



Appeal Decision

Site visit made on 21 September 2022

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 9 March 2023

Appeal Ref: APP/K0425/W/21/3287603

16, 18, 20 and 22 Marlow Hill, High Wycombe, HP11 1QL

- 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 Care UK against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref: 20/06650/FUL, dated 1 July 2020, was refused by notice dated 21 September 2021.
 - The development proposed is the demolition of the existing buildings and the construction of an 82 bedroom care home (Use Class C2) with associated access, parking, landscaping and site infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing buildings and the construction of an 82 bedroom care home (Use Class C2) with associated access, parking, landscaping and site infrastructure at 16, 18, 20 and 22 Marlow Hill, High Wycombe, HP11 1QL in accordance with the terms of the application, Ref: 20/06650/FUL, dated 1 July 2020 and the plans and documents submitted with it, subject to the schedule of conditions to this decision.

Preliminary Matters

2. I have amended the description of development from that provided on the application form. As part of the application, an amended scheme was put forward which included a reduced number of bedrooms. The description of development reflects this change and concurs with the description of development given on the Council's decision notice.
3. A signed and dated unilateral undertaking made in accordance with section 106 of the Town and Country Planning Act 1990 (as amended) was submitted as part of the appeal. It makes provision for the payment of a financial contribution towards a travel plan monitoring fee. This legal agreement is a material consideration in my determination of the appeal and I shall consider this matter further in my reasoning below.

Main Issues

4. The main issues are:-
 - i) the effect of the proposed development upon highway safety and the efficiency of movements of vehicles and pedestrians within the site and the surrounding highway network;

- ii) whether the location of the proposed development would be acceptable having regard to travel by sustainable transport modes as well as access to everyday services and facilities; and
- iii) whether the proposed development would provide adequate living conditions for future occupiers of the appeal scheme with regards to amenity space, outlook, noise and air quality.

Reasons

Highway safety

5. The appeal site presently comprises four large detached dwellings set within substantial sized plots. Each dwelling has their own driveway and junction with the A404, Marlow Hill, with the exception of No.22 which has two driveways and adjoins the highway at two separate points. Driveways are especially steep and their constrained width precludes any more than one vehicle passing along its length at any one time. Areas for the parking of vehicles in front of properties is similarly constrained and in some instances, it is so limited that a vehicle could not turn around to leave the site in a forward gear. Whilst some parking areas do have adequate space to turn a vehicle around, the potential for manoeuvring would be significantly restricted if multiple vehicles were to use the space for parking at the same time.
6. Consequently, when egressing from these properties, vehicles are required to reverse along a steep driveway which includes crossing the pedestrian footway and thereafter reversing into the highway. In these circumstances, a driver is likely to have a restricted view of oncoming vehicular traffic and pedestrians. Whilst some pedestrians may notice a reversing vehicle, this ability is reduced in instances whereby users have compromised hearing or sight or they are a more vulnerable category of footway user, such as children.
7. Marlow Hill is a heavily trafficked dual carriageway. It consists of two lanes in each direction together with a footway to each side of the route. The appeal site adjoins the northbound carriageway at a point where the speed limit is restricted to 30mph having been reduced from 40mph some 100 metres to the south of the appeal site prior to the junction with Wordsworth Road. Despite the speed restrictions, the evidence suggests that vehicles are generally travelling in excess of the prescribed speed limit along Marlow Hill.
8. It consists of a steep gradient that slopes downwards towards a mini roundabout junction with two short stretches of highway that form part of a larger system of five mini roundabout junctions and beyond this, the town centre of High Wycombe. The adjoining footway is frequently used as a route of access by children to a number of schools located in close proximity to the site.
9. As a consequence of the appeal scheme, the appellant's submitted Transport Assessment indicates that daily vehicular movements would increase from around 28 to 144 trips which equates to a net increase of 116 trips consisting of some 58 arrivals and 58 departures that would be spread throughout the day. To my mind, this is a sizeable increase in the number of daily vehicular trips associated with the appeal scheme and a correspondingly large increase in the volume of decelerating and turning manoeuvres when compared to the existing use.

