

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 22nd February 2018

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**Great Missenden**

**CH/2017/1422/OA**                      Ward: Ballinger South Heath And    Page No: 3  
Chartridge

Proposal: Outline planning application for demolition of redundant mushroom farm and erection of 10 dwellings and formation of car parking on Meadow Lane (all matters reserved)

Recommendation: Defer-minded to approve subject to the prior completion of Legal Agreement.

Decision delegated to Director of Services

**Former Mushroom Farm, The Limes, Meadow Lane, South Heath, Buckinghamshire, HP16 9SH**

**Chesham Bois**

**CH/2017/1824/FA**                      Ward: Chesham Bois And                      Page No: 16  
Weedon Hill

Proposal: Demolition of existing house and erection of three 5 bedroom houses, served by existing access

Recommendation: Conditional permission

**Rowanlinden, 70 Long Park, Chesham Bois, Buckinghamshire, HP6 5LF**

**Chalfont St Peter**

**CH/2017/1890/FA**                      Ward: Austenwood                              Page No: 26

Proposal: Part single/part two storey rear extensions, single storey side extension, two storey front infill extensions, front rooflights, central roof lantern and rear roof dormers to facilitate habitable accommodation in roofspace (amendment to planning permission CH/2017/0682/FA)

Recommendation: Conditional permission

**Woodfield, 2 Claydon End, Chalfont St Peter, Buckinghamshire, SL9 8JX**

**Penn**

**CH/2017/1958/FA**                      Ward: Penn And Coleshill                      Page No: 32

Proposal: Erection of 6 retractable floodlight columns (2.8m rising to 15m) and lamps to light a football pitch plus associated control cabinet.

Recommendation: Refuse permission

**Penn And Tylers Green Football Club, Elm Road, Penn, Buckinghamshire, HP10 8LG**

**Great Missenden**

**CH/2017/2224/FA**                      Ward: Prestwood And Heath End    Page No: 43

Proposal: Erection of new attached two storey house served by existing vehicular access off Fair Acres and widened access off Wrights Lane

Recommendation: Conditional permission

**1 Wrights Lane, Prestwood, Buckinghamshire, HP16 0LH**

# REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

## Main List of Applications 22nd February 2018

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### CH/2017/1422/OA

Case Officer: Andy White  
Date Received: 24.07.2017  
Parish: Great Missenden

Decide by Date: 23.02.2018  
Ward: Ballinger South Heath And Chartridge

App Type: Outline Application  
Proposal: Outline planning application for demolition of redundant mushroom farm and erection of 10 dwellings and formation of car parking on Meadow Lane (all matters reserved)  
Location: Former Mushroom Farm  
The Limes  
Meadow Lane  
South Heath  
Buckinghamshire  
HP16 9SH  
Applicant: H. G. Bird (South Heath) Limited

### SITE CONSTRAINTS

Article 4 Direction  
Adjacent to C Road  
Area Special Advertising Control  
Within Chilterns Area of Outstanding Natural Beauty  
Within Green Belt other than GB4 GB5  
Within 500m of SINC NC1  
Tree Preservation Order  
Tree Preservation Order Individual Trees  
GB settlement GB5,6,12,23,H7,13,19

### CALL IN

Councillor Jones has requested that the application be referred to the Planning Committee if the Officers' recommendation is for refusal.

Councillor Gladwin has requested that the application be referred to the Planning Committee if the Officers' recommendation is for approval.

### SITE LOCATION

The property is located within the Green Belt Settlement of South Heath. The site is bounded by housing to the north and east, housing and a garden centre to the west and adjoins open agricultural fields to the south.

The site is located on Meadow Lane, a private road which serves the existing site, the houses on the Lane and the Garden Centre.

## **THE APPLICATION**

The application is an Outline planning application for the demolition of the redundant mushroom farm buildings and the erection of 10 dwellings and formation of car parking on Meadow Lane with all detailed matters (layout, scale, appearance, access and landscaping) reserved for approval at a later stage.

Any drawings provided with the application are for illustrative purposes only and are therefore not subject to detailed consideration within the report. It is important to note that the layout of dwellings illustrated on the drawings is purely an indication of where dwellings could be sited. If approved, this layout is not binding, as all detailed matters would be then be subject to a subsequent detailed planning application for the reserved matters.

This report will therefore consider the principle of residential development on the site, which is the sole issue for consideration.

The application was supported by a Planning Statement, Ecology Report, Transport Statement, Affordable Housing Statement and Flood Risk and Surface Water Assessment.

## **RELEVANT PLANNING HISTORY**

Extensive planning history but of most relevance to the current application are:

CH/2005/2396/OA - Redevelopment of site to provide four detached houses, two pairs of semi detached houses, detached building (300 square metres) for business use (Use Class B1) and car parking for use by South Heath Garden Centre. Application withdrawn by applicant.

CH/2005/2398/OA - Redevelopment of site to provide seven detached houses, and car parking for use by South Heath Garden Centre. Refused Permission:

(1) The application site constitutes a single, contiguous parcel of land, approximately 0.97 ha in area, which is not in existing residential use. The proposal therefore constitutes inappropriate development which is by definition objectionable in principle and is harmful to the Green Belt. Inappropriate development should not be approved except in very special circumstances such that the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The applicants case for very special circumstances has been taken fully into account, however, it is not considered to outweigh the harm to the Green Belt resulting from the residential development proposed on this site. The proposal is therefore contrary to Policies GB1 and GB3 of the Adopted Buckinghamshire County Structure Plan 1991- 2011 and Policies GB2 and GB5 of the Adopted Chiltern District Local Plan.

(2) The provision of car parking in connection with the Garden Centre may be acceptable in principle providing it maintains the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. In general such provision should be small and sited, designed and landscaped so as to be visually unobtrusive in its open land setting. It is considered that the size and location of the proposed car park within the Green Belt and on the edge of a Green Belt settlement is neither small nor visually unobtrusive such that the proposed parking area would be viewed as a distinctly urban feature in this Green Belt settlement. The proposed development is therefore contrary to Policy GB2 of the Adopted Chiltern District Local Plan

(3) The proposed car parking adjacent to the boundary with 'Laurels' and also the internal boundaries with plots 6 and 7 to the rear of the site would, by reason of its location and associated vehicle movement result in an unacceptable level of disturbance and would thereby be intrusive and detrimental to the amenities of

residents. The proposed development is therefore contrary to Policy GC3 of The Adopted Chiltern District Local Plan.

CH/2006/1449/OA - Erection of two detached chalet bungalows. Conditional Permission. Constructed. [opposite side of road].

CH/2008/0719/OA - Erection of two detached chalet bungalows. Refused Permission: The two dwellings with the maximum ridge height indicated would appear prominent and overly dominant in the locality and would not be compatible with the existing character of dwellings and buildings along this section of Meadow Lane, thus being detrimental to the character and appearance of the locality. The proposal is therefore contrary to Policies GC1 and GB5 of the Adopted Chiltern District Local Plan - 1997 (including Adopted Alterations May 2001 and July 2004). [Directly adjoining current site].

CH/2008/1115/DE - Erection of two detached dwellings (submission of details pursuant to outline permission CH/2006/1449/OA). Details approved. Constructed. [Opposite side of road]

CH/2008/1187/OA - Erection of two detached chalet bungalows. Conditional Permission. [Directly adjoining current site].

CH/2010/0666/OA - Erection of one detached chalet bungalow. Refused Permission. Appeal Dismissed. Inspector concluded that at the time of appeal the site did not adjoin an existing row of dwellings [dwellings approved under CH/2010/1471/FA were under construction on 10th May 2011 when Inspector conducted site visit], appeal site not a small parcel of land enclosed by existing residential development therefore contrary to Policy GB5. The site is previously developed but in terms of PPG2 and the relevant development plan policies South Heath is a settlement washed over by Green Belt where there can only be limited infilling.

CH/2010/1471/FA - Erection of two detached chalet bungalows, each with a detached double garage. Conditional Permission. Constructed. [Directly adjoining current site].

## **PARISH COUNCIL**

Supports the application in principle subject to safe access and the tree officer's report on the mature trees.

## **REPRESENTATIONS**

There were 35 representations received. These may be broadly categorised as 12 in support, 14 of general comment (neither specifically objecting nor supporting) and 9 objecting. However, in almost all replies comments included a concern that proposals should not harm the garden centre opposite. Those that neither objected nor supported generally state that there is no objection to the residential development but wanted to see consideration given to parking and deliveries to the garden centre. One reply from the owners of the garden centre reflected the majority of concerns regarding parking and deliveries. The comments are summarised below:

- Fully support the proposed residential development of the site.
- Whilst supporting the application need to ensure that garden centre is not affected. Entrances opposite the main entrance to garden centre could cause problems to garden centre.
- Support as site is an eyesore and attracts unwanted attention from local youths
- The present proposal is unlikely to cause additional traffic as the mushroom farm was a commercial use generating its own traffic.
- Proposal by the developer to seal the road will benefit existing residents
- Not opposed to the principle of the redevelopment of the derelict plot, but scale of the proposal puts the garden centre in jeopardy.

- The proposal will clearly affect the viability of the last remaining business in the vicinity and should be rejected.
- 10 houses is not in keeping with the current development plan and the principles of "limited infilling".
- The number of houses planned is the correct density for the lane.
- Oppose development as it will overload junction of Meadow Lane and Ballinger Road.
- Concern about construction traffic in combination with HS2 construction.
- Support the proposal providing it does not jeopardise the Garden Centre through affecting parking for customers.
- Speculators making money at expense of village which needs cheaper housing, a village hall and community services.
- Something needed on the site for the local community as well as some residential development.
- The village used to have two shops (post office) and two pubs - now the much valued garden centre is the only asset and its loss would harm the community.
- There could be many more houses built in South Heath.
- South Heath is a hamlet - definitely not a village.
- Buildings contain asbestos
- Thought should be given to parking for the garden centre. Proposal should be reviewed as considered that parking for the garden centre can be accommodated [Officer Note: description of development amended to include parking on Meadow Lane].
- There is a need for smaller homes to enable older residents of South Heath to down size and free-up their homes for families.
- Not a sustainable solution for the wider community
- Lack transport, transport system limited, no secondary emergency route.
- Density and size of properties not in keeping and there is no detail to ensure that construction method and material will be in keeping with the village. [Officer Note: this is an outline application and such matters (including layout) are not for consideration].
- Concern that magnificent trees will be removed near the garden centre. [Officer Note: This is an outline application with no details provided].
- Garden Centre relies upon land outside its site to turn lorries as it stores pallets, machinery in a an area it purchased for storage and car parking.

## **CONSULTATIONS**

### **District Tree Officer**

Meadow Lane is an unmade road with an incomplete avenue of lime trees, many of which are protected by a Tree Preservation Order. Although these trees are correctly shown on the submitted Site Survey, the indicative plans do not show some of the trees in their correct positions and totally omit the four protected limes near the garden centre. The application makes no mention of improvements to the road, which could cause root damage to the lime trees.

There are various conifer hedges around the boundaries. It is likely the hedges adjacent to the access road, which include some Leyland cypress about 4m in height, some cypress about 6m in height and some laurel about 4m in height would be removed. A sycamore about 6m in height, a willow about 8m in height and an ash about 6m in height within these hedges would also be lost.

The line of large Leyland cypresses on the south-eastern boundary and the cypress hedge on the north-eastern boundaries appear to be retained. Various young trees have now grown up within the site. These are mainly ash up to about 8m in height but also include some hazel and crab apple. Some of these could be retained within a housing scheme.

In principle there appears to be sufficient space for a housing scheme without causing damage to the lime trees but the indicative layout would require the loss of at least one of the protected limes and may involve the loss of five of the trees.

I would have no objection to the application if the limes are retained, they are adequately protected during development and they are not too close to buildings or road surfaces.

### **County Highways Authority**

The County Highways Authority objects to the application. It considers that the proposal would result in an intensification of the use and suggests that the applicant conducts a survey of mushroom farm sites to justify the 86 vehicle movements per day. The initial section of Meadow Lane is of inadequate width to enable two vehicles to pass contrary to the aims of the National Planning Policy Framework (NPPF) and Local Plan policy. The access would need to be a minimum of 4.8m to accommodate two-way vehicular flow. The site is remote to forms of transport other than the car and there is no footpath on Ballinger Road so walking to the bus stops for the limited bus service would require walking on the narrow verge. Concerns are raised that there would be inadequate space for refuse vehicles to turn and it would be detrimental to highway safety for bins to be placed by the Meadow Lane/ Ballinger Road junction. [Officer Note: Waste Management confirms that waste vehicles currently enter Meadow Lane and collect from the edge of the residential properties. Vehicle tracking map has been provided.]

### **County Ecological Officer**

The ecology report has been reviewed. The county ecologist agrees that the mitigation proposed is appropriate. No objection subject to conditions requiring mitigation in accordance with All Ecology report and confirmation from Natural England that a European Protected Species Licence is not required.

### **County Strategic Flood Management Team & Thames Water**

County Surface Drainage Systems (SuDS) team stated that under section 10 of the NPPF a Flood Risk Assessment (FRA) is required for the site as it is more than 1 hectare. No FRA was provided and therefore objects to the proposal. The development site is understood to be a brownfield site and offers a fantastic opportunity to incorporate SuDS. [Officer Note: The SuDS team has advised that it will withdraw the objection if the applicant amends the Surface Water Assessment to state that the preferred option is infiltration and that this will be taken forward subject to ground investigations. Update will be provided].

