



Appeal Decision

Site visit made on 29 January 2018

by G D Jones BSc(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 February 2018

Appeal Ref: APP/N0410/W/17/3180793

Haymill Automotive, Beaconsfield Road, Farnham Common SL2 3HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Grove Court Properties Limited against the decision of South Bucks District Council.
 - The application Ref 16/02250/FUL, dated 25 November 2016, was refused by notice dated 16 March 2017.
 - The development proposed is the redevelopment of site to provide an 80 bed residential care home with associated access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of the site to provide an 80 bed residential care home with associated access, parking and landscaping at Haymill Automotive, Beaconsfield Road, Farnham Common SL2 3HX in accordance with the terms of the application, Ref 16/02250/FUL, dated 25 November 2016, subject to the conditions contained within the Schedule at the end of this decision.

Main Issues

2. The reason for refusal, along with the Council's supporting evidence, states that the appeal scheme would represent 'overdevelopment' of the appeal site. The following main issues are framed with this in mind and taking into account that the Council's submissions relate to how the alleged overdevelopment would affect the character and appearance of the area and the living conditions of neighbours. The main issues are, therefore:
 - The effect of the proposals on the character and appearance of the area; and
 - Their effect on the living conditions of the neighbouring occupants, with particular regard to light, privacy, and 'overdominance', and any effects arising from off-site parking associated with the proposed use.

Reasons

Character and Appearance

3. Beaconsfield Road is a reasonably long, straight street. Although there is a pub and a primary school located on the opposite side of the road, the area surrounding the appeal site is mainly characterised by reasonably large residential buildings of varying styles and proportions, many of which are set behind mature planting, which gives the street a pleasant verdant feel. The site itself is not currently in use and is boarded to the highway frontage. It was

previously in use as a car dealership with petrol filling station, the main buildings and structures of which are still in place.

4. The proposed building would contrast with the surrounding pattern of development insofar as it would extend well into the rear of the site rather than being concentrated towards the street frontage. Nonetheless, the rear of the site is, to a large extent, screened from the public domain by existing surrounding development and mature planting. If the appeal development were to proceed, the existing screening of the rear of the site would be supplemented by the built form of the proposed development facing Beaconsfield Road and the proposed planting scheme. Consequently, notwithstanding its proposed scale and siting, the extent of the appeal scheme beyond the road frontage would not have a significant influence on the wider townscape in views from neighbouring streets to the south, east and north.
5. The most visible aspect of the development would be that proposed to the site's street frontage, to the west. The proposed continuous extent of built form and its alignment, set some way back from the highway, would contrast a little with neighbouring buildings. However, this would not be significant given the fairly limited degree of contrast and in the context of the varied street scene of this part of Beaconsfield Road.
6. The height of the proposed frontage development, which would have two and a half storeys with rooms in the roof form, would also be greater than some of the nearby properties, which include bungalows. Nonetheless, there are other existing buildings of a comparable height nearby, such as the houses located opposite the site. Moreover, the proposed building would not be significantly taller than the houses located immediately to the north along Beaconsfield Road.
7. The detailed design of the proposed frontage portion of the building would also be reasonably pleasant and represent a marked improvement compared to the existing, rather functional, buildings and structures currently found at the site's frontage. The addition of the proposed tree and hedge planting adjacent to the highway would also contribute positively to the street scene, consistent with its existing verdant character.
8. While car parking is considered in a little more detail below in terms of its potential effect on neighbours' living conditions, the Council has also made reference to off-site parking potentially harming the character and appearance of the surrounding area. Although the proposed development might result in some additional off-site parking in nearby streets, there is no evidence before me that leads me to believe that any such parking would be of a character or volume that would have a significant effect on the character and appearance of the area.
9. For the forgoing reasons, therefore, and subject to the use of appropriate facing materials, the proposed development would not appear overdominant or have a significant effect on the character and appearance of the area - indeed in some respects it would bring about improvements. Consequently, in this regard, the appeal scheme would accord with Policies EP3 (Use, Design and Layout of Development) and H9 (Residential Layout and Design) of the South Bucks District Local Plan, March 1999 (the Local Plan).