10. However, the appeal scheme would include the provision of a new access comprising a single kerbed junction that would be constructed to current highway standards. It would reduce the overall number of access points onto Marlow Hill and by reason of its wide width, it would allow vehicles to pass each other simultaneously. Crucially, this would enable all vehicles to enter the highway in a forward gear thus avoiding the need to reverse into the carriageway. As a result, the likelihood of vehicles queueing and waiting within the highway would be greatly reduced.
11. In addition, the proposed access would be suitable for use by servicing, emergency and delivery vehicles. Taken together with adequate turning provision within the site, vehicles would be able to gain acceptable access into the site and this obviates the need to wait within the highway. The provision of an acceptable route and parking area would be likely to discourage instances of illegal parking.
12. As a wide purpose-built access, it would be more readily visible than the existing driveways which are much less visible. As a result, road and footway users are likely to have a greater awareness and perception of the hazards likely to be associated with it and more readily anticipate the likelihood of turning manoeuvres associated with its use. The safety of footway users would be further improved by the inclusion of a designated pedestrian refuge which would be an additional benefit for visually impaired users.
13. Unlike the existing accesses which I observed to have some restricted visibility due to obstructions from existing vegetation, the proposed access would provide the requisite visibility splays. This would ensure a clear and unobstructed view of oncoming vehicular traffic and non-vehicular users of the footway and thus reduce the potential for conflict between users. To my mind, this would be a considerable improvement in comparison to the existing situation.
14. Whilst I accept that there would be an uplift in traffic generated by the site and a consequent increase in the number of decelerating and turning manoeuvres, a curved design would reduce the braking requirement of vehicles entering the site. This would enable traffic to be more free-flowing. Sudden reductions in speed are less likely and safety of road users would be enhanced from the current situation where the existing driveways are steep, narrow and their perpendicular position to the highway is likely to require a vehicle to decelerate to a greater extent and thus travel at a slower speed when turning and leaving the highway.
15. Furthermore, notwithstanding the steep gradient of Marlow Hill, at the point of the proposed access joining with the highway the access would be broadly level. Taking everything into consideration, the design of the junction would be less detrimental to the free flow of traffic and highway safety.
16. It is put to me that the gradient of Marlow Hill is an aggravating factor that is likely to worsen the likelihood of accidents. No policy or guidance has been brought to my attention that specifically precludes access points being made onto routes with a gradient nor those forming part of the strategic road network. Moreover, I have taken into account the evidence of personal injury road traffic accidents that have occurred within the vicinity over a five year period.

17. Albeit a number of accidents are recorded on Marlow Hill, the Council have drawn my attention to five specific incidents (Table 1.3) whereby the Council assert these may have been aggravated by the gradient or queuing of vehicles.
18. A 'serious' incident occurred in February 2017. Whilst the gradient may have contributed to it, I also note that aggravating features included the standard of driving. In particular, that driving was 'aggressive, careless, reckless and in a hurry, with a failure to judge another persons path or speed together with sudden breaking'.
19. A further incident in May 2019 involved one vehicle being hit in the rear by another vehicle prior to the junction of Wordsworth Road at a position where the speed limit changes. However, there is limited information concerning the cause of this incident and in particular, I am unable to conclude that the gradient of Marlow Hill nor turning manoeuvres were part of the cause rather than it being as a result of poor driving practices.
20. A further incident involved a cyclist. However, a poor road surface including a pothole is recorded. Other incidents are stated to have occurred on the opposite carriageway. As such, these incidents do not lead me to the view that gradient and manoeuvres were a contributory factor in their occurrence.
21. Given the evidence before me, I take the view that whilst a negative gradient and queueing traffic may have partly contributed to some of these incidents, the evidence does not demonstrate that this part of the carriageway is particularly prone to accidents including those involving turning manoeuvres. Queueing is a frequent factor cited in these historical incidents. However, the appeal scheme before me proposes an improved junction that is likely to avoid deceleration of vehicles to the extent required to access existing driveways and greatly reduce the likelihood of vehicles queueing or parking within the highway.
22. Furthermore, in support of the proposed access, the appellant has drawn my attention to the safety record of Wordsworth Road. There are some similarities between this junction and the proposed access, albeit it includes a steeper gradient and it is positioned closer to the speed limit transition. However, the recorded accident data demonstrates that there are no recorded personal injury accidents at and close to the junction with Marlow Hill within the same five year period. It provides supporting evidence to show that junctions on this side of Marlow Hill are capable of operating safely.
23. I appreciate that the submitted accident evidence includes only instances whereby personal injury was recorded rather than those incidents which resulted solely in damage to vehicles. However, based upon what I have seen and read, I see no reason to take a different view.
24. Whilst traffic is noted to queue along Marlow Hill at certain parts of the day, in my opinion, the likelihood of a collision occurring as a result of a vehicle turning into or out of the appeal site would be further reduced when vehicles are travelling at a reduced speed.
25. Taking everything into account, the evidence leads me to the view that, despite the gradient of Marlow Hill, the record of accidents demonstrates that vehicles are able to satisfactorily leave and join Marlow Hill without causing collisions. Whilst the appeal scheme would intensify vehicular movements into and out of

the site and have a corresponding increase in the number of slowing and turning vehicles, on the evidence before me I consider that the proposed junction would operate safely and not lead to an unduly harmful interference with the free flow of traffic nor result in a material increase in road traffic accidents or have an unacceptable impact on highway safety.