Thames Water had no objection with regard to sewerage infrastructure capacity but noted that there were sewers close to and crossing the site.

### **Building Control**

Access for fire service will be required to within 45m of all plots, road widths should be 3.7m between kerbs, 3.1m between gates and turning facilities.

### **Housing**

The District Council's Housing Enabling officer has advised as follows:

#### **Tenure**

In terms of the Council's Housing Register and its statutory duties to re-house households that have been accepted as homeless, properties of an intermediate tenure will not be a solution. It is crucial therefore that on-site affordable housing provides an element for rent.

#### **Size and Type of Property**

The flats in this location may have limited appeal to applicants on the Housing Register who are allowed to choose in which properties to express an interest. If family sized houses (eg 2 bed 4 person) were being

proposed it may tempt Housing Register applicants who are existing housing association tenants out of an overcrowded flat or appeal to households who are sharing with friends or family in spite of the somewhat remote location.

In terms of the Council's statutory duty to re-house households who have been accepted as homeless, and who will only get one offer of accommodation, it is possible that the location, and therefore the property, could be argued as unsuitable due to its remoteness.

#### Summary

In summary, the affordable housing needs to provide an element of rent in order to meet the Council's statutory housing duties and flats in this location may have limited appeal and usefulness.

### **POLICIES**

National Planning Policy Framework.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS8, CS20, CS22, CS23, CS24, CS25, CS26.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC2, GC3, GC4, GC10, GB2, GB4, GB5, LSQ1, H12, TR2, TR3, TR11 and TR16.

Sustainable Construction and Renewable Energy SPD - Adopted 25 February 2015.

Affordable Housing Supplementary Planning Document (SPD) Adopted 21 February 2012.

Chilterns Buildings Design Guide. February 2010.

### **EVALUATION**

#### **Principle of development**

1. The site is located in the Green Belt Settlement of South Heath where small scale residential development is considered acceptable in principle, subject to complying with the relevant policies of the Development Plan. The National Planning Policy Framework advises that most new building is inappropriate in the Green Belt but identifies that limited infilling within Green Belt villages is an exception to this.

2. The identification of South Heath within Policy GB5 does not mean that every parcel of open land within South Heath is suitable for development. Proposals to develop land on the edges of these settlements, or to develop land whose present open appearance contributes to the physical character of the settlement, will not be acceptable. The whole of the former mushroom farm is within the Green Belt settlement with the land to the south being open Green Belt land.

3. The site is also within the Chilterns Area of Outstanding Natural Beauty and therefore the proposal should conserve, and where considered appropriate and practicable, enhance the high scenic quality of the landscape.

#### **Principle of the Residential Development/Green Belt considerations**

4. The lawful use of the site is for agriculture and therefore it would not fall within the definition of previously developed land as set out in the NPPF. Consequently its use would be considered to be inappropriate within the Green Belt unless it falls within one of the other exceptions criteria within the NPPF. The publication of the NPPF is a key material change in circumstance since the last planning application as it has replaced PPG2.

Both documents support the limited infilling in villages and both suggest that Planning Authorities seek to exclude villages from Green Belt designation if they do not make an important contribution to its openness and where limited development is considered appropriate. Policy CS23 of the Core Strategy noted that the GB5 designation was not consistent with PPG2 by not excluding GB5 settlements from the Green Belt. The Inner Green Belt review that will look into the boundaries around settlements in Chiltern District has identified a methodology for such an assessment.

5. It may be argued that the correct approach is to consider the site under its GB5 designation. In this circumstance the land would be within the Green Belt albeit within a Green Belt Settlement that would be considered appropriate for small scale residential development and limited infilling by the NPPF. The scale of the proposal would then need to be considered against the definition of small scale in policy GB5 which is not "more than about" 0.5 hectares. It is considered that the 0.5Ha is a general guide and the policy is phrased "about" to reflect the reality that sites do not come in specific sizes so a site of 0.7Ha whilst being larger than the suggested size reflects the extent of the remainder of the former Mushroom Farm site. Sites of more than 0.5Ha fall into the category of 'major development' as defined in the NPPG if the volume of development is not known, however major development is also defined by developments of 10 dwellings or more. Should the site come forward in smaller portions the opportunity to secure affordable housing would probably be lost. A distinction is made between sites of up to 10 dwellings and more than 10 dwellings in considering affordable housing contributions which is helpful in considering small scale development and larger scale proposals. However, it is concluded that a development of 10 dwellings would be at the top end of small scale development.

6. The land use would also not meet the criteria of being an existing authorised or established residential use which is totally or substantially enclosed by existing residential development in order to represent infill development within a GB5 settlement as defined by the policy. All the above argument serves to address is that the designation of South Heath is critical to whether the principle of development can be accepted.

7. Crucial to the consideration of the proposal is the NPPF. This post-dates the previous history of the site and supports limited infill in villages (not just of sites surrounded by residential land) and in paragraph 86 suggests that villages capable of protection by normal development management policies should be excluded from the Green Belt. Policy CS23 of the Core Strategy identified that Policies GB4 and GB5 did not accord with National Guidance. Significantly, in relation to Policies GB4 and GB5, are the implications of Court of Appeal decision into Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin) which places a requirement on the decision maker to consider the physical boundaries to a site irrespective of boundaries shown on a local plan. The judgement found that the policy wording in the NPPF relating to limited infilling in villages required the decision-maker to consider whether, as a matter of the physical characteristics of land, a site appears to be in a village.

8. In conducting an assessment, in accordance with the judgement, the former Mushroom Farm is within the GB5 boundary for South Heath. At the south end of the site is a tall, mature, leylandii screen which physically defines the boundary of the settlement, with the area beyond being within the open countryside and also within the Green Belt. The site is bordered on three sides by residential development, a road and a garden centre all of which are within the settlement. The site contains agricultural buildings which have the appearance of industrial sheds with cement hardstanding in between. The former Mushroom Farm site, houses on Meadow Lane and the Garden Centre are served by a private road which has a hardcore surface and is tree lined for part of its length, which terminates just beyond the garden centre and the application site. It is the view of officers that, having regard to the surrounding land uses, the extent of the access road and the fact that the Policy GB5 designation includes the whole site, the site is within the village and that in being within the village may be considered appropriate for limited infilling.



9. Having concluded that the site is within the settlement of South Heath, the question is then whether the proposal constitutes limited infilling. Policy GB4 suggests a limit of 1 or 2 dwellings however, the courts and planning appeals have concluded that the NPPF contains no advice on the interpretation of "limited infilling". Appeal decisions vary on the number based on individual circumstances, but support may be found for limited infilling in the context of the exceptions criteria for sites of between 1 and 12 dwellings. It is therefore for the decision maker to make a considered judgement based on the characteristics of the site. It is the Officer view that having regard to the extent of the existing structures and hardstanding on the Former Mushroom site, the proposal would offer the potential for the infilling of the site, limited in scale to less built development than that which currently exists. In this respect support for the redevelopment of the site would not be harmful to one of the key aims of the Green Belt which is to preserve its openness.

10. The conclusion is therefore that the site is within the GB5 settlement and although washed over by Green Belt, the proposed residential development represents one of the exceptions identified within paragraph 89 of the NPPF to development within the Green Belt. As such although the applicant has suggested that very special circumstances exist, it is not necessary to consider the very special circumstances having concluded that the site meets the exception criterion of the NPPF. Very special circumstances are only relevant if a proposal is inappropriate development in the Green Belt, and it is considered that this proposal is not inappropriate.

11. It is also to be noted that the most recent appeal decision in relation to a part of the site (CH/2010/0666/OA) determined that the site was previously developed land. It is not considered that this judgement is entirely sound, as it did not appear to recognise that the site was an agricultural site, however, it is considered to be a common sense assessment of the appearance of the buildings on the site.

12. If Committee agrees with the officer view that the proposal constitutes limited infilling within a village then the outline proposal may be considered in the context of other policies of the Development Plan.

### **Affordable Housing**

13. Policy CS8 of the Core Strategy sets out that, on sites of 10 dwellings, at least three affordable housing units should be provided on site. As the site is within the Chilterns Area of Outstanding Natural Beauty the NPPG supports a threshold for the provision of affordable housing to be 5 units and above. The applicants propose 3 affordable houses as part of the proposed development. The application is supported by a statement from the applicant that, if Committee was minded to grant planning permission, the applicant would be willing to enter into a Section 106 agreement to provide affordable housing on site based on a split of 2 affordable rented units and 1 shared ownership unit (see Affordable Housing Statement from Fowler Architecture and Planning submitted in July 2017).

### **Residential amenity**

14. The existing buildings at the site appear structurally sound albeit that over time some have suffered from vandalism. The existing buildings are not considered to enhance the character and appearance of South Heath and many of the comments either in support of the proposal, or not, identify the negative impact that the existing buildings have on the amenity of the area.

15. There is scope within the available land to design a scheme that would not be harmful to the amenity of the existing neighbouring dwellings and that would provide an appropriate level of privacy and amenity to occupiers of the proposed development. It will be important to consider the distance to boundaries and to take account of the fact that the properties to the east of the site are at right angles to the properties shown in the illustrative plan.

16. One of the issues that is referred to in many of the representations received, is the benefit that the garden centre brings to many local people. It would be important that any detailed design did not restrict the access to the garden centre such that the residential development would be a constraining factor to the future of the garden centre business. It would seem that an improved access road would be capable of benefitting both new residents and customers and the amended illustrative plan indicates that parking provision may be made for the garden centre. Indeed, the applicant agreed to an officer request to amend the description of the proposed development to include the formation of parking on Meadow Lane. It is considered that this is a relevant planning consideration in view of the benefit that many local people appear to derive from the presence of the garden centre. It is not possible through this planning application to guarantee the long-term success of the garden centre but it is possible to seek to ensure that this planning decision is not detrimental to the future of the garden centre. In this regard the details of the design of the access road, its surfacing and the provision of parking on Meadow Lane may be required by condition to be provided as part of the reserved matters.

### **Design/character & appearance**

17. The purpose of this assessment is not to consider whether the indicative development is acceptable but only to consider whether the site is suitable for residential development having regard to the surrounding land uses. The issue of the type and size of houses is one that can be addressed at the reserved matters stage, but it is clear that plot widths comparable to other houses close to the site can be achieved. Meadow Lane contains predominantly 1.5 and 2 storey detached dwellings. The character of any proposed scheme would need to reflect the character of the area. The site would also be capable of making its own contribution to character. Given the location within the Chilterns AONB, the future designs would need to take account of the Chilterns Buildings Design Guide, February 2010.

### **Parking/Access/Highway implications**

18. The proposal would need to make provision for parking within the curtilage of the proposed dwellings in accordance with the Council's standards. This would need to be addressed at Reserved Matters stage. The Transport Statement refers to the County Parking Standards which are different to the District's standards. The applicant will be advised that the County Parking Standards have not been adopted by the Local Planning Authority. However this is a detail that is not problematic at this stage.

19. With regard to the access from Ballinger Road to Meadow Lane, when the site was in use as a mushroom farm the associated vehicles used the road for access and egress. Today the customers of the garden centre and residential properties on Meadow Lane access Ballinger Road from Meadow Lane. In theory, the site could begin use again as an agricultural use of some sort and that this would generate vehicular movements in addition to the "live" uses on Meadow Lane. The status of the road access will not change and it is not considered that on the basis of additional residential uses using the existing road and its existing access onto Ballinger Road that it would be appropriate to be seeking a better access. Any issues of access out onto Ballinger Road do not seem to justify an urban solution and it is preferable for the access to Meadow Lane to remain as much as possible as is currently configured. The aim of Manual for Streets is to provide a balance between good design and highway safety. It is considered that in this case the safe operation of the highway within South Heath has not presented major safety concerns with the existing uses. The maximum speed on Ballinger Road at this point is 30mph. The land use proposed is not a new one for Meadow Lane. It is therefore considered that the new residents would be likely to take the same level of care as the existing residents in access and egressing Meadow Lane. In this instance therefore the rural character of South Heath is considered to outweigh the safety concern. Meadow Lane can accommodate passing points in the restricted part where the street trees are located and there is scope for refuse vehicles to be able to turn within Meadow Lane and the proposed development such that vehicles would always be leaving Meadow Lane in forward gear.

20. Waste and recycling vehicles currently collect bins from within Meadow Lane. As the access to Meadow Lane would be unaltered bin collections would be possible from the boundary of the proposed properties.

21. Although South Heath is not highly accessible to forms of transport other than the car, it does have a weekday morning bus service to Chesham with a late afternoon return to coincide with school times and is on national and regional cycle routes. It is clearly not a sustainable location in transport terms but committed cyclists would be able to cycle to Great Missenden to use the rail service.

### **Trees**

22. The trees lining the east side of Meadow Lane at the entrance to the lane and by the Garden Centre are subject to a Tree Preservation Order. It would be a requirement of any detailed proposal to protect the trees that are subject to Tree Preservation Order No 9 of 2004 and to do so by instigating appropriate protection measures. A planning informative is proposed to ensure that appropriate protection measures would be required as part of the detail submitted for the reserved matters.