Living Conditions

10. As outlined above, the proposed built form would be reasonably substantial, extending well into the rear of the site. While the existing buildings on-site project some distance eastwards, the appeal development would be considerably larger than the current arrangement. As a consequence and given the current permitted use of the site compared to that proposed, the appeal scheme has the potential to increase any effects on the living conditions of neighbouring occupants, including in terms of outlook, light and privacy.
11. The evidence indicates that the minimum distance retained to the nearest dwelling to the north would be some 17m, while a minimum distance of some 20m and 24m would be retained to the nearest dwellings to the south and east respectively. The Council acknowledges that such separation distances may be acceptable in some circumstances. In this case, however, it considers that they are not, principally due to the size, height, scale and massing of the appeal building and its proposed proximity to these neighbouring properties.
12. Nonetheless, the articulation of the proposed built form combined with the filtering and screening effect of existing and proposed planting would significantly reduce the potential visual effect of such a substantial structure. Consequently, given the separation distances that would be achieved to the south and east, along with the location of the site relative to these neighbouring properties and the proposed mitigation to limit / prevent outlook from certain windows, the appeal development would not have an unacceptable effect on the living conditions of the occupants of these neighbouring homes in terms of outlook, light and privacy.
13. Due to its relative proximity and position to the south, the development has greatest potential to affect the living conditions of neighbours to the north. Nonetheless, for the reasons outlined above, a reasonable sense of outlook would be maintained, particularly given that the rear elevations of the nearest of these houses face roughly eastwards rather than directly towards the proposed building.
14. The separation distances between the proposed building and these residential properties to the north would also appear reasonable in terms of any effect on light, including to gardens, given the mass, height and siting of the existing development. This is supported by the Daylight, Sunlight and Overshadowing to Neighbouring Residential Buildings report that was submitted with the appeal. While that report is criticised by interested parties, its methodology, assumptions and conclusions appear reasonable and I note that its contents are not directly disputed by the Council.
15. In respect to the privacy of occupants to the north, the proposed positions of the nearest windows serving habitable rooms within the appeal building would offer only somewhat oblique views towards these neighbouring houses. As a result, when also taking into account the distances concerned, the proposed development would not result in unacceptable overlooking. This is subject to outlook being controlled from certain windows, such as those serving bathrooms and corridors.
16. The Council's evidence also raises concerns regarding the level of on-site parking provision in terms of how this might affect the living conditions of neighbouring residents as a consequence of potential additional demand for

on-street parking. Nonetheless, the evidence indicates that the proposed amount of car parking accords with the Council's standards for this type of development. I also note that the local highway authority has raised no objections. No substantiated evidence has been submitted to suggest that the scheme would result in any significant demand for off-site parking or that if it were to do so that this would necessarily have a harmful effect on the living conditions of local residents.

17. Overall, therefore, I conclude that any effect of the appeal proposals on the living conditions of neighbouring residents would not be sufficient to warrant refusal of planning permission, such that, in this regard, it would accord with Policies EP3, EP5 (Sunlight and Daylight), H9 and TR7 (Parking Provision) of the Local Plan.

Other Matters

18. In addition to the foregoing matters, concern has been expressed by interested parties including in respect to the adequacy of proposed car parking, alleged flaws and shortcomings with the submitted travel plan and highway safety; the potential effect on Burnham Beeches Special Area of Conservation; the adequacy of the on-site amenity space proposed; the effect of any light and noise pollution and general disturbance from the proposed use, including from plant and deliveries; the effect of the proposals on trees; there being no need for the use and that it is not wanted or affordable; the proposed rooms are too small; and safety concerns are raised regarding the basement.
19. Other concerns raised relate to there being also said to be too much hardstanding proposed and insufficient landscaping/screening; to ground conditions, contamination and the removal of the existing petrol station infrastructure; to the loss of the petrol station and garage as local facilities; to this being the wrong location for a use of this type, which would be better suited to the countryside; and to the fact that there is a smaller potentially more acceptable proposal for the development of the site put forward.
20. These matters are largely considered within the officer's Committee report on the appeal planning application and they were before the Council when it prepared its appeal evidence. The Council did not conclude that they would amount to reasons to justify withholding planning permission. Subject to the imposition of planning conditions, I see no good reasons to disagree.

Conditions and Conclusion

21. In addition to the standard time limit condition, the Council has requested a number of conditions which I have considered in the light of government guidance on the use of conditions in planning permissions and made adjustments accordingly. In order to provide certainty, a condition requiring that the development is carried out in accordance with the approved plans would be necessary.
22. Conditions controlling materials to be used in the construction of the external surfaces of the development and hard surfaces, along with details of landscaping, including boundary treatment and measures to protect retained planting, and its maintenance would be necessary to safeguard the character and appearance of the area. Nonetheless, reference to details of ecological/biodiversity within the landscaping condition could be moved as

these matters are addressed by another more case specific suggested condition, which itself would be necessary in the interests of biodiversity.

23. Conditions to secure the provision of the proposed on-site car parking, access, bus stop works, visibility splays and closure of the existing access would be necessary in the interests of highway safety and to promote the use of alternative forms of transport. Conditions to control surface water management / drainage would be necessary to safeguard against flood risk and to protect the environment.
24. The submission and approval of a Construction Management Plan would also be necessary to safeguard the living conditions of local residents and in the interests of highway safety. Conditions to ensure the remediation of any on-site contamination and to control the management of material associated with the proposed basement excavation would be necessary to safeguard the health of future occupiers and to protect the environment.
25. A revised condition to ensure that outlook from certain windows within the proposed building is limited would be necessary to protect the living conditions of neighbouring residents, in terms of privacy, consistent with the proposed details. A condition which ensures that 10% of the energy requirements of the development come from decentralised and renewable or low-carbon sources would be necessary to promote the use of alternative / sustainable energy sources and to safeguard the environment.
26. I conclude, for the reasons outlined above, that the appeal should be allowed subject to the identified conditions.