26. Accordingly, I find that the appeal scheme accords with Policy DM33 of the Wycombe District Local Plan (2019)(LP), the Buckinghamshire Council Local Transport Plan 4 (2016) and the Buckinghamshire Council Highways Development Management Guidance document (2018). Among other things, these require development to provide safe and convenient access to the local highway network for all modes and appropriate access for servicing. In addition, it would accord with the aims of the National Planning Policy Framework (the Framework) insofar as it requires development to provide safe and suitable access to the site for all users.

Modes of sustainable transport and access to everyday services and facilities

27. In terms of the Council's settlement strategy, the appeal site is located within an identified Tier 1 Settlement and is therefore an appropriate location to which new housing is directed.
28. Whilst the town centre of High Wycombe comprises an extensive range of everyday shops, services and facilities with a large number of these being sited within some 900 metres of the appeal site, taking the appellants measurements which have not been disputed by the Council, it is the Council's case that the steep incline of the route along Marlow Hill would not encourage use of sustainable modes of transport. I disagree.
29. The proposed care home would provide a mix of residential, nursing and dementia care. By reason of the nature of care that would be offered it is reasonable to expect that a large proportion of future residents would be infirm and unable to leave the site independently. As such, the onsite facilities within the proposed building are relevant factors to be taken into account. Residents would occupy a private bedroom and they would also have access to a range of communal facilities comprising a café, hairdresser, gym and cinema. The inclusion of these facilities would provide future residents with the opportunity of undertaking certain needs and potentially reduce the number of external journeys that residents would need to take. These facilities would be operated by the appellant as part of the care home scheme and as such, their long term provision would accommodate some of the daily needs of residents.
30. That is not to say that all future residents would not leave the appeal site. Some may be sufficiently ambulant and others may be able to access nearby services and facilities with assistance from staff and visitors. Whilst Marlow Hill consists of a steep gradient, the majority of the routes around High Wycombe are stated to be reasonably flat and little evidence to the contrary has been advanced by the Council.
31. At my site visit, I walked several routes including the uphill section of Marlow Hill from the town centre to the appeal site. Notwithstanding that the footway is steep and the highway is busy, noisy and exhaust fumes are evident, the distances involved to reach nearby services and facilities are reasonably short. The route comprises defined and well-lit pedestrian footways which are sufficiently wide to accommodate a wheelchair. The availability of pedestrian

crossing facilities located at major junctions provides a safe and convenient place to traverse busy highways.

32. Furthermore, the appeal site is well served in terms of public transport with several bus stops positioned approximately 440 metres from the site and a rail station at a distance of circa 950 metres. Given the extensive range of destinations that are accessible by bus and train, together with the frequency of services, notwithstanding the challenging local topography of Marlow Hill, I am satisfied that the route would not be so unattractive as to dissuade staff, visitors and some residents from accessing the appeal site on foot.
33. Although no dedicated cycle routes exist within the locality of the site, cyclists would be able to utilise the road network and cycle storage facilities within the site. Electric cycles may be attractive to some users with limited fitness and physical impediments given the steep incline of Marlow Hill. Notwithstanding that part of the route would be physically demanding to cycle, this would not be likely to be a barrier to all individuals and I note that the surrounding road network is extensive, offering wide carriageways that are lit and largely level. On the evidence before me, I find that there are genuine opportunities to travel to the appeal site by bicycle.
34. Access to the building entrance is partly along shared surface pathways. However, I am not satisfied that this would discourage users on foot given that the level of vehicular trips to and from the site would be spread throughout the day and reasonably limited in number.
35. Accordingly, I conclude that future residents, staff and visitors would have a genuine choice of sustainable transport modes to avoid an undue reliance upon the use of private motor vehicles. Thus, the appeal scheme accords with LP Policy DM33 and the requirements of the National Design Guide insofar as these require development to increase the use of sustainable transport modes.