### **Ecology and Biodiversity**

23. The comments of the County Ecologist are noted and if planning permission is granted then the requirements for mitigation set out in Section 6 of the All Ecology report would be required to be implemented in full such that bat roosting features would be required in the detailed design of the proposed development to compensate for the loss of night roosts. External lighting would be required to be kept to a minimum and surrounding trees retained to support foraging and commuting bats. Policy CS24 requires consideration of the enhancement and encouragement of ecology. As such detailed proposals for ecological enhancement submitted with the reserved matters would be required to identify the means by which this core aim will be achieved.

### **Sustainability Principles**

24. Policies CS4 and CS20 require that new development should reduce the CO<sub>2</sub> emissions having regard to the sustainability principles set out in the core strategy. Whilst the location is not in the most sustainable location it is capable of achieving development that addresses many of the criteria identified in Table 1 of Policy CS4 in particular elements such as energy efficiency, renewable technology, water recycling, waste management maximum re-use of construction and demolition materials, the use of locally produced building materials, sustainable drainage and retention of key features of the natural environment. In particular, given the rural location, the inclusion of vehicle charging points to serve the proposed properties would assist in the reduction of particulate and CO<sub>2</sub> emissions locally through the encouragement of electric vehicles usage.

### **Conclusions**

25. The scheme is considered to accord with Development Plan policies and guidance contained in the NPPF and the interpretation of the NPPF in appeal decisions and Courts which support limited infilling within villages located within the Green Belt.

### **Working with the applicant**

26. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

Chiltern District Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, Chiltern District Council has considered the details as submitted which were considered acceptable.

### **Human Rights**

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

**RECOMMENDATION: Defer-minded to approve subject to the prior completion of Legal Agreement. Decision delegated to Director of Services**

**Subject to the following conditions:-**

1 C106A Outline Time Limit Reserved Matters

2 C107A Outline Time Limit

3 C101A Outline All Matters Reserved

4 No part of the development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Plan shall include details of:

- Construction access;
- Management and timing of deliveries;
- Routing of construction traffic;
- Vehicle parking for site operatives and visitors;
- Loading/off-loading and turning areas;
- Site compound;
- Storage of materials;
- Precautions to prevent the deposit of mud and debris on the adjacent highway.

The development hereby permitted shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: To minimise danger and inconvenience to highway users, in accordance with Policies TR2 and TR3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011).

5 No development shall take place on site 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 include:

- Drainage layout with pipe numbers complete with full construction details
- Source control features as outlined in the Surface Water Assessment to use infiltration as the preferred method subject to detailed ground investigation; permeable paving and soakaways
- Details demonstrating that the site will be managed during construction so as to limit mobilisation of contamination on site and to prevent contamination of groundwater.

Reason: To ensure a satisfactory surface drainage system, to minimise flooding in accordance with policy GC10 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS4 of the Core Strategy for Chiltern District (Adopted November 2011). The reason for this pre-start condition is to ensure that a sustainable

drainage strategy has been agreed prior to construction in order to ensure that there is a satisfactory solution to managing flood risk.

6 No development shall take place on the site until all of the existing buildings located on the site, as shown in dotted lines on Drawing No. 161031-06 Revision C, have been demolished, recyclable material stored and all waste and debris removed from the site.

Reason: In order to provide sufficient amenity space for the occupiers of the dwellings hereby permitted and having regard to the location of the site in the Green Belt.

7 The ridge height of the dwellings hereby approved shall not exceed the ridge height of the existing dwellings (Mulberry House and Wisteria House) to the north of the application site.

Reason: To protect, as far as is possible, the character of the locality.

8 AP01 Approved Plans

## INFORMATIVES

1 INFORMATIVE: You are advised that many of the lime trees in the avenue of trees beside the existing access road are protected by Tree Preservation Order No 9 of 2004 and you should have regard to these trees in the design of the proposed development. The indicative layout appears to show the loss of some of these trees which is unlikely to be acceptable. Consequently you are advised to carry out a full BS5837:2012 arboricultural survey and to have regard to its recommendations in the final design of the development and in any alterations to the access road.

2 INFORMATIVE: The requirements for mitigation set out in Section 6 of the All Ecology report would be required to be implemented in full including bat roosting features to compensate for the loss of night roosts from the removal of buildings. External lighting would be required to be kept to a minimum and surrounding trees retained to support foraging and commuting bats. Policy CS24 of the Core Strategy for Chiltern District requires consideration of the enhancement and encouragement of ecology. As such detailed proposals for ecological enhancement submitted with the reserved matters would be required to identify the means by which this core aim will be achieved.

3 INFORMATIVE: In accordance with the revised description of development the proposed parking area shown on the indicative plan on Meadow Lane which would support the South Heath Garden Centre should be shown on detailed proposals provided as part of the reserved matters for the scheme

4 INFORMATIVE: It is noted that the submitted Transport Statement refers to the County Parking Standards which are different to the District's standards. The applicant is advised that the County Parking Standards have not been adopted by the LPA, therefore they have no relevance. The District's parking standards are set out in Policy TR16 of the Local Plan. The detailed layout submitted as part of the reserved matters shall include parking in accordance with the Councils standards of 2 spaces per dwelling containing up to 120 sq.m of floor area and 3 spaces for dwellings in excess of 120 sq.m of floor area.

5 INFORMATIVE: The detailed design shall be supported by detailed information identifying the measures that have been included to assist with: energy efficiency; use of renewable technology; achievement of water recycling, waste management maximum re-use of construction and demolition materials; the use of locally produced building materials; sustainable drainage and retention of key features of the natural environment. In particular, given the rural location, the inclusion of vehicle charging points to serve the proposed properties might assist in the reduction of particulate and CO2 emissions locally through the encouragement of electric vehicles usage.

6       INFORMATIVE: All wild birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Consequently you should take adequate precautions to ensure that any tree work does not cause any disturbance to birds and their nests particularly during the normal nesting season of March to August. Similarly all bats and their roosting sites are protected by the same legislation so precautions should also be taken to avoid carrying out activities which might harm or disturb bats or their roosts.

7       INFORMATIVE: The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact the Area Manager at the following address for information.

Transport for Buckinghamshire  
Amersham Highways Depot  
London Road  
Amersham  
HP7 9DT

8       INFORMATIVE: A public sewer may be affected by the proposed development. You are advised to contact the District Engineer, Chiltern District Council, prior to the commencement of work, regarding any approvals that may be required.

9       INFORMATIVE: It is contrary to the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.

10      INFORMATIVE: Should any contaminants be identified on site, please contact the Council's Health and Housing Division for further advice. A general guidance document on the "Development of potentially contaminated sites in the Chiltern District" is available and should be requested from the Health and Housing Division.

11      INFORMATIVE: The land is located on the edge of the settlement and within the Chilterns Area of Outstanding Natural Beauty. The detailed design of the dwellings shall take account of the guidance in The Chilterns Building Design Guide February 2010, the ridge height and plot widths in the immediate vicinity of the site and the requirements for appropriate separation between dwellings in The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

## CH/2017/1824/FA

Case Officer: Emma Showan  
Date Received: 27.09.2017  
Parish: Chesham Bois

Decide by Date: 19.02.2018  
Ward: Chesham Bois And Weedon Hill

App Type: Full Application  
Proposal: Demolition of existing house and erection of three 5 bedroom houses, served by existing access  
Location: Rowanlinden  
70 Long Park  
Chesham Bois  
Buckinghamshire  
HP6 5LF  
Applicant: Beacon Build

### SITE CONSTRAINTS

Article 4 Direction  
Adjacent Conservation Areas  
Adjacent Archaeological Notification Site  
Bovingdon Technical Radar Zone  
Conservation Area  
Within 500m of SINC NC1  
Tree Preservation Order  
Tree Preservation Order (A/G/W)  
Established Residential Area of Special Character

### CALL IN

Councillor Harris has requested this application be referred to the Planning Committee if the Officers' recommendation is for approval.

### SITE LOCATION

This application relates to No. 70 Long Park, a residential property in the built-up area of Chesham Bois. The area is characterised by a range of property types, although the majority are large and are set back from the highway. No. 70 too is set back from the main highway and is accessed via a private driveway serving a small handful of properties. It occupies a sheltered site and a plot which is considerably larger than that of neighbouring properties. The site is located within an Established Residential Area of Special Character.

### THE APPLICATION

This application proposes the demolition of the existing house and the erection of three 5-bedroom houses.

The house on Plot 1 would have a maximum width of 10.2 metres, depth of 11 metres and crown roof height of 9.2 metres, with an eaves height of 5.5 metres.

The house on Plot 2 would have a maximum width of 10.4 metres, depth of 9.8 metres and roof height of 9 metres, with an eaves height of 5.5 metres.

The house on Plot 3 would have a maximum width of 16.4 metres, depth of 9.8 metres and roof height of 9 metres, with an eaves height of 5.5 metres. This dwelling would have an integral double garage.

Plots 1 and 2 would both be served by separate double garages.

Plot 1 would be served by a new access onto Long Park, while Plots 2 and 3 would use the existing access onto Long Park.

Amended plans have been submitted during the course of the application and these show an amended site layout (the dwellings are set further forward with the site) and minor alterations to the height and design of the proposed dwellings.

### **RELEVANT PLANNING HISTORY**

None relevant.

### **PARISH COUNCIL**

In regards to the original plans: We have no objection in principle to proposed development of the site but have sympathy for owners of 66 Long Park and their concerns about loss of privacy due to the proposed location of Plot 1. We also have concerns about the increase in traffic along the existing narrow access route which will serve the new properties.

In regards to the amended plans: The amended plans show the re-siting of Plot One and two garages. We have heard from a number of local residents regarding this planning application and support their concerns which remain about the increase in traffic along the existing narrow access route and the resultant danger to road safety. The siting of the three plots for the three storey properties are too close together and result in a cramped form of development which is not in keeping with the surrounding area. The proposals would result in overdevelopment and would erode the local character.

### **REPRESENTATIONS**

14 letters of objection received which can be summarised as follows:

- Plot 1 is located immediately adjacent to and half way down the garden at No. 66 so views from No. 66 will be dominated by the side elevation of the new house
- The site elevation of Plot 1 has a number of windows which will overlook the garden and dwelling at No. 66
- Concern about traffic and the new access as the private lane has no passing places leading to the site
- Two of the trees that the Arboricultural report says should be removed are not reference on the plan
- No information about the ground floor level, ridge and eaves levels of the existing and proposed buildings
- The houses are three storey high and are not in-keeping with the other houses in the area
- Concern about access for emergency vehicles
- Residents have a shared financial responsibility for the upkeep of the road
- No. 51 reserves the right, where legally possible to withhold the right of access over their property
- Serious implications for safety given the intensification of the road
- The application should insist that the road is upgraded and that a paved footpath be introduced
- The properties will overlook the bungalows in The Grove
- The process will be noisy and disruptive
- The public footpath should not be closed at any time
- Concerns that the site joins a popular public footpath
- The siting of the three new houses appears to deliberately leave room for more houses to be added later
- Rowanlinden currently has no mains drainage
- There is already great strain on the existing infrastructure and the utilities in particular were not put in to serve so many dwellings
- Not enough parking for the properties
- Three houses on the plot is excessive
- Overdevelopment



- Noncompliance with Policy H12 regarding proposed garden depths
- The Amersham and District Residents Association strongly objects to the proposal

A petition of 26 signatures has been submitted, objecting to the development.

3 neutral letters received which can be summarised as follows:

- Support from No. 12 The Grove in respect of the removal of the trees (as per the plan)
- Support from No. 8 The Grove provided the line of cypress trees, adjacent to the boundary with this property remains intact
- The applicant has offered to make good any damage to the road or verges caused by construction vehicles and to not allow the parking of vehicles on this part of the road
- The applicant has stated that the site was originally sold as 68 & 70 Long Park, as two plots and No. 74 was sold as 72 & 74 Long Park so the intention was always for an additional two houses served by this road

7 letters of objection in response to the amended plans which can be summarised as follows:

- The original concerns remain
- The movement of the dwelling on Plot 1 will mean that this dwelling is now more intrusive and overbearing to No. 66 Long Park
- Overdevelopment
- Concern over footpath
- Any development should be conditioned so that the access/road is kept clear at all times and work should be undertaken within the site
- Loss of privacy to No. 12 The Grove as a result of the proposed third floor rear window
- The amended plan does not show the location of the house at No. 66
- Concern over bats

## **CONSULTEES**

### **Buckinghamshire County Highways Authority:**

The application seeks planning permission to erect three, five-bedroom houses. The houses will be served off Long Park which is privately maintained up to the junction with Green Lane.

In terms of trip generation, I would expect each dwelling to generate 8-10 daily vehicular movements, two-way. As the site already consisted of one dwelling, the overall development has the potential to generate in the region of 16-20 additional vehicular movements (two-way), per day. As the site would be subject to an intensification in use, the access arrangements serving the site will need to be assessed in order to determine their suitability to accommodate the additional movements.

The Highway Authority would have concerns regarding the suitability of the private section of Long Park, as the access is of an inadequate width to serve additional vehicle movements. An access road serving more than three dwellings is usually required to be a minimum of 4.8m wide. Furthermore, the visibility from the fork of the private road onto the main part of the private road is substandard. However, as this road is private, whilst we can raise these concerns to the Local Planning Authority, we cannot justify them as a reason for refusal as the road does not form part of the publicly maintained highway.

Therefore, I will comment on the impact of the development where the public highway meets the private road. In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions from the junction commensurate with a speed limit of 30mph.

