on site or in the form of a financial contribution. It was originally proposed that 1 affordable unit could be offered off site, on an alternative site. BPS have undertaken an independent viability appraisal on behalf of the Council and have advised that whilst they agree that it is not viable for the scheme to provide a 40% contribution, they have advised that an amount greater than the equivalent of one unit is achievable. Following negotiations with the applicant and further assessment of the viability matters, it has been agreed that a financial contribution of £280,000, which is the equivalent of 2.5 units, or 21%, can be provided towards affordable housing (copy of independent financial viability appraisal attached to Appendix 2)

6.31 Further to this, evidence has been produced by the applicant of correspondence from a number of registered housing providers, setting out that they would not be willing to take on two on-site units on this site due to

the small number of units and the distance away from their existing housing stock. Based on this evidence, it is considered that the provision of a financial contribution towards off site provision is appropriate.

6.32 At the time of the application being determined, a legal agreement to secure the relevant financial contribution had not been completed, and as such, the requirements of policy CP3 had not been complied with.

6.33 It is acknowledged that at the time of drafting this appeal statement, the appellant is in negotiations with the Council to complete a legal agreement that secures the financial contribution towards affordable housing. If this agreement is completed, then the reason for refusal relating to lack of affordable housing will have successfully been addressed and would no longer remain a reason for refusal or matter of disagreement between the appellant and the Council.

6.34 Notwithstanding this, if a legal agreement is not completed, then this reason for refusal remains applicable as the requirements of policy CP3 will not have been complied with. In the absence of a suitable legal agreement to secure an appropriate affordable housing contribution, the proposal would be contrary to the aims of the NPPF and Core Policy 3 of the South Bucks District Council Core Strategy (2011).

7. Planning Balance/Very Special Circumstances

7.1 The proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and

should not be approved except in very special circumstances. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

7.2 The harm by reason of inappropriateness, together with the harm in respect of the reduction in openness, carry substantial weight against the proposal. The harm caused to the Conservation Area carries great weight. It is important to note that if a legal agreement to secure the appropriate level of affordable housing is not completed, then there would be further harm by reason of its lack of provision towards affordable housing.

7.3 The appellant has put forward a case of very special circumstances setting out that the Council's lack of 5 years housing weighs in favour of the proposal to permit housing in the Green Belt. A case is also put forward that the proposals will contribute to the Councils supply of affordable housing.

7.4 The Council acknowledge that the provision of housing should be given weight in the balance. However, this should be tempered by the number of dwellings proposed. In this case, 12 dwellings would be considered to have moderate weight.

7.5 It is acknowledged that the proposal would contribute towards the Council provision of affordable housing, if a legal agreement to secure it is completed. However, given that the contribution is not being provided on-site, and only represents a contribution equivalent to a 21% provision,

whereas the Councils affordable housing policy seeks a 40% provision in the first instance, whilst being a benefit, represents only a limited contribution, and should therefore only be attributed limited weight. It is important to note that if a legal agreement to secure the affordable housing is not completed, then this would not represent any form of benefit, but rather would cause a harm against the proposals.

- 7.6 It is acknowledged that the proposal would also provide some economic benefits via supporting the construction industry, support to the local economy due to an increase in the use of local services. Such benefits are considered to be of moderate benefit.
- 7.7 Works to the listed buildings are acknowledged, however Listed Building consent has been already been granted for these works and can be undertaken independently from this proposal As such, it is considered that such benefits carry limited weight.
- 7.8 Biodiversity improvements are acknowledged. The Habitats Regs require developments of these nature to provide at least 10% Biodiversity Net Gain, therefore whilst it is acknowledged that the proposed improvements go beyond what is required as a minimum, the benefits are considered limited.
- 7.9 Alleged benefits relating to landscape and flood mitigation are noted, however it is considered that these are requirements of any development of this nature, and therefore are considered to weigh neutrally on the balance.