Living conditions

36. The appeal scheme would include a number of communal outdoor amenity areas that would be positioned around the building. These would comprise several garden areas over split levels at ground floor and first floor together with further terraced areas at elevated positions. Smaller private patio terraces would serve the ground floor bedrooms. The proposed access driveway, parking forecourt and building entrance would be positioned adjacent to some of the areas of communal and private terraces.
37. By reason of the site's steep sloping topography the appeal scheme proposes the inclusion of a retaining wall. It would extend almost the entire width of the site and include a varying height of some 5.8 metres, reducing to almost 3 metres. There is some dispute between the parties regarding the actual measurements. Nevertheless, taking each parties' version of measurements, it would appear as a substantial structure.
38. However, the inclusion of a sloping design and areas of planting to create a partial 'green wall' would break up its overall mass thus softening its appearance and providing a more gentle transition between the built environment and the green and verdant landscaped area to the rear of the site.
39. Even in the closest of views from windows within lower floors that directly face the wall, by reason of their position set back from the wall behind areas of

- patio and specimen shrub planting together with a sloping design that varies in height, to my mind, the wall would not appear unduly overbearing or oppressive nor compromise the outlook from those windows.
40. Whilst there is limited opportunity for any extensive scheme of planting within the car parking area, the inclusion of a section of green wall will provide visual interest and an important backdrop and respite from the built form and parked vehicles such that there would not be any unduly harmful visual effect when viewing the area from windows within the building or from the private terraces at ground floor level.
 41. The Council's evidence regarding diminished sunlight and daylight levels as a consequence of the retaining wall structure is vague and generalised. There is no clear explanation or evidence to adequately illustrate to what extent light levels would be impacted nor an assessment of any compromised living conditions of future occupiers.
 42. The topography of the site and the inclusion of a retaining wall structure would lead to the garden areas being split over ground and first floor levels and an area of green amenity space would be located beyond the retaining wall structures and railings thus rendering it inaccessible to residents.
 43. Although outdoor connectivity would be partly limited due to the absence of a circuitous route around the entire building, some outdoor routes would exist to partially connect areas together including, a route linking private terraces at the front of the building with the communal garden area of the café and a walkway between the two first floor gardens.
 44. Moreover, a route through the building via indoor communal lounge and dining areas would ensure connectivity of the outdoor space. Whilst some residents may prefer to use communal space positioned in close proximity to their bedroom, there is nothing within the evidence before me that suggests that use of other communal areas would be precluded. It would be a matter of personal choice for a resident. As such, I consider that the totality of outdoor areas would be capable of serving the entire cohort of residents rather than being restricted to residents whose bedrooms would be positioned within the immediate vicinity of the communal space.
 45. I am not persuaded that the proposed site layout hinders connectivity. The availability of routes through and around the proposed building to access communal outdoor space and internal spaces such as the gym, hairdresser or café would provide opportunity for social interaction between residents and aids in avoiding a sense of isolation.
 46. No specific planning policy or guidance has been brought to my attention which stipulates minimum size requirements of amenity space for care homes. The appellant advises that the appeal scheme would deliver approximately 1160 square metres of outdoor amenity space, which has not been disputed by the Council. Whilst an area of green space would be inaccessible due to the retaining wall structure, taking account of the submitted plans and the extent of accessible amenity space together with the likely condition and needs of those using the space, in the absence of any standard prescribing minimum space requirements for care homes, I take the view that the quantity of space to be provided would be adequately sized. Furthermore, the provision of several areas of communal amenity space over differing levels of the building,

provides a variety of outlooks and opportunity to observe the surroundings. This enables the delivery of diverse and good quality environments to adequately support the health and well-being of future residents.

47. Therefore, I conclude that the proposed outside amenity space would be acceptable in terms of its size and quality given the nature of the proposal.