Mindful of the above, I have no objection to the proposals.

**Building Control Officer:**

The proposed work is to comply with Approved Document B5-Access and facilities for the fire service.

**District Tree and Landscape Officer:**

In the early twentieth century various belts of woodland were planted around the grounds of Bois House (now Tenterden). Neither the house nor the woodland is shown in an 1898 Ordnance Survey map but they are present on a 1925 map. Much of the grounds appear to have been sold after the Second World War and housing development on much of the land took place during the 1950s and 1960s. Tree Preservation Order No 11 of 1950 was made around this time to protect these belts of woodland and the whole of the application site is within this protected woodland.

The application includes an Arboricultural and Planning Integration Report.

The application proposes three detached houses within the southern part of the site leaving the northern part, about 40% of the site, as woodland. This woodland includes some very large old trees with some showing signs of deterioration with old age.

Plot 1 would use a new access through some poor hedging while Plots 2 & 3 would use the existing access. Two major trees, T1 oak and T2 hornbeam are shown retained between the drives, largely surrounded by no-dig construction. A clump of trees and shrubs up to about 8m in height that includes T4 holly and T10 birch is shown to be removed. A group of apple and cherry trees, G8, close to the boundary with 66 Long Park is also shown to be removed.

A line of tall cypresses along the rear boundary of Plots 1 & 2 is shown to be retained. There is a group of quite closely-spaced tall trees behind the existing dwelling and the proposed Plot 3. This consists of two very tall ash about 30m in height and various slightly smaller sycamore, ash and beech about 20-25m in height (T14, G15, T16 & G17). Most of these are shown to be removed. There appears to have been some recent damage to the roof of the existing house by some of these trees. One tall ash has a weak twin-stemmed structure and many of the other trees have little lower branching. The other tall ash has a better shape but it would be sheltered by the adjacent trees. I have concerns about the loss of this entire group of trees but I recognise that it would be difficult to retain a limited number of these trees safely.

The Arboricultural and Planning Integration Report lists the trees proposed for removal on section 6.1. This also refers to T15 and G19 for removal but these are not valid references and appear to be an error.

Overall although I have some concerns about the loss of the group of trees behind Plot 3, I would not object to the application provided there is adequate protection for the retained trees.

**POLICIES**

National Planning Policy Framework.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS5, CS8, CS10, CS11, CS20, CS25, CS26, CS31 and CS32.

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011. Saved Policies: GC1, GC3, H3, H4, H11, H12, TR2, TR3, TR11 and TR16.

Affordable Housing SPD - Adopted 21 February 2012.

## **EVALUATION**

### **Principle of development**

1. The application site is located within the built-up area of Chesham Bois where proposals for new dwellings will be acceptable in principle subject to there being no conflict with any other policy in the Local Plan. Proposals should be compatible with the character of the area by respecting the general density, scale, siting, height and character of buildings in the locality and the presence of trees, shrubs, lawns and verges.
2. The site is also located within an Established Residential Area of Special Character which sets out the following criteria to assess new dwellings:
  - The plot size of any proposed dwelling in terms of shape and magnitude should not be significantly at variance with other existing plots in the vicinity
  - Each proposed dwelling plot should have an existing frontage to an existing road
  - The width across each plot frontage should be closely similar to other plot widths in the vicinity
  - The position of each proposed dwelling within its plot and the spacing between dwellings should be in accordance with the prevailing character in the vicinity
  - The frontage building line to the existing road should be generally maintained and the general height of buildings in the vicinity should not be exceeded
  - The form of existing residential development should be maintained in terms of dwellings being detached, semi-detached, terraced
  - The size, design and external appearance of each new dwelling should be compatible with the character of existing dwellings in the vicinity
  - Important features which are characteristic of the street scene in the vicinity should be retained. Such features include trees, shrubs, hedges, footways etc.

### **Design/Character and appearance**

3. The application site currently comprises a two storey dwelling which is set back from the highway within extensive gardens and a plot that is considerably larger than that of neighbouring properties. The site contains mature vegetation and trees that give the location a green and secluded position at the end of the cul-de-sac. It is proposed to demolish this existing dwelling and to erect three detached properties and their respective garages in its place. While Plot 1 would have a new access onto Long Park, Plots 2 and 3 would rely on the existing access serving No. 70.

4. As the application site falls within an Established Residential Area of Special Character, the criteria for new development are more stringent, in line with Development Plan Policy H4. Taking each of these in turn, the plot size of the proposed dwellings should not be significantly at variance with the other plots in the vicinity. In this case, the plots would be similar to their neighbours in terms of shape and magnitude and they would have a frontage with an existing road. Taking into account the plot widths, the plot sizes of the proposed dwellings would have an average width of 16 metres which compares to the average along this part of Long Park which falls between 20-25 metres. However, Long Park itself is characterised by a range of property types and includes sections along both sides of the highway which contain semi-detached and smaller detached properties with narrower plot widths, akin to those of the proposed dwellings. Accordingly, although smaller than the plot widths of the immediate neighbours, the proposed plots would not be notably out of character with Long Park as a whole and the difference between the proposed plots and their neighbours is not significant enough to be of major concern. In addition, the plot depths and shapes are comparable to their neighbours which further helps the plots to integrate with the others in the vicinity. Taking the next criteria into consideration, each dwelling would respect the existing build line, with the dwelling on Plot 1 being positioned slightly towards the rear of No. 66 Long Park and the dwellings on Plots 2

and 3 being stepped back from Dwelling 1. All the properties would be set forwards within their plots so that they retain adequate garden depths commensurate to others in the locality and adequate spacing would be retained between the properties in accordance with Development Plan Policy H11. Despite having living accommodation set over three levels, this would be achieved through the erection of rear dormers in the properties that allow for habitable accommodation in the roofspace. They are quite clearly two storey properties with further accommodation in the roofspace and the presence of a third floor would not be easily discernible from the front elevation and the dormers would be small and are not considered to dominate their respective roof slopes. Furthermore, the proposed dwellings would be of a similar height to others along Long Park and in accordance with the prevailing development type in the area, with the dwellings being detached and their design and proportions being considered compatible with the character of the existing dwellings in the vicinity. Finally, many of the trees on site will be retained and this part of Long Park will retain its green and relatively secluded position. A condition to ensure no trees are felled and further conditions to ensure a landscaping scheme is approved and implemented would ensure adequate vegetation and greenery remains on site, should planning permission be granted.

5. Although neighbours and the Parish Council have raised concern that the proposed dwellings would constitute overdevelopment and would be out of character with neighbouring properties, it is considered that the site is large enough to adequately take the erection of three new dwellings and adequate spacing would be retained, in accordance with the terms of Development Plan Policy H11, between the dwellings so that they do not appear overly cramped in relation to one another. In fact, it should be noted that the space between the houses is actually greater than the spaces between some of the existing houses along Long Park, so it cannot be said that the development is out of character in terms of spacing. It should also be noted that overdevelopment is just a vague descriptive term, with no precise meaning, and does not constitute harm in itself. A minimum of 3.5 metres would separate the flank walls between Dwellings 1 and 2, while 6.5 metres would separate the flank walls between Dwellings 2 and 3 which is considered to be wholly sufficient. In terms of the proposed design, the three dwellings would be detached properties with pitched roofs and a fairly traditional appearance. Although the properties would contain rear dormers in the roofslope to facilitate habitable accommodation in the roofspace, these dormers would be modestly proportioned and located to the rear where they would not be visible in the streetscene. As such, the properties would appear as two storey from the front elevation and will therefore be in keeping with the neighbouring properties. Accordingly, they are considered to integrate with the character of the other properties along this part of Long Park and a condition requiring the approval of details in relation to the facing materials proposed will ensure that the development integrates within the locality and is not intrusive or overly prominent in the street scene.

### **Neighbouring amenity**

6. The proposed dwellings would be located at the cul-de-sac end of Long Park, adjacent to No. 66. The dwelling on Plot 1 would be set to the rear of No. 66 so that it extends in depth beyond the rear elevation at No. 66. The garage serving this property would also be located at the boundary with No. 66 and in line with the front elevation of this neighbour, but would be single storey and of a modest height. The proposed dwelling on Plot 1 would have a roof which is pitched away from No. 66 which will help to offset its bulk and it is considered that adequate separation between Dwelling 1 and No. 66 will be maintained (approximately 10 metres), and with Dwelling 1 being situated a minimum of 3 metres away from the flank boundary with No. 66, it is considered that the proposal would not appear overly overbearing to this neighbour. In addition, no first floor flank windows are proposed in the west flank elevation of Dwelling 1 facing No. 66 aside from two windows serving bathrooms and these can be subject to a condition requiring them to be obscurely glazed and non-opening. This will eliminate overlooking in this direction and a condition restricting the future insertion of windows in this west flank will also mitigate against future overlooking.

7. To the rear, the three properties would face towards the rear elevations and gardens of properties along The Grove. A number of the occupiers of the bungalows along The Grove have raised concern in

relation to a potential loss of privacy as a result of the rear dormers serving the three properties. Although this concern is noted, it is considered that adequate separation will be retained between the rear elevations of the proposed dwellings and the properties to the rear at The Grove (there would be a minimum of 16 metres between the rear elevations of the proposed properties and their respective rear boundaries), and the retention of adequate boundary screening to the rear will further offset some of the intrusion. Given this separation distance, a refusal based on loss of amenity could certainly not be substantiated at an appeal.

8. With regards to amenities of future occupiers of the dwellings, each dwelling would have adequate light and outlook and access to a private rear garden with a garden depth in excess of 15 metres, and therefore in compliance with Development Plan Policy H12. Adequate bin storage can also be provided within the site and so no objections are raised in this respect.

### **Parking/highway implications**

9. It is proposed to provide a minimum of three parking spaces per dwelling to be laid out on an area of hardstanding to the front of the dwellings and each property would also have access to a double garage. This is in line with the parking standards set out in Development Plan Policy TR16. Furthermore, in regards to the creation of the new accesses, as the proposed access is onto a privately owned highway, no objections can be raised by Buckinghamshire County Highways Authority. Despite being less than 4.8 metres wide, the access already serves more than three dwellings and it is not considered that the erection of an additional two properties would lead to an intensification of the site to such an extent that there would be an adverse impact on the highway. The Highways Authority have also confirmed that there is adequate visibility and no detrimental impact from the proposal at the point where the public highway meets the private road. Finally, in regards to the maintenance of the access along Long Park, this is a civil matter to be discussed between the applicant and the owners/users of the driveway.

### **Trees**

10. The District Tree and Landscape Officer has raised no objections to the proposal.

### **Affordable housing**

11. For proposals under 5 dwellings, Policy CS8 of the Core Strategy requires a financial contribution towards off-site affordable housing to be made. However, there are now specific circumstances set out in the NPPG (National Planning Practice Guidance) where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development, including developments of 10 units or less, which have a gross floor space of less than 1,000 square metres. This carries more weight than Policy CS8, as it is more recent, so an affordable housing contribution cannot be sought in this instance.

### **Sustainability and access**

12. Core Strategy Policy CS4 sets out sustainable development principles for new development and in this respect it is noted that the site is within a relatively sustainable location in the built-up area of Chesham Bois which benefits from bus routes, local amenities and existing waste collection routes. As such, no objections are raised in respect of Policy CS4.

### **Working with the applicant**

13. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

Chiltern District Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,

- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, Chiltern District Council has considered the details as submitted which were considered acceptable.

### **Human Rights**

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

### **RECOMMENDATION: Conditional permission**

#### **Subject to the following conditions:-**

1 C108A General Time Limit

2 Before any construction work commences on the site, details of the materials to be used for the external construction of the development hereby permitted, including the facing materials, roofing materials and surface materials for the paths and parking areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality, in accordance with policies GC1 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

3 Prior to the commencement of any construction works on site, detailed plans, including cross sections as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the residential units hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point normally located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.

Reason: To protect, as far as is possible, the character of the locality and the residential amenities of neighbouring properties, in accordance with policies GC1, GC3 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

4 Prior to the occupation of the development hereby permitted, the access onto Long Park shall be laid out in accordance with the approved plans and visibility splays shall be 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 the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: in order to minimise danger, obstruction and inconvenience to users of the highway and of the development, and to provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access, in accordance with policies TR2 and TR3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011).

5 The scheme for parking indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and those areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, in accordance with policies TR2, TR3, TR11 and TR16 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011).

6 Prior to the occupation of the development hereby permitted, full details of the proposed boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be erected/constructed prior to the occupation of the residential units hereby permitted.

Reason: To protect, as far as possible, the character of the locality and the amenities of neighbouring properties, in accordance with policies GC1, GC3 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

7 Prior to the occupation of the development hereby permitted, full details of the proposed refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage shall be provided in accordance with the approved plans.

Reason: To ensure that adequate bin stores are provided, in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no roof lights, windows/dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time in the flank elevations of the properties hereby approved.

Reason: To protect the amenities and privacy of the adjoining properties, in accordance with policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

9 This permission is granted on condition that none of the trees or hedges on the site (other than those specified to be removed on the plans hereby approved), shall be felled, topped, lopped or uprooted without the prior approval in writing of the Local Planning Authority for a period of five years from the date of implementation of this permission. Furthermore, the existing soil levels around the boles of the trees so retained shall not be altered.

Reason: In order to maintain, as far as possible, the character of the locality.