- 7.10 When balancing the benefits of the proposal versus the harm identified, it is considered that the benefits are not sufficient to outweigh the identified harm. As such, the very special circumstances necessary to justify the development do not exist.
- 7.11 It is important to note that it is considered that irrespective of whether a provision towards affordable housing is included as a benefit or not, this would not still not result in the benefits of the proposal outweighing the identified harm.
- 7.12 It is acknowledged that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. It is also acknowledged that The Framework, at paragraph 11 is clear that in such circumstances, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. However, land designated as Green Belt, as well as designated heritage assets, which include Conservation Areas, are included within the list of policies that protect areas or assets of particular importance and which provide a clear reason for refusing the proposed development.
- 7.13 The proposal would be inappropriate development in the Green Belt, as well as adversely impact upon a designated heritage Asset. These harms, together with the other harm identified within this report, would not be outweighed by the benefits of the scheme. As such, the very special circumstances necessary to justify the development do not exist. Thus, the Framework, as a material consideration, does provide a clear reason for refusing the

development. Consequently, the presumption in favour of sustainable development, as envisaged by paragraph 11, does not apply in this case.

8. Summary and Conclusions

- 8.1 Overall, in the opinion of the Local Planning Authority the application was correctly refused wholly in accordance with policies contained in the Local Plan and other material considerations including Central Government Guidance. The Inspector is therefore respectfully requested to support the Council's case and dismiss the appeal.

Suggested conditions

In respect of the advice set out in the National Planning Policy Guidance, and without prejudice, the following conditions are recommended to be imposed, should the Inspector be minded to allow this appeal:

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 (or any statutory amendment or re-enactment thereof).

1. Prior to any works above ground floor slab level, a detailed schedule of works and materials to be used to for the development shall be submitted and approved in writing. The details to be submitted shall include the following:
 - a) Elevational materials to be used on existing and proposed buildings;
 - b) Matching brick bond to plinth of listed building and mortar mix;
 - c) All internal and external new joinery details (doors and windows) at an appropriate scale, including sections and glazing bars;
 - d) Details of contemporary glass framing system;
 - e) Details of insulation to be provided for listed building and curtilage listed buildings;
 - f) Metal rainwater goods;
 - g) Details of roof lights and lanterns
 - h) Details of hardsurfacing to be used throughout the site

The works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is not detrimental to the character, appearance or interest of the existing buildings, including the Listed Building, as well as the Conservation Area and locality in general. (Policies C1, C6, EP3, and H9 of the South Bucks District Local Plan (adopted March 1999) and policy CP8 of the South Bucks District Core Strategy (adopted February 2011) refers.)

2. The development shall be implemented in accordance with the arboricultural method statement submitted and approved as part of the planning application and under the supervision of a retained arboricultural specialist in order to ensure that the phasing of the development accords with the stages detailed in the method statement and that the correct materials and techniques are employed. (ST18)

Reason: To maintain the visual amenity of the area. (Policies EP4 and L10 of the South Bucks District Local Plan (adopted March 1999) refer.)

3. 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 site investigation, based on the Phase 1 Ground Condition Assessment prepared by Stantec (Report ref. 49209/3501), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings,

crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

4. 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.

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

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

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

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development. (Policy TR5 of the South Bucks District Local Plan (adopted March 1999) refer.)

7. 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.

8. The development shall be carried out in accordance with the submitted flood risk assessment (ref.49209/4002 Rev A, May 2022, Stantec) and the following mitigation measures it details:

Finished floor levels shall be set no lower than 21.71 metres above Ordnance Datum (AOD) as detailed in section 6.1.3 of the Flood Risk Assessment.

Level-for-level compensatory storage shall be provided as detailed in section 6.2 and drawing 'Boveney Court Farm Flood Storage Analysis' 49209/4001/002 revision B in Appendix D.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants and prevent flooding elsewhere by ensuring that

compensatory storage of flood water is provided in line with National Planning Policy Framework paragraphs 164 and 167.