Noise

48. The outdoor patio and terraces would be subject to noise and disturbance by reason of the proximity of Marlow Hill. As a consequence, the dominant noise source is noted to be road traffic noise.
49. Having regard to external noise, BS 8233:2014 sets out that for external areas used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB(A), with an upper guideline value of 55dB(A).
50. A Noise Survey and Assessment (NSA) was submitted as part of the application and was undertaken in accordance with a baseline survey methodology, assessment and measurement positions that were agreed with the Council.
51. The NSA indicates that external amenity areas at the front of the proposed development facing Marlow Hill would be subject to noise levels in excess of 60dB(A). Similarly, the first floor terrace and some parts of the two sideways facing third floor terraces would experience predicted noise levels between 55dB(A) and 60dB(A). Consequently, these private and communal areas of the proposed building would experience noise levels in excess of the guidance of an upper limit of 55dB(A) for external amenity space.
52. However, for the purposes of BS 8233:2014, it recognises that the guideline values are not achievable in all circumstances where development might be desirable, recognising that higher noise areas such as city centres or urban areas adjoining the strategic transport network, a compromise may be warranted between elevated noise levels and other factors such as the convenience of living in these locations and making efficient use of land resources. In such instances, the guidance indicates that development needs to be designed to achieve the lowest practicable levels in these external amenity spaces but should not be prohibited. In this instance, the inclusion of acoustic glazing and mechanical ventilation to parts of the building would aid in achieving the lowest practicable level of noise.
53. In assessing whether a compromise is justified in the appeal case, there are other areas of communal outdoor amenity space that would either meet the guideline limit or not exceed the upper limit of 55dB(A) for external space. In particular, the third floor rear facing terrace, large parts of the two sideways facing third floor terraces and both communal garden areas at first floor level. The evidence suggests that these areas would provide amenity space with an acceptable level of noise and as future residents would have unrestricted access to those amenity spaces, they could choose to use them if they so wished. Albeit there is no outdoor circuitous route proposed to link these areas, the availability of a reasonably connected route through the building would provide adequate access for future residents, including those with restricted mobility.

54. It is the Council's case that the availability of alternative space is not an appropriate solution. However, my attention has been drawn to the 'ProPG: Planning & Noise, Professional Practice Guidance on Planning & Noise – New Residential Development Guidance', which makes provision for some areas to exceed the recommended limit of 55dB(A) when residents have access to other amenity space where the limit is met. The appeal scheme would provide all residents with amenity space whereby the noise environment would be within the limits stipulated by BS8233:2014. No alternative guidance has been put forward by the Council to contradict the approach advanced within the professional planning guidance.
55. Furthermore, the Council's Environmental Health Officer has raised no objection to the predicted levels of internal and external noise subject to a condition seeking an acceptable internal noise level. As such, I conclude that in respect of noise, notwithstanding that some external amenity areas fall short of achieving the guideline levels of noise set out within BS8233:2014, the availability of alternative quieter areas of communal outdoor space within the appeal scheme would ensure that the living conditions of future residents would not be materially harmed with regards to the impact of noise.

Air Quality

56. Whilst the Council's reasons for refusal did not cite issues of air quality, as part of the appeal, reference has been made by the Council to concerns regarding the comfort, health and well-being of future residents arising from the appeal site's proximity to Marlow Hill and the High Wycombe Air Quality Management Area.
57. Although I note the likely fragilities and vulnerabilities of the proposed future residents of the care home, an Air Quality Assessment (AQA) submitted with the application indicated that predicted concentrations of nitrogen dioxide and particulate concentrations would be 'well below' the respective UK Air Quality Objectives and thus the site is suitable for residential development in relation to exposure to air pollution.
58. A number of measures to mitigate the impact of the development on air quality and to manage carbon emissions are advanced, including a number of electric vehicle charging points, cycle storage provision and a travel plan, which are capable of being implemented through the use of appropriately worded planning conditions. The Council's Environmental Health Officer raised no objection to the appeal scheme subject to the aforementioned mitigation measures being secured.
59. Therefore, on the evidence before me, I am not satisfied that the Council have demonstrated that the proposed development would give rise to unacceptable levels of air quality to the extent that there would be demonstrable harm to human health.

Overall conclusion on living conditions

60. Taking everything into consideration, I consider that the appeal scheme would provide a practical and well-functioning care home that would offer a suitable quality of living environment that would ensure a good standard of life, health and well-being of the intended occupiers with regards to the provision of amenity space, noise and air quality. Thus, it would accord with LP Policies

CP9, DM23 and DM35 insofar as these policies require a high quality design which contributes positively to making places better for people and to provide an appropriate level of amenity provision for future occupants. For similar reasons, it would also accord with the Residential Design Guide Supplementary Planning Document (2017), the National Design Guide and the Framework.

Planning Obligation

61. As described above, the unilateral undertaking secures payment of a financial contribution towards a travel plan monitoring fee. In my view, the obligation would comply with paragraph 57 of the Framework insofar as it is necessary, directly related to the development and fairly and reasonably related in scale and kind, together with the statutory tests contained in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010. I therefore take account of this obligation in my decision.