10 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping at a scale of not less than 1:500 which shall include indications of all existing trees and hedgerows on the land, with details of those to be retained, and those to be felled being clearly specified.

Reason: In order to maintain, as far as possible, the character of the locality.

11 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants 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 others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to maintain, as far as possible, the character of the locality.

12 The flank windows on the proposed dwellings will remain obscurely glazed in accordance with the approved plans.

Reason: To protect the amenities and privacy of the adjoining properties, in accordance with policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

13 AP01 Approved Plans

## INFORMATIVES

1 All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010. The applicant and contractors should be aware that all bats and any structures used by them are protected by law, and that works likely to disturb bats or their resting places (even if undertaken at a time of year when the bats are absent) require a licence from Natural England. Should a bat be encountered during development, work should cease immediately and advice should be sought from Natural England (tel. Batline 0345 1300228). Bats should preferably not be handled (and not without gloves) but should be left in place, gently covered, until advice is obtained. Particular care and vigilance should be taken when roof tiles or slates are removed (remove by hand and check underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Fascias, barge boards and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March to May, or September to November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.



## CH/2017/1890/FA

Case Officer: Murtaza Poptani  
Date Received: 09.10.2017  
Parish: Chalfont St Peter  
App Type: Full Application  
Proposal: Part single/part two storey rear extensions, single storey side extension, two storey front infill extensions, front rooflights, central roof lantern and rear roof dormers to facilitate habitable accommodation in roofspace (amendment to planning permission CH/2017/0682/FA)  
Location: Woodfield  
2 Claydon End  
Chalfont St Peter  
Buckinghamshire  
SL9 8JX  
Applicant: Mr Fernandez

### SITE CONSTRAINTS

Article 4 Direction  
Adjacent Conservation Areas  
Adjacent to Unclassified Road  
Conservation Area  
Heathrow Safeguard (over 45m)  
Mineral Consultation Area  
Northolt Safeguard zone  
Established Residential Area of Special Character

### CALL IN

Councillor Wertheim has called this application to the Planning Committee regardless of the Officers' recommendations, in view of local concerns.

Councillor Mrs Darby has called this application to the Planning Committee regardless of the Officers' recommendations, in view of local concerns.

Councillor Harrold had called this application to the Planning Committee if recommended for approval, in view of local concerns.

### SITE LOCATION

The application site accommodates a significant sized two storey detached dwelling situated to the western side of Claydon End and is set within a substantial sized curtilage. The land slopes upwards at a gentle gradient from east to west and the dwelling benefits from off road parking to the front driveway. The neighbouring properties are predominantly in the form of detached two storey dwellings with similar front and rear building lines. The site is situated within the built up area of Chalfont St Peter and is not within a Conservation Area.

### THE APPLICATION

The application proposes the erection of a part single/part two storey rear extensions, single storey side extension, two storey front infill extensions, front rooflights, central roof lantern and rear roof dormers to

facilitate habitable accommodation in roofspace as an amendment to approved planning CH/2017/0682/FA. The proposed amendments are as follows:

- Insertion of 2 dormers to the rear roof slope, each measuring 1.6 metres in width and 1.6 metres in height;
- Erection of a portico porch to the front measuring 4 metres in width, 1.3 metres in depth and 3.1 metres in height;
- Erection of a bay window feature to the first floor rear extension measuring 4.6 metres in width and 1.4 metres in depth;
- Insertion of 5 rooflights and a roof lantern;
- Minor alterations to the fenestration detailing.

(Officer note: Amended plans were received from the agent amending the extent of the site so that the substation at the rear of the site is no longer included within the red line, and showing a patio area and retaining wall to the rear.)

### **RELEVANT PLANNING HISTORY**

CH/2017/0602/PNE - (Larger Home Extension Prior Notification) - Notification of proposed single storey rear extension; depth extending from the original rear wall of 8 metres, a maximum height of 3.704 metres and a maximum eaves height of 2.882 metres. Prior approval not required.

CH/2017/0682/FA - Part two storey, part single storey rear extension, single storey side and two storey front extensions. Conditional permission. Not implemented.

### **PARISH COUNCIL**

Strongly object. Gross overdevelopment indicated by large areas of flat roof, extension beyond front and rear building lines and extended too close to the boundary in an area characterised by open frontages. [Officer Note: The Parish Council do not explain what harm arises from perceived overdevelopment, which in itself is a descriptive term with no real meaning.] Gutter overhanging neighbours. Overbearing. Poor design out of keeping with other 6 properties on this open area. Third floor out of keeping with the street scene. Overlooking properties on both sides leading to loss of privacy. Loss of light. Drafting errors still remain despite previous comments, this makes it impossible to know what exactly is being applied for. Extensive ground works not detailed. Despite note that no trees or hedges will be destroyed, a mature beech hedge will certainly be removed if allowed. Concerned that this is planning approval by stealth with third application and an application for demolition and redevelopment with even larger property is possible unless stopped now.

### **REPRESENTATIONS**

Six letters of representation received which are summarised as follows:

- We object on the grounds of loss of amenity, privacy and enjoyment of our patio and garden by being overlooked by second storey accommodation in the roof.
- The guttering will overhang our boundary [Officer Note: This has been corrected and no part of the development is shown on the plans to overhang a boundary].
- Land opposite road was previously included in red line and should be included here [Officer Note: This is not material to the application and there is no requirement to include additional land within the red or blue lines].
- Query inclusion of substation within site and the relevance of signing Certificate A [Officer Note: This has been corrected and the substation removed from the site area].
- The dwelling would be overbearing and out of keeping with other houses in the road.
- The number of windows would result in a loss of privacy.
- The extension is close to the boundaries and will obscure the light and privacy to the adjacent properties.
- The application form that no hedges or tree will be removed but this is incorrect.

- There are numerous drafting errors on the submitted drawing many of which have been carried over from the previous application, specifically:

1. Bay windows not drawn correctly [Officer Note: They are correct].
  2. Rooflights shown differently on floorplans and elevations [Officer Note: There are very minor discrepancies but they have no impact on the overall scheme and it is clear where the rooflights would be located].
- The residents have a right to light which would be impinged by the proposed extensions.
  - The highway would be blocked by construction traffic.
  - The application does not comply with local plan policies GC1, GC3, H11, H13, H14, H15, H16, Chalfont St Peter Neighbourhood plan policies H6 and H7 and the principles set out in the Council's Residential extension and householder development Supplementary Planning Document (SPD).
  - The first floor bay projection which has side windows directly overlooking the properties at numbers 1 and 3 Claydon End.
  - Second floor accommodation was not shown on application reference CH/2017/0682/FA as the applicant was aware that the additional accommodation and second floor windows would be unacceptable.
  - The introduction of six over six sash windows and a classical style portico would seem to be an attempt to bring a classical style to the building. The scale and proportions are all wrong and the result is a very poor architectural ensemble that fails to fit satisfactorily into the mid twentieth century style of the rest of the street and consequently fails to comply with the Council's design criteria.

## **CONSULTATIONS**

None.

## **POLICIES**

National Planning Policy Framework.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4 and CS20.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, H13, H14, H15, H16, H17, H18, TR11, TR16.

Residential extension and householder development SPD - September 2013.

Sustainable Construction and Renewable Energy SPD - Adopted 25 February 2015.

The Chalfont St Peter Neighbourhood Plan: 2013 - 2028: Policies H6 and H7.

## **EVALUATION**

### **Principle of development**

1. The site is located in the built up area of Chalfont St Peter where extensions to existing dwellings are acceptable in principle, subject to complying with the relevant policies of the Development Plan.

### **Design/character & appearance**

2. The application property is a significant sized two storey detached dwelling set within a substantial sized curtilage. As aforementioned, this application is an amended scheme to approved planning reference: CH/2017/0682/FA. The proposed amendments are the insertion of 2 dormers to the rear roof slope, erection of a portico porch, erection of a bay window feature to the first floor rear extension, insertion of 5 rooflights and a roof lantern, minor alterations to the fenestration detailing and the construction of a patio area and retaining wall to the rear. As the relevant policies and site circumstances are unchanged since the previous planning permission, no objections can be raised in relation to the elements that have in effect already been

granted planning permission. This report will therefore assess the implications of the specific amendments as the main body of the extensions have already been permitted.

3. In terms of the dormer windows, Policy H18 requires them to respect the scale, proportions, existing windows and other features of the external appearance of the roof and elevation in which they are located. The proposed rear dormers would be set down slightly below the ridge of the main roof, would be set a satisfactory distance above the eaves and from the left and right roof edges such that they would be considered as subservient forms of development and would certainly not dominate the rear roof slope. The proposed roof lantern would be set back from the front and rear elevations and would not be prominent in any views of the property. Rooflights can be inserted as permitted development under Class C of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and therefore no objections can be raised to these elements. With regards to the portico porch, by virtue of its modest depth and proportionate size in comparison to the remainder of the front elevation and its set back position from the main highway, it is not considered to be detrimental to the character of the surrounding area. The bay window feature to the first floor rear elevation would replicate the approved ground floor rear bay feature and would be in keeping with the vernacular of the property. The minor alterations to the fenestration detailing would also be of sympathetic appearance. The comments from an objector are noted, regarding the mixed "ensemble" of design styles. However, the NPPF states that LPAs should concentrate on guiding the overall layout, scale and form of development and should not be overly prescriptive in terms of detailed appearance. The rear garden of the site slopes upwards at gentle gradient, resulting in the partial excavation of the garden area immediately to the rear of the property. This would result in the erection of a retaining wall with an approximate height of 1 metre which would be acceptable. A condition requiring a cross section of the retaining wall and patio area to be submitted for approval would be attached to the permission. It is therefore considered that the proposed amendments are minor in nature and would satisfactorily integrate with the character of the approved extensions and the host dwelling and the overall height, width and scale would be proportionate and subservient. The siting of the majority of the extensions to the rear and that the proposal would not reduce the spacing of the dwelling to the side boundaries at first floor level is such, that the proposal would not have an adverse impact on the character of the locality. No objections are raised with regard to Local Plan Policies GC1, H13, H14, H15, H16, H17, H18, Core Strategy Policy CS20 and Policies H6 and H7 of The Chalfont St Peter Neighbourhood Plan.

### **Residential amenity**

4. The adjacent dwellings to the north and south have a similar rear building line as the application property and all benefit from west facing rear gardens of significant width and length. Although the proposed rear extensions would be of significant size, the first-floor element would not encroach any closer to the side boundaries than the existing dwelling, would have a modest rearward projection of 4 metres, and the hipped roof design assists in reducing the bulk and massing of the roof void. The single storey rear extension would be characterised with a low height pitched roof and would not appear intrusive. As such, it is considered that the proposed extensions would not appear as an unduly prominent or visually intrusive feature when viewed from either neighbouring property. Furthermore, the proposed rear extensions would have a lesser impact on No. 1 Claydon End due to the northern orientation of the application dwelling and therefore would not result in a direct loss of sunlight or overshadowing. The view from the glazing to the first and second floors of the rear elevation would be similar to what exists at present and by virtue of the modest size of the rear dormers, would not result in a material loss of privacy. Specific concerns have been raised in regards to the angled glazing to the first floor rear bay feature. Due to the modest size of the glazing panels and that they would face towards the lower end of the adjacent neighbouring gardens, this element would not result in significant overlooking of the garden areas immediately to the rear of the adjacent properties and would not result in a material loss of privacy. A condition would be attached to the permission to prohibit the installation of any further windows to the first floor flank elevations and for the proposed first floor northern flank windows to

be obscured glazed and fixed shut up to an internal height of 1.7 metres in order to protect the privacy of the adjacent properties. No objections are therefore raised with regard to Local Plan Policies GC3, H13(i) and H14.

### **Parking/Highway implications**

5. The dwelling benefits from off road parking for 4 cars to the front driveway. As such the proposal would have no adverse parking implications having regard to the Council's Parking Standards and no objections are raised with regards to Policies TR11 and TR16.

### **Other matters**

#### **Response to Further Objection Statement**

6. The concerns outlined in the representations are addressed as follows:

- The red line outlining the curtilage has been amended to exclude the substation to the rear of the site.
- The submitted block plans show the single storey side extension to be set in from the shared boundary and to not encroach over the boundary with No. 1 Claydon End.
- The boundary treatments would be retained in their current form.
- The loss of the boundary hedge is not deemed material in the consideration of this application.
- The existing and proposed elevations and floor plans appear to be drawn correctly, with the exception of slight discrepancies to the rooflights, which do not prejudice the application.
- It is acknowledged that the site is not level however, the rear extension would be built on the same ground level as the existing dwelling. This would involve some partial excavation of the rear garden and would not affect the design or residential amenity. A condition would be attached to the permission requesting land level and retaining wall details.
- The dimensions of the rear and side extensions and roof form have previously been approved under ref: CH/2017/0682/FA. The application dwelling is situated within a spacious curtilage and can accommodate the extension without appearing unduly cramped or overdeveloped and would comply with Policies H13 and GC1.
- The first-floor element would not encroach any closer to the side boundaries, would have a modest rearward projection of 4 metres and the hipped roof design assists in reducing the bulk and massing of the roof void. The single storey rear extension would be characterised with a low height pitched roof. Therefore the proposed works would have an acceptable level of impact on the neighbouring properties and would comply with Policy H14.
- With regards to the roof, although it would accommodate a crown roof section, this would be partially obscured by the pitched roof to all sides and would be of acceptable appearance. Furthermore, the modest depth of 4 metres of the first floor element is considered subordinate and due to the set back position of the dwelling from the highway boundary, the crown roof would not appear unduly prominent within the surrounding locality. The proposed extension would utilise matching materials.
- The proposed extension at first floor level, would not encroach any close to the side boundaries than the existing dwelling and would therefore comply with Policies H16 and H11.
- Both of the adjacent dwellings at No. 1 and 3 Claydon End benefit from rear gardens of significant width and depth and are west facing and as such, the extension would not appear unduly overbearing or would adversely restrict the outlook from the neighbouring dwellings and their gardens.