G D Jones

INSPECTOR

SCHEDULE OF CONDITIONS FOR APPEAL REF APP/N0410/W/17/3180793:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, Dwg Nos: 0639.1.1C; 1106-PL-001 PL2; 1106-PL-005 PL2; 1106-PL-010 PL2; 1106-PL-011 PL2; 1106-PL-012 PL2; 1106-PL-100 PL2; 1106-PL-101 PL2; 1106-PL-150 PL2; 1106-PL-200 PL2; 1106-PL-250 PL2; 1106-PL-300 PL2; 1106-PL-350 PL2; 1106-PL-400 PL2; 1106-PL-600 PL2; 1106-PL-602 PL2; 1106-PL-610 PL2.
- 3) A schedule of materials to be used in the elevations of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction works above ground level. Thereafter the development shall be carried out in accordance with the approved details.
- 4) A schedule of materials to be used in the hardsurfacing of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the laying of such hardsurfacing. Thereafter the development shall be carried out in accordance with the approved details.
- 5) Notwithstanding any indications illustrated on drawings already submitted, prior to the substantial completion of the development hereby permitted, there shall be submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include details of boundary treatment, all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained. None of the trees, shrubs or hedgerows shown for retention shall be removed or felled, lopped or topped within a period of five years from the date of this permission, without the prior written permission of the Local Planning Authority.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping enhancement, including those pursuant to Condition 5, shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 7) 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.
- 8) The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.
- 9) No other part of the development shall be occupied until the new means of

access has been sited and laid out in accordance with the approved drawings and constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access Within Highway Limits" 2013. These works shall also include the raising of the kerbs for the existing bus stops opposite and to the east of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

- 10) Within one month of the new access hereby approved being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb or removing the existing bellmouth and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.
- 11) No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within these splays shall thereafter be kept permanently free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
- 12) The development hereby permitted shall be carried out in accordance with the ecological and biodiversity mitigation and enhancements as set out in the Ecology Report, produced by Tim Moya Associates, and submitted as part of this application.
- 13) Prior to any construction works commencing 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, shall be 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:
 - Ground investigations (including infiltration rate tests in accordance with BRE365, ground water levels with subsequent monitoring and potential areas of contamination);
 - If ground investigations show infiltration to not be feasible, the applicant should investigate the feasibility of connecting to the next most appropriate receptor as guided by Planning Policy Guidance;
 - Written confirmation from Thames Water that connection to the foul drainage network is acceptable at the restricted rate of 5l/s and that there is sufficient capacity within the existing system;
 - Detailed drainage layout with pipe numbers complete with full construction details, together with storage volumes of all SuDS features;
 - 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; and
 - An assessment of all suitable SuDS features (such as permeable paving) where deemed inappropriate, shall be provided to justify / support this.
- 14) Prior to any construction works commencing a whole life maintenance plan for the site shall 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) following construction with details of who is to be responsible for the maintenance. The plan shall subsequently be implemented in accordance with the approved details.

- 15) Prior to any construction works commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include hours of construction work and deliveries, as well as details of how the site will accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period. Thereafter the scheme shall be implemented in accordance with the approved Plan.
- 16) Prior to the commencement of the development hereby approved, (or such other date or stage in development as may be approved in writing with the Local Planning Authority) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - i) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
 - iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv) A verification plan providing details of the data that shall be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority in writing. The scheme shall be implemented as approved.
- 17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Condition 16, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition 16, 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 shall be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 16.

- 18) Excavation of material to form the basement shall not take place until details of the method for disposal of this material have been submitted to and approved in writing by the Local Planning Authority. Thereafter the disposal of extracted material shall only take place in accordance with these approved details.
- 19) A scheme to limit and where appropriate prevent outlook from first and second floor windows serving circulation space, areas for communal and staff use, and bathrooms / toilets of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity with the details, in this regard, contained within the Design Statement of Case – Planning Appeal document, dated July 2017 (Doc ref. 1106/PL/DOC02/PL6). The approved scheme shall be fully implemented prior to the first occupation of the building and maintained thereafter.
- 20) Prior to the commencement of the development hereby permitted details of the measures to be incorporated into the development to secure a minimum of 10% of the energy requirements of the development from decentralised and renewable or low-carbon sources shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed entirely in accordance with the approved details.