Other Matters

62. I have had regard to third party comments made in respect of the appeal scheme. A number of these concern the main issues set out above. In addition, reference is made to inadequate parking and congestion within the highway. However, there is no substantive evidence to support the view that the proposal would lead to parking stress within local roads nor have an unduly harmful effect on the volume of traffic when compared to existing volumes. The scheme proposes a number of parking spaces in line with the Buckinghamshire Countywide Parking Guidance. The Highway Authority have raised no objection in respect of these matters and I see no reason to take a different view.
63. It is put to me that the proposed development would be harmful to the character and appearance of the area. I accept that the building will be more prominent than the existing properties. However, the Council raised no objection to the scheme based on its visual impact and I see no reason to disagree with their assessment. The appeal scheme does not propose any loss of green space at Tom Burts Hill. Whilst some trees and vegetation would be removed, the proposed retention of many other specimens together with additional planting would ensure there would be no adverse impact on visual amenity.
64. Reference is made to the loss of the existing dwellings. However, these properties are not noted for their special architectural value and therefore their retention is not justified.
65. Concern is raised with regards to the integrity of the existing pond due to the inclusion of retaining walls and earth removal. However, the submitted plans show it is to be retained as part of the appeal scheme and there is little evidence before me to substantiate the view that it will be damaged.

Conditions

66. A draft list of conditions was provided by the Council. I have considered these against the advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency or clarity and added others, taking into account the advice of the guidance. Similarly, where it has not been demonstrated that a condition needs to be a pre-commencement condition, an amendment has been made. A number of the conditions are pre-commencement where they require the approval of details as a pre-requisite to

- enable the development to be constructed. The appellant has been consulted on these and have provided their agreement.
67. In addition to the standard time condition relating to the commencement of development, a condition specifying the plans is necessary as it provides clarity.
68. In the interests of character and appearance of the area, conditions requiring details of materials to be used in the external surfaces of the building and hard landscaping together with details of means of enclosure are required in the interests of character and appearance. Additionally, for hard surfacing materials, this is required to ensure a permeable surface for surface water drainage to minimise flood risk.
69. A condition requiring development to be carried out in accordance with an Arboricultural Method Statement and Tree Protection Plan are required in the interests of ecology, biodiversity and to safeguard the character and appearance of the area. For similar reasons, a condition requiring a canopy cover implementation plan is necessary. However, on the evidence before me, I am not satisfied that this needs to be a pre-commencement condition and the same outcome can be achieved with regards to its provision later in the development.
70. Conditions requiring a landscaping scheme to include details of green roofs and walls is necessary to ensure satisfactory living conditions and biodiversity. To ensure the longevity of the landscaping scheme, conditions requiring planting and a mechanism for replacement of dead, diseased and damaged species together with evidence to corroborate the proper installation of the as-built tree pits.
71. A condition requiring a scheme for ecological enhancements is necessary to ensure a net gain in biodiversity is achieved. To ensure retention of existing features a pre-commencement condition is justified. Similarly, a condition requiring a Construction Environmental Management Plan to conserve wildlife necessitates a pre-commencement condition to prevent habitat and species being lost. To ensure longevity of the landscape and ecological features a condition requiring the details of their management is necessary to safeguard ecology and amenity.
72. There is a need for a condition to set appropriate levels on the site given its sloping form and the nature of the development.
73. Conditions requiring the provision of a new access, stopping up of existing access points, the implementation of parking and turning areas and a construction traffic management plan (CTMP) are required to safeguard highway safety. The CTMP is justified as a pre-commencement condition in advance of the commencement of development, demolition and site clearance to ensure the highway is kept free from obstruction and ensure safety of users at all times.
74. Conditions requiring details of site levels and surface water drainage are required to ensure the development preserves the surrounding area including neighbouring land uses and achieves a suitably drained site without adverse implication by way of flooding of neighbouring land and properties. The need

for below ground works necessitates these being pre-commencement conditions.

75. To encourage and achieve a genuine choice of transport modes and avoid reliance on private motor vehicles the details of a travel plan, cycle storage and electric vehicle charging points are necessary.
76. Details of drainage and a scheme of renewable technologies are required in the interests of minimising flood risk and to promote carbon reduction and mitigate climate change impacts.
77. To ensure a satisfactory standard of living conditions for residents, a condition requiring the implementation of a scheme to protect the development from traffic noise is necessary. I have amended this condition in line with the submitted Noise Assessment and the views of the Council's Control of Pollution Environmental expert.
78. I have included an additional condition to restrict the use of the site to care purposes within Use Class C2 as an alternative use may not generate similar patterns of travel and vehicular usage, such that a re-assessment of car parking and highway safety impacts would be necessary. Whilst I have not sought the views of the parties with regards to this additional condition, the appellant's evidence is precise and clear that such a condition would be acceptable. In these circumstances, I have used the appellants' suggested wording.