### **Conclusions**

7. For the aforementioned reasons, the application is recommended for approval.

### **Working with the applicant**

8. Chiltern District Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, Chiltern District Council assessed the application based on the amended plans which are considered acceptable.

### **Human Rights**

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

### **RECOMMENDATION: Conditional permission**

#### **Subject to the following conditions:-**

1 C108A General Time Limit

2 C431 Materials to Match Existing Dev

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormers/rooflights other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the flank elevations of the extensions hereby permitted.

Reason: To protect the amenities and privacy of the adjacent properties.

4 The first floor windows in the northern flank elevation of the existing dwelling shall only be glazed with obscured glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To protect the amenities and privacy of the neighbouring property.

5 Full details of the retaining wall to the rear patio area as shown on the Block Plan (Drawing No. GSB/2/2018/SITE received on 10 January 2018) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the retaining wall being built. The retaining wall shall be constructed in accordance with the approved details prior to the first occupation of the dwelling. The retaining wall shall be retained thereafter in accordance with the approved details.

Reason: In the interests of visual amenity.

6 AP01 Approved Plans

## **CH/2017/1958/FA**

Case Officer: Emma Showan  
Date Received: 20.10.2017  
Parish: Penn  
App Type: Full Application  
Proposal: Erection of 6 retractable floodlight columns (2.8m rising to 15m) and lamps to light a football pitch plus associated control cabinet.  
Location: Penn And Tylers Green Football Club  
Elm Road  
Penn  
Buckinghamshire  
HP10 8LG  
Applicant: Penn and Tylers Green Football Club

### **SITE CONSTRAINTS**

Article 4 Direction  
Adjacent Conservation Areas  
Adjacent to A and B Road  
Area Special Advertisement Control  
Adjacent Listed Buildings  
Adjacent Archaeological Notification Site  
Within Chilterns Area of Outstanding Natural Beauty  
Archaeological site  
Adjacent Public Footpaths and Public Rights Of Way  
Conservation Area  
Within Green Belt other than GB4 GB5  
Public footpath/bridleway  
A and B Roads  
Within 500m of SINC NC1  
Adjoining Public Amenity Open Space  
Public Amenity Open Space  
Established Residential Area of Special Character

### **CALL IN**

Councillor Mrs Burton has requested that this application be determined by the Planning Committee, regardless of the Officers' recommendation.

### **SITE LOCATION**

This application relates to Penn and Tylers Green Football Club which is located in the open Green Belt outside of Penn. The football club is accessed off Elm Road which is the main road through the settlement of Penn and the football club is sited to the rear of a number of residential dwellings and their gardens which front Elm Road. The site is also located within the Chilterns Area of Outstanding Natural Beauty and it borders a Conservation Area and is adjacent to a number of Listed Buildings and a site of archaeological significance.

## **THE APPLICATION**

This application proposes the erection of six retractable floodlight columns (2.8 metres rising to 15 metres) and lamps to light a football pitch, plus an associated control cabinet.

This application follows on from planning application CH/2005/2012/FA for the erection of six 16 metre high floodlights which was refused permission. The main difference between this application and the previous application is that the latest floodlight columns will be retractable and will have a height of 2.8 metres when not in use.

## **RELEVANT PLANNING HISTORY**

CH/2012/0306/FA - Levelling of ground to facilitate repositioning of existing football pitch with dug outs, surrounding fencing and relocation of existing storage container, conditional permission.

CH/2008/1272/FA - Replacement clubhouse, conditional permission.

CH/2007/1346/FA - Change of use from agricultural land to recreation use to provide an additional tennis court and children's mini court with 2.7m high fence surround and re-siting of existing hut. Refused permission as insufficient information has been supplied to demonstrate that there is a proven requirement for the additional facilities and the associated works proposed would involve a substantial change to the appearance of the area. The works would raise up and enclose this currently open area of land and would be detrimental to the openness of the Green Belt and beauty of the AONB.

CH/2005/2012/FA - Erection of stand, six 16 metre high poles each containing three floodlights, over flow car park, retaining walls and resiting of dugouts. Refused permission as the floodlights would represent inappropriate development within the Green Belt and would fail to enhance the AONB. They will rise more than twice the height of the listed buildings and will be seen in the background in views from Penn green which forms the heart of the conservation area. The lights would be at odds with the rural character of the village.

CH/2001/2038/FA - Retention of three replacement floodlights and removal of existing floodlight, conditional permission.

CH/1996/0179/FA - Erection of eight 8m high steel poles each containing two floodlights. Refused permission as the proposal would be inappropriate development in the Green Belt and would conflict with the AONB. The floodlights would result in increased activity and disturbance to nearby residents and would have a detrimental impact on their visual amenity.

CH/1989/0229/FA - Extension to existing football clubhouse to provide joint facilities for the football and cricket clubs. Refused permission as it would be contrary to the Green Belt designation and would be detrimental to the amenities and quiet enjoyment of nearby residential properties. There would also be inadequate provision for the parking of vehicles.

CH/1986/2292/FA - Replacement cricket pavilion, conditional permission.

## **PARISH COUNCIL**

Objection - we accept in principle the Club's need for floodlights but the lack of a satisfactory Institute of Lighting Professionals survey of the impact on the CA/AONB and lack of restrictions placed on floodlight usage means we must object to the present application.



## REPRESENTATIONS

- A supporting statement has been submitted by the secretary of Penn & Tylers Green Football Club
- A Heritage & Planning Statement has been submitted.
- An Archaeology Report has been submitted.
- A statement from the lighting provider has been submitted.
- A statement setting out the Football Association's requirements has been submitted.
- A Uhlsport Hellenic League supporting letter has been submitted.

170 letters of support have been received which can be summarised as follows:

- The proposal is as a result of FA requirements
- The Club is a successful and thriving community organisation
- There is pressure on finding appropriate training facilities
- Weekend usage is not going to change
- The number of games is unlikely to increase
- The lights will allow play when it gets dark in winter
- The Club is a very important leisure and sporting facility
- The proposal will allow teams to compete at current and appropriate levels
- The Tennis Club already has floodlights
- The Club provides a much needed facility for the community
- Visual effect will be limited
- Local engagement with the community
- The floodlight use will be minimal
- Concern of loss of league positions
- Concern of loss of members
- The Club previously has had temporary floodlighting
- There is screening between the gardens that back onto the ground and the pitch itself
- The Club will allow members to compete fairly with other similar local clubs
- Encourage greater participation
- Facilities are regularly used
- Changes are required for the benefit of future generations

48 letters of objection have been received which can be summarised as follows:

- The reasons of refusal for the 2005 application still stand
- Concern in regards to light pollution
- Detrimental impact on AONB
- Intrusion into the Green Belt
- Concerns of parking
- Failure to preserve the Conservation Area
- Adverse impact on neighbouring amenity
- Lack of a bat survey
- Development at the football club has gone too far
- Noise and general disturbance
- Unsightly floodlights
- Village has a dark and rural setting
- No street lights in the village
- Discrepancies in the technical information submitted by the Applicant
- Concern of an increase in membership/attendances
- Failure of the Club to comply with the conditions of its previously granted planning permissions

Comments from the Campaign to Protect Rural England: Objection to the proposal.

Comments from Penn & Tylers Green Residents Association: Objection to the proposal.

## **CONSULTATIONS**

### **Buckinghamshire County Highways Authority:**

The proposed development has been considered by the County Highway Authority who has undertaken an assessment in terms of the impact on the highway network including net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway objections, and in this instance has no conditions to include on any planning consent that you may grant.

### **Building Control Officer:**

No comments.

### **County Archaeological Officer:**

The nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of the asset(s). We therefore have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest.

### **Environmental Health Officer:**

Environmental Health have no recorded complaints in relation to light nuisance sourced at these premises since 2007.

I have reviewed the plans and documentation submitted in support of this application, with particular reference to the Abacus Lighting Ltd Obtrusive Light Compliance report.

This report notes that this area falls within the appropriate location category ( 2 / Low District Brightness) and demonstrates that the proposed floodlight installation illuminance falls within acceptable guidance limits (Max 5 Lux) as received at the nearest sensitive receptors (Guidance Notes for the Reduction of Obtrusive Light GN01:2011 - Institution of Lighting Professionals).

Given this I can confirm that I would not be objecting to any considerations to grant consent. However in order to protect the local amenity after guidance curfew hours (23.00).

### **Historic Buildings Officer:**

Penn and Tylers Green Football Club lies directly behind the rear of houses and gardens fronting onto Elm Road and The Green at Penn. The rear boundary of these houses also forms the boundary of the Penn and Tylers Green Conservation Area so that the football club forms part of the setting to the conservation area. Many of the houses backing onto the football club are listed grade II and include the following: two pairs of flint and brick cottages, The Chestnuts and Collaine and Kenilworth and Japonica, a terrace of flint and brick cottages, Elm Cottage, Midelm Cottage and Flintstone, the seventeenth century Dutch gabled Old Bank House and the large seventeenth century house known as French Meadow located directly next to the access drive to the football club. To the east of the football club and across open fields is the grade II listed Puttenham Place Farm.

The current proposal seeks to install six floodlight columns, three on each side of the primary pitch and remove three existing six metre high poles. The proposed columns will have a height of 15 metres which will be reduced to 2.8 metres when not in use. There will be an associated control cabinet. The lights will be used for matches twice a week until 10pm and on Saturdays in the winter months until 6pm with occasional

matches on Easter Sunday or Boxing Day. The illumination will be 180 lux reduced to 100 lux for training sessions, detail is not given on the occurrence of training sessions. The application states that some of the teams playing at the club play in leagues that the FA requires flood lighting of a lux of 180 and these floodlights should be in place within two years or face relegation.

In 2005 permission was refused for a similar application to install 16 metre high floodlights amongst other proposals (CH/2005/2012/FA). This application states that it has attempted to overcome previous objections and in this context sought pre-application advice which was broadly supportive of the proposal (CH/2017/40078/IQL). However, historic building advice was not consulted for this pre-application submission.

Some of the objections that were raised in 2005 have indeed been overcome by technological developments within lighting. Where previously the raising and lowering of the lights was rather cumbersome it can now be done in one minute making it more likely that the lights are lowered when not in use. The light spill of the floodlights is now more targeted than previously so likely to affect the amenity of neighbouring properties less than before. The application has been clear that matches will occur on three days of the week with additional matches at holiday times. All this helps to build the case that the harm that the floodlights will cause is more limited than the previous application and the public benefits will offset this harm.

However, I still have real concerns regarding the proposal. The poles are fifteen metres in height with the lights on top taking them closer to the sixteen metres of the refused application. They remain almost twice the height of the small scale cottages listed or otherwise along Elm Road and would be visible over the roofs of the listed buildings in views from The Green. This would clearly be harmful to the setting of the listed buildings and the character of the conservation area and at odds with the village's own policy of not installing street lighting around the Green in order to preserve the character of the area. Their modern character would be at odds with the small scale historic character of the buildings along Elm Road and would appear alien and unwelcome in this context. When viewed from the setting around Puttenham Place Farm they would appear as alien modern intrusions within the arable landscape in which it is sited.

The lights are in a similar location as previously, three on either side of the pitch, the closest being approximately 10 metres from the boundary of the gardens backing onto the pitch and approximately 40 metres from the closest houses themselves. The three on the north side of the pitch are aligned with the boundary of the grade II listed The Chestnuts and Collaine and those on the south side are aligned with the boundary of the grade II listed Kenilworth and Japonica.

Although the number of matches proposed is limited there is the grey area of training. The application states that the primary pitch would only be used when the ground is sufficiently dry and the proposed lights would be reduced to 100 lux. It is not at all clear how frequent this might be and it is of real concern that the proposed lights would be fully extended and in use (albeit at a lower lux) over a far longer period than the details given regarding matches. It might be possible to argue the public benefits of the proposal offsetting the harm caused to the setting of the listed buildings and conservation area if they were raised for "very limited times" as quoted from the 2005 Historic Buildings Officer's comments. However, using them for training on top of the matches cannot be regarded as "very limited times".

I don't think there is any question that the proposed spotlights would be harmful to the setting of the listed buildings and the conservation area. The question is are the minor changes between the unsuccessful 2005 application and this application sufficient to reduce the harm to such a degree that it might be possible to offset that harm in terms of the public benefit. My view is that the alterations do not go far enough and the potential for the lights to be fully extended and illuminated for long periods of time mean that I object on the grounds of the less than substantial harm to the setting of the heritage assets of the listed building and the conservation area not being outweighed by the public benefits in line with NPPF 134. In addition the proposal

would fail to conserve the designated assets and would harm the significance of their setting in line with NPPF 132.

**Sport England:**

No objections.