9. Prior to the first occupation of the development hereby permitted, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To safeguard protected species that may be otherwise affected from the development.

10. The development shall be implemented in strict accordance with the agreed reptile mitigation plan (Reptile Mitigation Strategy, Davidson Watts-Ecology, 12 January 2023). Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made. The condition

will be considered discharged following; a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.

Reason: To safeguard protected priority species and enable their long-term survival.

11. Before any construction works hereby approved are commenced, a Construction Environmental Management Plan (CEMP) detailing, in full, measures to protect existing habitat during construction works and to safeguard protected and notable species, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should be completed in accordance with the British Standard on Biodiversity BS 42020:2013 with these details below:

- a) Details of what biodiversity features could be impacted on and what development activities could be potentially damaging;
- b) A rolling timetable of when and where specific measures to avoid / reduce impacts are to be carried out including any seasonal or legal implications (e.g. the bird nesting season) and who is responsible;
- c) Details of method statements for specific biodiversity issues (e.g. for specific destructive activities such as: vegetation clearance, hedgerow removal, tree felling, soil stripping and building demolition);
- d) Identify all practical measures (e.g. fencing, protective barriers and warning signs) and sensitive working practices to avoid impacts;
- e) Details of inspections to ensure wildlife do not become trapped in excavations or machinery;
- f) Details of other responsible person and lines of communication on-site in relation to the implementation of the CEMP;

- g) Details of contingency measures in the event of an accident or other potentially damaging incident (e.g. pollution incidents; how to deal with previously unrecorded protected species found during construction and restoration; unexpected bad weather; repair of damaged features etc.);
- h) Details of procedures to avoid pollution incidents (e.g. from fuel spills and site run-off based on an understanding of the wildlife interest at risk);
- i) Regular review of the implementation of CEMP throughout the construction / restoration phase to monitor effectiveness of mitigation measures and compliance with legal, planning and/or contractual requirements;
- j) Details of biosecurity protocols / method statements to prevent spread of non-native species;
- k) Temporary management of existing wildlife features during construction / implementation.

The development shall be undertaken and thereafter maintained in accordance with the approved CEMP.

Reason: To protect habitats and species of conservation importance.

12. The development hereby permitted shall not in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitat and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) and to protect species of conservation concern.

13. No development shall take place (including demolition, ground works, vegetation clearance) unless and until the Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed, including bat boxes and bat lofts, reptile compensatory habitat.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management which will (without limitation) include the provision of biodiversity net gain within the Site as shown within the Biodiversity Gain Plan
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall be for no less than 30 years. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers

the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Policy 9: Natural Environment of the South Buckinghamshire Core Strategy and ensuring that the development achieves biodiversity net gain.

14. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- o Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- o Demonstrate that water quality, ecological and amenity benefits have been considered
- o Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- o Existing and proposed discharge rates and volumes
- o Ground investigations including:
 - o Infiltration in accordance with BRE365
 - o Groundwater level monitoring over the winter period
- o Subject to infiltration being viable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the

drainage hierarchy as outlined in paragraph 056 of the Planning Practice Guidance.

- o SuDS components agreed in the outline application
- o Full construction details of all SuDS and drainage components
- o Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- o Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- o Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- o Flow depth
- o Flow volume
- o Flow velocity
- o Flow direction Reason

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

15. Prior to the occupation of the development a whole-life maintenance plan for the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS

component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.

Reason The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long term maintenance of the drainage system as required under Paragraph 169 of the NPPF

16. No development shall take place until the applicant, or their agents or successors in title, have undertaken a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

Reason: To protect potential archaeological remains.

17. The development to which this planning permission relates shall be undertaken solely in accordance with the drawings referred to in the list at the foot of this decision notice.

Reason: To ensure a satisfactory form of development and to accord with the terms of the submitted application.

APPENDIX A

APPROPRIATE ASSESSMENT