Conclusion

79. For the reasons given above, I find that the appeal scheme accords with the development plan and having regard to all other matters raised, I conclude that the appeal should be allowed.
80. As such, it has not been necessary to give consideration to the suggested benefits of the scheme as I have determined it to be in accordance with the development plan.

E Brownless

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:- 4894-PL100E – Proposed Site Plan; 4894 - PL101(B) - Proposed Basement Plan; 4894 - PL102(C) - Proposed Ground Floor Plan; 4894 - PL103(C) - Proposed First Floor Plan; 4894 - PL104(C) - Proposed Second Floor Plan; 4894 - PL105(C) - Proposed Third Floor Plan; 4894 - PL106 - Proposed Roof Plan; 4894 - PL112(A) - Proposed Elevations (1 of 2); 4894 - PL113- Proposed Elevations (2 of 2); 4894 - PL114 - Proposed Elevations sections; Landscape General Arrangement Plans dated September 2021 (General Arrangement after Construction; General Arrangement at full growth).
- 3) No development shall take place above slab level until samples of the materials and finishes to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) No development shall take place above slab level until samples of all hard surfacing materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 5) The development hereby permitted shall not be occupied until details of all screen, boundary walls, fences and any other means of enclosure shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the development hereby permitted shall not be occupied until the approved details have been fully implemented.
- 6) The development hereby permitted shall take place in accordance with the Arboricultural Method Statement (AMS) dated June 2020 and Tree Protection Plan, ref:CBA11361.03.TPP and any permitted works Construction Exclusion Zone and other works which are specified in the AMS will take place under the supervision of a retained arboricultural specialist.
- 7) No development shall take place above slab level until a canopy cover implementation plan produced in accordance with the Canopy Cover Supplementary Planning Document shall have been submitted to and approved in writing by the local planning authority.

The plan shall include:-

- tree pit design including details of the required soil volume and how the required volume will be achieved in both hard and soft landscaped areas;
- the locations of underground infrastructure to demonstrate that there are no clashes;

- details of monitoring and supervision of the tree planting process including provision to take photographs of each tree pit/soil volume space, prior to filling with soil;
- details of maintenance, management and replacement procedure (if necessary) of trees for at least 5 years after planting.

The development shall be carried out and completed in accordance with the approved scheme unless otherwise agreed in writing by the local planning authority.

- 8) Before the development is first occupied a fully detailed landscaping scheme for the site, informed by drawing General Arrangement (dated September 2021) shall be submitted to and approved in writing by the local planning authority.

The scheme shall include detail of:-

- green roofs;
- green walls.

For the green roofs it shall include:-

- a plan of the species to be planted;
- sections of the roof;
- depth and type of soil;
- details of any SuDS included;
- sign off by a structural engineer that the structure supporting the green roof is sufficient.

For the green walls it shall include:-

- plans and section of the proposed green walls;
- the location and volume of soil to support growth of the green wall;
- the size, species, location/pattern of plants to be used;
- details of an irrigation system, if required.

The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the local planning authority.

- 9) All planting, seeding or turfing comprised within the approved details of the landscaping scheme shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 5 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 a replacement of similar size and species, unless the local planning authority shall have first given consent in writing to any variation.
- 10) Prior to the completion of the development a demonstration (such as as-built drawings and /or photographic evidence) of the as-built tree pits carried out by a suitably qualified person shall be submitted to and approved in writing by the local planning authority to demonstrate that

the tree pits have been constructed and installed in accordance with manufacturers guidance and as per the approved details.

- 11) No development shall take place until a scheme for ecological enhancements within the site, which includes a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 12) No development shall take place, including any works of demolition, ground works and vegetation clearance until a Construction Environmental Management Plan (CEMP:Biodiversity) has been submitted to, and approved in writing by the local planning authority. The CEMP:Biodiversity shall include the following:
 - Risk assessment of potentially damaging construction activities;
 - Identification of "biodiversity protection zones";
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - The location and timing of sensitive works to avoid harm to biodiversity features;
 - The times during construction when specialist ecologists need to be present on site to oversee works;
 - Responsible persons and lines of communication;
 - The role and responsibilities on site of an ecological clerk of works or similarly competent person;
 - Use of protective fences, exclusion barriers and warning signs.The development shall be implemented and constructed in accordance with the approved CEMP:Biodiversity, unless the local planning authority shall have first given consent in writing to any variation.
- 13) Before the development is first occupied a landscape and ecological management plan (LEMP) for the site shall be submitted to and approved in writing by the local planning authority.