**Wycombe District Council:**

No objections.

**POLICIES**

National Planning Policy Framework, 2012.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS20, CS22 and CS28.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies: GC1, GC3, GB2, LSQ1, R6, LB2, CA2, AS2, AS3, TR11 and TR16.

**EVALUATION**

**Principle of development**

1. Within the Green Belt, most new development is considered to be inappropriate and there is a general presumption against such development. Inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances.
2. However, the NPPF states that the provision of appropriate facilities for outdoor sports and recreation are not inappropriate as long as such facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Furthermore, Local Plan Policy GB2 states that new buildings to provide essential facilities for outdoor sport and outdoor recreation which preserve the openness and do not conflict with the purposes of including land in the Green Belt are not inappropriate development. In this instance, the proposal does relate to the provision of appropriate facilities for outdoor sports and recreation and so, the proposal could be acceptable in principle, provided there is no conflict with the openness of the Green Belt.
3. The site is also located within the Chilterns Area of Outstanding Natural Beauty (AONB) where proposals should conserve, and where considered appropriate and practicable, enhance the special landscape quality of the area.
4. Finally, the site borders the Penn Conservation Area and is adjacent to a number of Listed Buildings. The site is also of known archaeological significance. As such, the proposal should not detract from the character and setting of the Listed Buildings or the Conservation Area and should mitigate against the impact of any proposed development on any archaeological remains on site. All other relevant Development Plan policies should also be complied with.

**Previous applications**

5. This application follows on from planning applications CH/1996/0179/FA and CH/2005/2012/FA for the erection of floodlights, both of which were refused. The 1996 application was refused on the grounds of being inappropriate development in the Green Belt; conflicting with the AONB; and having a detrimental impact on neighbouring amenity in terms disturbance and visual impact. Meanwhile, the 2005 application was refused permission on the grounds of being inappropriate development in the Green Belt, failing to enhance

the AONB, having a detrimental impact on the Listed Buildings and conservation area, failing to provide an archaeological investigation and having a detrimental impact on neighbouring amenity.

6. The difference between the scheme proposed within this application and the previous schemes is that the floodlights will now be retractable so, when not in use, they would have a maximum height of 2.8 metres. Meanwhile, the full height would be 15 metres, which is 1 metre shorter than the floodlights proposed in 2005. In addition, the floodlights would also utilise improvements in design and light spill containment so that the maintained average illumination over the pitch area will be 180 lux which is lower than the 228 lux average illuminance sought in 2005. It is hoped that these amendments will overcome the previous reasons for refusal.

### **Local Plan Policy R6**

7. Proposals for floodlights are specifically referred to in Policy R6 of the Local Plan which states that, in the Green Belt, proposals for floodlights will be refused except where it can be demonstrated that they are essential to the use of the land for outdoor sport and where the following criteria are complied with: (a) The amenities of residents in the locality in which the floodlights are proposed would not be significantly impaired; (b) the character of the locality would not be significantly impaired; (c) other Local Plan policies are complied with. Further guidance indicates that although floodlighting may be desirable, it is not necessarily essential. It gives examples of information that will be of assistance to demonstrate the need for floodlights, for example, the level of competition to be attained, the number of people using the facility, the size of waiting lists, the anticipated increased level of use and the requirement of bodies controlling individual sports.

8. Supporting evidence has been provided by the applicant to justify the football club's requirement for floodlighting. This includes correspondence from the Chief Executive of the UHLSPORT Hellenic League which states that installation of floodlighting with an average lux of 180 is required in order to meet the Football Association (FA) requirement for UHL Division One (Grade G). An extract from the National Ground Grading - Category G document states that: 'when new and improved installations are being planned, an average lux reading of at least 180 must be provided.' This is applicable to the football club which currently plays at Step 6.

9. Further information has been provided by the applicant to justify the essential/appropriate need for the floodlights. This can be summarised as follows:

- The club provides sporting opportunities for over 800 members
- The need for floodlights has intensified as a result of FA requirements and the competitiveness of other clubs which have received consent/installed floodlights in recent years (including sites in the Green Belt)
- There are 14 clubs playing in the same Step 6 league and out of these, only three others do not have floodlights and will face enforced relegation if lights are not installed
- Without floodlights, the club is at a serious disadvantage both in attracting and retaining members, and maintaining playing levels
- A decrease in membership will deprive the Club of vital income
- If Step 6 football cannot be maintained, it is likely that the number of senior teams will be reduced
- The introduction of floodlights will not fundamentally change the pattern of use as the Club already holds training sessions on Saturday mornings and midweek evenings with the help of the existing training and portable lights
- The introduction of permanent lights will allow for Saturday matches to start at the League required standard times of 3pm, with switch off by 6pm. Clubs without floodlights are currently able to start at 2pm but this is a concession that will expire within 2 years

10. It is therefore proposed to erect 6 lighting columns in order to meet the FA requirements and maintain the Club's position at Step 6 in the UHLSPORT Hellenic League.

### **Impact on Green Belt and AONB**

11. It is accepted that the provision of appropriate facilities for outdoor sports and recreation are not inappropriate as long as such facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. It is also accepted that, in accordance with the NPPF, the use of land within the Green Belt has a positive role to play in providing outdoor sport and recreation. This compares to the previous 2005 application which was refused prior to the introduction and adoption of the NPPF. This application was refused partly on the impact of the floodlights on the openness of the Green Belt and the reason for refusal stated that:

*'The floodlight poles by reason of their number, location and overall height would result in a dominant appearance and be visually obtrusive, given the close proximity to neighbouring properties and nearby public vantage points and the siting of the floodlight poles in a prominent location. Given the site's location in open countryside within the Green Belt and Chilterns Area of Outstanding Natural Beauty, the proposal would result in inappropriate development within the open Green Belt and would also fail to conserve or enhance the natural beauty of the area...The proposal therefore conflicts with Policy HE1 of the Buckinghamshire County Structure Plan 1991 - 2011 (Adopted March 1996) and Policies GB2, LB2, CA2, GB28, LSQ1 and R6 of the Adopted Chiltern District Local Plan 1997 (Including Alterations Adopted May 2001 and July 2004).'*

Since the 2005 application, Development Plan Policy GB28 which relates to 'Other acceptable land uses and new ancillary buildings in the Green Belt' has not been saved and so this application will be assessed in regards to the impact of the proposed changes to the floodlights (i.e. their lux levels and retractable design) and the provisions of the NPPF.

12. In this instance, although the erection of floodlights would represent new buildings (by definition) within the Green Belt, they would be associated with the usage of the football club and in this respect they are clearly linked to the provision of outdoor sport and are not necessarily inappropriate development, in accordance with the provisions of the NPPF and Development Plan Policy GB2. Their justification is further supported above in relation to the FA requirements and needs of the Club. Mindful of this, and the fact that the proposed floodlights would be retractable, with a maximum height of 2.8 metres at their lowered position, and as the floodlights in of themselves do not enclose an unreasonable area of land, they are considered to constitute an appropriate facility and, in principle, their erection would not constitute inappropriate development within the Green Belt.

13. The site is also located within the AONB where proposals should conserve, and where considered appropriate and practicable, enhance the special landscape quality of the area. Although the floodlights may be acceptable in the Green Belt, it is nonetheless considered that they would not enhance the special landscape quality and nor would they, once lit, conserve the rural character of the locality. Whilst at their lowered height they would not be visible from the public highway along Elm Road, they would be noticeably visible when erect and would be prominent in views from within Penn and surrounding areas of open Green Belt, including public vantage points.

14. Importantly, although the number of matches proposed is limited there is a grey area surrounding the references to training sessions. The application documentation states that the primary pitch would only be used when the ground is sufficiently dry and the proposed lights would be reduced to 100 lux for training. However, there is no indication at all how frequent this might be and it is of considerable concern that the proposed lights would be fully extended and in use (albeit at a lower lux) over a far longer period than the details given regarding matches. The club's website details that the club has 800 members, with many teams playing matches from junior to senior levels, including women's teams. There are references on the website to training sessions being held twice a week on Tuesdays and Thursdays, but this only relates to men's senior and reserve teams. There are several other references to "training TBC", implying more training sessions could

be organised. In theory, training could take place every day, therefore the floodlights could be fully extended and in use every evening. The floodlights would also introduce an urbanising feature that is at odds with the local rural landscape. This would be contrary to the provisions of Development Plan Policy LSQ1, although it is accepted that the amended scheme is much less intrusive and is therefore a significant improvement on the previously refused scheme.

### **Design/character & appearance**

15. An Archaeology survey has been submitted and the County Archaeology Advisor has raised no objection in terms of the impact of the proposal on the site of archaeological significance. However, when it comes to the impact of the proposal on the adjacent Listed Buildings and Conservation area, the Historic Buildings Officer has raised a number of concerns, notably that the floodlights, once erect, would remain almost twice the height of the small scale cottages Listed or otherwise along Elm Road and would be visible over the roofs of the Listed buildings in views from the green. This would be harmful to the setting of the Listed buildings and at odds with the local character of the settlement and the settlement policy of not installing street lighting around the green. It is also considered by the Historic Buildings Officer that the modern character of the lighting would appear alien and unwelcome in the local context and would appear as a modern intrusion within the arable landscape adjacent the application site. These concerns would be offset to a degree by the fact that the floodlights are retractable and, when not in use, their height of 2.8 metres would not be visible from the green, however the concerns of the Historic Buildings Officer are noted and they will be assessed against the benefits offered by the lighting to the Club later in this report.

### **Residential amenity**

16. There have been a considerable number of objections to the proposal, particularly highlighting the impact of the floodlights on neighbouring amenity given that there would be light spillage and light pollution in an area where there is by choice no street lighting. There have also been concerns in regards to the lux levels proposed and the lighting data submitted by the Club.

17. A letter in response to these concerns has been composed by Abacus Lighting Limited, who are members of the Institute of Lighting Engineers, and this has provided further clarity on proposed floodlighting. This letter confirms that the initial lux values of the lighting will be stronger but will average 180 lux once they have 'settled down'; the uniformity of pitch illuminance will be 0.6 to ensure the Club gets a uniform distribution of light but this has no relevance to light spill; it is not correct to suggest that the pitch illuminance has been designed for a higher level than necessary; and the submitted plans have not taken into account the effect of any natural barriers, such as the effect of trees and hedging, which will mean that the spill will be less than that indicated. As such, the proposed lighting is considered to be in accordance with the FA requirements for clubs playing at Step 6.

18. Furthermore, the Environmental Health Officer has confirmed that the Environmental Health Department have no recorded complaints in relation to light nuisance at the football club since 2007. They have also stated that, having reviewed the documents for this proposal, the site falls within the appropriate location category (E2/Low District Brightness) and the proposed floodlight installation illuminance falls within acceptable guidance limits as received at the nearest sensitive receptors. As such, no objection is made, subject to the inclusion of a condition limiting the usage of the proposed floodlights to before 23:00 hours in order to protect local amenities.

19. It is also noted that the nearest pole will be approximately 10 metres from the garden boundary to the nearest house in Elm Road and approximately 47 metres from the rear elevation of this dwelling. It is therefore not considered that the lighting columns in of themselves would be intrusive or overbearing to these properties given the distance between the floodlights and the dwellings and the topography of the site.

20. In conclusion, although it is accepted that at full height and when turned on the floodlights could be intrusive to a degree to neighbouring amenities, the usage of the floodlights could be conditioned to limit the times and hours of use in order to minimise their impact on neighbouring amenities.

### **Parking/Highway implications**

21. A considerable number of representations in objection to the proposal have also raised parking and highway concerns. It is frequently stated that as the Club has expanded, the parking provision has remained inadequate and the overspill of parking onto Elm Road has been detrimental to the local highway network. Although this may be the case, this application can only assess the impact of the floodlights on the parking/highway network and cannot comment more widely on the long term plans of the Club or overcome the existing inadequacies in this respect. As the erection of floodlights would not necessarily lead to an increase in the membership of the Club or an increase in the facilities offered by the Club, it is not considered that further parking would need to be provided as part of this application. Meanwhile, the access to the site would remain as existing and given that floodlights would not in of themselves intensify the access or the use of the site, it is not considered that any additional highways provisions are required as part of this planning application. It is also noted that Buckinghamshire County Highways Authority has no objection to the proposal.

22. Nonetheless, given the level of concern in regards to parking and access along Elm Road, neighbours are advised to contact Buckinghamshire County Highways Authority directly for all highway matters that are not planning considerations.

### **Conclusions**

23. In conclusion, the justification from the applicant as to why floodlights are proposed in this location and why the design/lux levels proposed are such as they are, is noted. It is also accepted that FA requirements mean that Step 6 teams require floodlights with an average reading of at least 180 lux to be provided, but importantly, this is for matches only. There is a significant grey area surrounding training sessions, which in theory could take place every evening, meaning the floodlights are never retracted during the evenings and are in use most days. Also, the need for floodlights during matches must be balanced against the harm arising from the proposed erection of the floodlights. In this respect, the floodlights would be extremely visible when at full height and would be prominent in views from within Penn and the surrounding areas of AONB, contrary to the provisions of Development Plan Policy LSQ1. In addition, the Historic Buildings Officer has stated that the erection of floodlights would be at odds with the local character of the settlement and settlement policy of not installing street lighting around the green. Therefore, the proposed modern floodlights would be detrimental to the Listed Buildings and Conservation Area, contrary to Development Plan Policies LB2 and CA2.