The LEMP shall include:-

- description of the features to be managed;
- ecological trends and constraints on site that might influence management;
- lifespan of the management plan;
- aims and objectives of management;
- appropriate management options for achieving aims and objectives;
- prescriptions for management actions;
- preparation of a work schedule (an annual work plan and the means by which the plan will be rolled forward annually);
- details of the body or organisation responsible for implementation of the plan;
- ongoing monitoring and remedial measures.

The development shall be carried out in accordance with the approved LEMP unless otherwise first agreed in writing by the local planning authority.

- 14) No development shall take place until the following information (to be provided on drawings) shall have been submitted to and approved in writing by the local planning authority:
 - the proposed levels on site following completion of the development including for each existing height a proposed height should be identified;
 - the location and type of all retaining structures needed to support ground level changes;
 - the finished floor level;
 - cross sections within the site taken up to the site boundaries including information to identify if land levels are being raised or lowered.The development shall be carried out in accordance with the approved details.
- 15) No part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway".
- 16) Within 3 months of occupation of the development all other existing access points not incorporated in the development shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.
- 17) The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to first occupation of the development hereby permitted and that space shall thereafter be kept available at all times for those purposes.
- 18) No development shall take place, including any works of demolition, ground works and vegetation clearance until a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of a banksman, on-site loading/unloading arrangements and parking of site operatives vehicles shall be submitted to and approved in writing by the local planning authority in consultation with the Highway Authority.
The development shall be carried out in accordance with the approved Construction Traffic Management Plan.
- 19) No part of the development hereby permitted shall be occupied until a detailed travel plan, informed by the draft Travel Plan by SLR (V.01 dated June 2020) for the site has been submitted to and approved in writing by the local planning authority. The travel plan shall set out measures to reduce single occupancy journeys by the private car and indicate how such measures will be implemented and controlled. The travel plan shall include a full analysis of the modal split at existing sites and indicate targets for modal shift in the forthcoming year. No part of the development shall be occupied until the approved Travel Plan has been implemented and subject to annual review thereafter. For the avoidance of doubt the Travel Plan shall require the appointment of a Travel Plan Co-ordinator.
- 20) The development hereby permitted shall not be occupied until detail of the proposed cycle storage facility shall be submitted to and approved in

writing by the local planning authority. The facility shall be covered and secure. The cycle storage shall be provided before the development is first occupied in accordance with the approved details. Thereafter the facilities shall be permanently retained as such unless otherwise first agreed in writing by the local planning authority.

- 21) No development (other than demolition) shall take place until a surface water drainage scheme for the site based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The scheme shall include the following:
- Demonstrate that water quality, ecological and amenity benefits have been considered;
 - water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index. Priority should be given to above ground SuDS components;
 - an investigation into the use of other SuDS including but not limited to an active rainwater harvesting system and tree pits with justification for exclusion;
 - existing and proposed discharge rates and volumes;
 - Ground investigations including infiltration in accordance with BRE365. Subject to infiltration being unviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 080 of the Planning Practice Guidance;
 - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site;
 - Full construction details of all SuDS and drainage components;
 - Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance;
 - 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.
- The development shall be carried out in accordance with the approved details before the development is completed.
- 22) The scheme to protect the proposed development from traffic noise as presented in the Report 'Noise Survey and Assessment (402.40000.00001.0008 version 1, SLR Consulting Limited)' shall be implemented before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing. The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014 for the appropriate time period.
- 23) Prior to first occupation of the development a scheme detailing how renewable technologies will be integrated into the development (such as heat pumps and photovoltaic cells) shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall not be occupied until the scheme has been fully implemented in

accordance with the approved details which shall remain operational for the lifetime of the development.

- 24) Prior to first occupation of the development, 3 electric vehicle charging points shall be installed within the development. Thereafter the electric vehicle charging points shall be retained and maintained in full working order.
- 25) The care home shall only be used in accordance with the approved plans and only for care purposes within Use Class C2 of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

End of Schedule