24. Paragraph 70 of the NPPF states that planning policies and decisions should: 'plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.' Meanwhile, Paragraph 73 states that: 'access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.' In this respect, it could be argued that if the floodlights were raised only for very specific times then the detriment to the Listed Building setting and character of the Conservation Area could be justified for short term periods on the grounds of being of benefit to the community as a whole. But the issue regarding training sessions means that the floodlights could be extended and in use for far greater periods of time than could reasonably be called short term.

25. At the same time, Paragraph 115 of the NPPF also states that: 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural



Beauty, which have the highest status of protection in relation to landscape and scenic beauty' and Paragraph 116 states: 'Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.'

26. The applicant has stated that other local clubs have erected floodlights in Green Belt locations and whilst this may be the case, every application must be decided on its own merits and the unique constraints of this site, namely its siting in the AONB as well as the Green Belt, and adjacent to a number of Listed Buildings and a Conservation Area, all factor heavily in this decision. Specifically, taking into account the provisions of NPPF Paragraph 116 which states that development in the AONB should be in the public interest and given that the NPPF too holds community engagement in planning in high regard, consideration must also be given to the level of opposition to the floodlight proposal from nearby residents and the fact that the settlement has a local policy of disallowing streetlights in the village centre, in order to protect the special landscape character of the AONB and Conservation Area. Therefore, based on the proposal's detrimental impact on the AONB, the Conservation Area and Listed Buildings, and the fact that the proposal is contrary to the settlement's local policy of not having street lights, it is considered that this application is not in the public interest and it should be refused.

### **Working with the applicant**

27. In accordance with paragraphs 186 and 187 of the NPPF Chiltern District Council take a positive and proactive approach to development proposals focused on solutions. Chiltern District Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case, the proposal did not accord with the Development Plan, and no material considerations were apparent to outweigh these matters. It was not considered that any changes during the course of the application would have reasonably overcome these issues, so the application was recommended for refusal on the basis of the submitted plans.

### **Human Rights**

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

### **RECOMMENDATION: Refuse permission**

For the following reasons:-

1 Given the location of the site in open countryside within the Chilterns Area of Outstanding Natural Beauty, the proposal would fail to conserve or enhance the natural beauty of the area. In addition, the potential for the lights to be fully extended and illuminated for substantial periods of time will have a detrimental impact on the heritage assets of the nearby Listed Buildings and adjacent Conservation Area. The floodlights would be out of keeping with the character of the settlement and local policy of disallowing street lighting in the village centre. The proposal therefore conflicts with Policies GC1, LSQ1, LB2 and CA2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and the provisions of the National Planning Policy Framework (2012).

## CH/2017/2224/FA

Case Officer: Lucy Wenzel  
Date Received: 30.11.2017 Decide by Date: 16.02.2018  
Parish: Great Missenden Ward: Prestwood And Heath End  
App Type: Full Application  
Proposal: Erection of new attached two storey house served by existing vehicular access off Fairacres and widened access off Wrights Lane  
Location: 1 Wrights Lane  
Prestwood  
Buckinghamshire  
HP16 0LH  
Applicant: Mr & Mrs Harvey

### SITE CONSTRAINTS

Article 4 Direction  
Adjacent to Unclassified Road  
Within Chilterns Area of Outstanding Natural Beauty

### CALL IN

Councillor Gladwin has requested that the application is referred to the Planning Committee if the Officers' recommendation is for approval. There is concern with the impact on the street scene, the loss of amenity land and lack of adequate parking provision.

### SITE LOCATION

The application site is located on the western side of Wright Lane on the corner junction with Fairacres, a residential road located in the built-up area of Prestwood. When looking at the street scene of Wrights Lane, there is a clear characteristic of terraced dwellings. There is a relatively uniform build line facing the highway with narrow plots with both front and rear amenity space. With regards to the site, it is sited within the Chilterns Area of Outstanding Natural Beauty (AONB).

### THE APPLICATION

This application proposes the erection of a new attached two storey house served by the existing vehicular access off Fairacres.

The proposed dwelling would have a maximum width of 5.5 metres, depth of 8.6 metres and pitched roof height of 6.85 metres, with an eaves height of 5.2 metres. It would have two bedrooms with parking for one car to the front and one car to the rear.

The dwelling will be served by the existing access off Fairacres and a widened access off Wrights Lane. Two parking spaces would be provided for the new dwelling and two spaces would be retained for the existing dwelling.

### RELEVANT PLANNING HISTORY

None.

## **PARISH COUNCIL**

No objection.

## **REPRESENTATIONS**

None received at time of drafting report.

## **CONSULTATIONS**

### **Buckinghamshire County Council Highway Authority:**

Wrights Lane is an unclassified road subject to a speed limit of 30mph. The application seeks planning permission to erect a new attached two storey dwelling.

In terms of trip generation, I would expect the proposed dwelling to generate in the region of 4-6 daily vehicular movements, two-way. I am satisfied that these additional vehicle movements can be accommodated within the local highway network.

With regard to parking provision, the existing dwelling currently has two parking spaces, comprising of one forecourt space and one garage space. The proposed dwelling will have one forecourt space and one space to the rear of the dwelling. Whilst I trust that the Local Planning Authority will comment on the adequacy of parking provision provided, I would have concerns over the proposed parking arrangement. I would ask that the dropped kerb fronting onto Wrights Lane is widened so that vehicles associated with the proposed dwelling can satisfactorily enter and exit without being obstructed by vehicles parked in association with the existing dwelling.

Once I am in receipt of a revised site plan showing an extended dropped kerb I will be able to finalise my comments.

The agent then submitted a revised site plan, to address these concerns.

Further comments from BCC Highways:

I write further to my comments dated 8th January 2018, which the Highway Authority requested a revised site layout plan showing an extended kerb. The applicant has subsequently submitted this and has therefore overcome the Highway Authority's previous concerns relating to the proposed parking arrangement. Mindful of the above, I have no objection to the proposals.

### **Chiltern and South Bucks Building Control**

The plans appear to be compliant for Part B5 access for the fire service.

## **POLICIES**

National Planning Policy Framework.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS8, CS20, CS22, CS25 and CS26.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011. Saved Policies: GC1, GC3, GC4, LSQ1, H3, H11, H12, TR2, TR3, TR11 and TR15 and TR16.

Affordable Housing Supplementary Planning Document (SPD) - Adopted 21 February 2012.

Sustainable Construction and Renewable Energy SPD - Adopted 25 February 2015.

## **EVALUATION**

### **Principle**

1. The site is located within the built-up area of Prestwood where in accordance with Policy H3, proposals for new dwellings are acceptable in principle subject to there being no conflict with any other Development Plan policy. Proposals should be compatible with the character of those areas by respecting the general density, scale, siting, height and character of buildings in the locality of the application site, and the presence of trees, shrubs, lawns and verges. The site is also sited within the Chilterns Area of Outstanding Natural Beauty (AONB) so development should conserve, and where considered appropriate and practicable should enhance the special landscape character and high scenic quality of the landscape.

### **Design/character & appearance**

2. The application site consists of the plot of No. 1 Wrights Lane. It is proposed to build a new dwelling terraced onto the flank elevation of No.1 with existing vehicular access being extended to the front and a new access point to the rear. The development would reflect the existing layout along Wrights Lane with the proposed dwelling being a continuation of the existing terraced row. The proposed plot would have a width of approximately 6.6 metres which is comparable to the other plot widths along this part of Wrights Lane and given that the plot depth is similar with those in the existing terraced row, the proposed plot size is not considered to be out of place with others in the locality. Furthermore, as the proposed dwelling will be sited in line with the existing terraced row, it will not appear incongruously or randomly placed having regard to the existing pattern of development. It is acknowledged that the new house will project closer to Fair Acres than No. 26 Fairacres, which is the end of terrace property sited to the rear of the site. However this relationship is not uncommon, as No. 9a Wrights Lane to the north projects closer to the highway than the row of terraced properties immediately to the south (which is the row of which No. 1 forms part). With regards to the proposed design of the new dwelling, it would be two storeys in height and of a comparable size to its neighbours. Meanwhile, with regards to the proposed appearance of the dwelling it would be designed with a pitched roof which is characteristic in the area and a continuation from the existing terraced row. Spacing to the south eastern boundary complies with Local Plan Policy H11. Whilst no conclusive boundary treatment has been stated for the south eastern border, hedging will be secured by condition to ensure that the character of the area is maintained and that the boundary remains compatible to those existing in the vicinity. The overall site would not appear dominated by hardstanding and sufficient space within the site will ensure that the development does not appear cramped. As such, the proposal would not have a detrimental impact on the character and appearance of the area.

### **Residential amenity**

3. No privacy reduction to neighbouring dwellings is considered to occur and therefore, it is considered that there will not be an unacceptable degree of overlooking. The proposed boundary treatments to be used between the new dwelling and No.1 will ensure that adequate separation is maintained between the proposed dwelling and its neighbour with fencing edging the adjoining boundary lines. The positioning of the dwelling and its design and siting prevents it from being overbearing or visually intrusive.

4. With regard to private amenity space, Development Plan Policy H12 states that the general standard expected will be a minimum rear garden depth of about 15 metres, unless the rear garden lengths in the vicinity are significantly less. In this instance, the proposed dwelling would have a plot depth of 12 metres, which is obviously the same as the other dwellings in this row. The actual garden area would be around 9 metres deep, due to the proposed parking space at the rear. Nevertheless this depth is not overly dissimilar to other properties in the area, and the garden would be slightly wider than others nearby, meaning that the overall area of garden is very similar to others. No objections are therefore raised in this respect. With regards to the remaining rear amenity space for No. 1, this would remain appropriate in size to the dwelling and would reflect the size of neighbouring rear gardens. Meanwhile, taking into account bin storage, the submitted application form indicates that the dwelling would have an adequate bin store provided within the

curtilage. As the distance between the proposed dwelling and the bin collection point would be less than the expected 30 metres and would reflect distances existing in the area, the provision for bin storage is considered to be acceptable.

### **Highways/parking**

5. The proposed and existing dwellings would each have a floor area exceeding 120 square metres. As such, the parking standard would be three spaces per dwelling, in line with Development Plan Policy TR16. The new dwelling is able to provide one space on the shared driveway to the front while a second can be accommodated to the rear of the garden within the curtilage of the site. The existing dwelling would also retain two spaces. The parking standards are not minimum standards (and it is incorrect to interpret them as such), therefore it is not a definite requirement to provide three spaces. The standards are a starting point to assess development and in this instance, given the nature of the area, where on street parking could easily take place along Fairacres with no highway safety issues, two spaces are considered adequate for each dwelling. It is also recognised that the majority of dwellings in the vicinity only have access to two off road parking spaces and therefore the proposal replicates existing levels. It has also been confirmed that the additional vehicular movements can be accommodated onto the local highway network and the Highway Authority does not object to the widened access from Wrights Lane. No objections are therefore raised in terms of the impact of the proposal on the local highway network.

### **Affordable housing**

6. For proposals under five dwellings, Policy CS8 of the Core Strategy requires a financial contribution towards off-site affordable housing to be made. However, there are now specific circumstances set out in the National Planning Practice Guidance where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development, including developments of 10 units or less, which have a gross floor space of less than 1,000 square metres. The NPPG carries more weight than Policy CS8, as it is more recent, therefore no affordable housing contribution can be required in this instance.

### **Sustainability**

7. Core Strategy Policy CS4 sets out sustainable development principles for new development and in this respect it is noted that the site is within a relatively sustainable location in the built-up area of Prestwood which benefits from bus routes, local amenities and existing waste collection routes. As such, no objections are raised in respect of Policy CS4.

### **Working with the applicant**

8. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

Chiltern District Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, Chiltern District Council has considered the amended details as submitted which were considered acceptable.

### **Human Rights**

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

**RECOMMENDATION: Conditional permission**

**Subject to the following conditions:-**

1 C108A General Time Limit

2 Before any construction work commences, details of the facing materials and roofing materials and any external hardstanding to be used for the external construction of the dwelling, hereby permitted shall be made available to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with these details.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.

3 Prior to the commencement of any works on site, detailed plans, including cross section as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the dwelling hereby permitted shall be made available to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point normally located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.

Reason: To protect, as far as is possible, the character of the locality and the amenities of neighbouring properties.

4 Prior to the occupation of the new dwelling hereby approved, the parking layout for the existing and new dwellings, and the widened access to Wrights Lane, shall be laid out as shown on the approved drawings. The parking areas shall be permanently retained thereafter for this purpose only.

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.

5 Prior to the commencement of development, details of all the boundary treatments around the new plot shall be submitted to and approved in writing by the Local Planning Authority, along with a timetable for their erection/planting. The boundary treatments shall be erected/planted in accordance with the approved details. Should any plants forming part of the boundary treatments die or be removed within a period of five years from the implementation of this permission, they shall be replaced with the same or similar species by the end of the next planting season.

Reason: To maintain the character of the area, the amenity of neighbouring properties and the amenity and privacy of the new dwelling.

6 AP01 Approved Plans

**INFORMATIVES**

1 The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact the Area Manager at the following address for information.

Transport for Buckinghamshire (Streetworks)  
10th Floor, New County Offices  
Walton Street, Aylesbury,  
Buckinghamshire

HP20 1UY  
01296 382416

2 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

3 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

**The End**