

## PLANNING COMMITTEE – 14 June 2018

### REPORT OF THE OFFICERS

*Background papers, if any, will be specified at the end of each item.*

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#### AGENDA ITEM No. 5

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### 5 DEFERRED APPLICATIONS

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5.1 **CH/2017/1824/FA** (*Case Officer: Emma Showan*)

**DEMOLITION OF EXISTING HOUSE AND ERECTION OF THREE 5 BEDROOM HOUSES,  
SERVED BY EXISTING ACCESS**

**Rowanlinden, 70 Long Park, Chesham Bois, Buckinghamshire**

**Matter for consideration**

- 5.2 Additional plans received following the decision at the Planning Committee meeting of 26<sup>th</sup> April to defer the application pending receipt of amended plans showing revisions to the layout of Plots 1 and 2 in order to overcome the harm to Tree Protected Trees.
- 5.3 Planning application CH/2017/1824/FA was considered by Members at the Planning Committee of 26<sup>th</sup> April 2018. It was considered as a front page item following a deferral from the previous Planning Committee meeting of 22<sup>nd</sup> February 2018 (Committee Report is attached as *Appendix FP.01*).
- 5.4 Committee deferred its decision "to allow Officers to negotiate further changes to plots 1 and 2, to avoid a harmful impact on the [tree protected order] trees" (Committee Minute refers). Members stated that subject to no "material changes" taking place, Officers had delegated authority to issue the decision. However, clearly moving the houses as Members requested does constitute a material change to the scheme, hence the scheme needs to come back to the Planning Committee for a decision.
- 5.5 The applicant subsequently provided an amended site plan (10518 – Amended site plan) showing the relocation of dwellings 1 and 2 further back into the site and away from the protected trees. The dwelling on Plot 1 was also amended (020518-5 Plot 1 and 17/117/04 - garages) to remove the integral garage and instead erect an adjacent free standing garage by the side of the dwelling, to reduce the proximity of the dwelling and garage to the protected trees. This alteration has improved the relationship with the protected trees and the District Tree Officer has concluded that: "the current proposal in comparison with the previous revision would allow the retention of the spruce T6 and would reduce the pressure on the hornbeam T2. Although it would still have a more detrimental effect on the trees than the original layout it is significantly better than the previous revision." As such the amended layout has achieved its purpose in the sense it allows for the retention and protection of the TPO trees.
- 5.6 However, the neighbour at No. 66 Long Park has submitted representations to say they prefer the previous layout, with Plot 1 in line with this neighbouring dwelling, at the expense of the protected spruce tree, which is within the garden of No. 66. However, as previously reported to Members, the previous layout would likely result in the death of the TPO spruce tree, as the dwelling on Plot 1 would only be located around 2 metres from the tree. If the LPA was to agree that previous layout, this would be tantamount to condoning wilful damage to a preserved tree outside the application site and, as the authority responsible for enforcing

breaches of TPOs, that would not be appropriate. Therefore Members are requested to consider the new amended layout. The applicant has also stated they are unwilling to revert to the previous layout.

- 5.7 In relation to the impact on the amenities of No. 66, the dwelling on Plot 1 is now set back slightly further into the site. It would be more visible from No. 66 than the previous layout, but nowhere near as severe as the initial layout. The dwelling on Plot 1 would now be set away from the boundary with No. 66, as the single storey garage would be positioned close to the boundary instead. This relationship is considered acceptable and it would be very difficult to justify a refusal based on an intrusive and overbearing appearance when viewed from No. 66, given the oblique relationship and new siting of the dwelling on Plot 1.

### **Conclusion**

- 5.6 The effect of the development on the protected trees on site has been resolved with the amended plans. The impact of the repositioned dwelling on Plot 1 on the amenities of No. 66 Long Park is considered acceptable. The Officer recommendation therefore remains as per the previous report.

### **Recommendation**

Conditional permission, subject to the following conditions:

1. C108A General Time Limit (3 years)
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. 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. The garages shall not be converted to habitable accommodation or used for any other purpose, at any time.

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).

5. Prior to the occupation of the development hereby permitted, full details of the proposed boundary treatments for the site, and between the plots, 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).

6. Prior to the occupation of the development hereby permitted, full details of the proposed refuse and recycling bin storage facilities 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 prior to the occupation of any of the dwellings.

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.

7. 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.

8. 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 in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

9. 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 in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

10. 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.

11. AP01 – Approved Plans

*Background papers: None*

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**AGENDA ITEM No. 6**

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## **6 ITEMS FOR NOTING**

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### **6.1 NEW PLANNING AND ENFORCEMENT APPEALS**

**17/00070/ENF** - Appeal against the erection of two single storey rear extensions, first floor rear extension, rear dormer with Juliet balcony in the positions shown on drawing no 1004 submitted as part of application CH/2016/2142/FA, 233 Berkhamstead Road, **Chesham**

**CH/2016/0446/FA** - Demolition of existing cottages and construction of single dwelling with associated landscaping, access and parking area, 1 and 2 Hawridge Vale Cottages, Hawridge Vale, **Hawridge**

**CH/2016/2222/FA** – Erection of detached outbuilding (retrospective), Hullavington, Burtons Lane, **Little Chalfont**

**CH/2017/0436/OA** - Outline application for the development of site to provide up to 9 dwellings (matters to be considered at this stage: access), Land to Rear of 149 to 157 Chartridge Lane (Access from De Vere Close), **Chesham**

**CH/2017/0464/FA** - Demolition of retail showroom and flat to facilitate construction two blocks containing ten flats with associated parking and landscaping, Woodley and Hart, 3-5 Station Road, **Amersham**

**CH/2017/1660/FA** – Replacement detached garage, Mulberry Lodge, 64A Wycombe Road, **Prestwood**

**CH/2017/1893/FA** - Part first floor side extension and part single storey rear extension, 7 Over Hampden, **Prestwood**

**CH/2017/1898/FA** - Two storey front and rear extensions, single storey rear extension and engineering works to the rear and front garden, double part subterranean garage to front, Ti Soleil, Lincoln Road, **Chalfont St Peter**

**CH/2017/1943/FA** - Demolition of three four-bed houses, a disused industrial building (Use Class B2) and 20 garages, removal of spoil and trees from the rear of the site. Development of 34 residential dwellings comprising 25 houses and 5 flats, with associated landscaping tree replacement, car parking and internal shared surface road. Change of use of the upper storeys of The Old Red Lion (62 High Street) from office to residential to provide 4 flats. Ground floor building line amendment to southern elevation of The Old Red Lion (62 High Street) to remove 700mm at ground floor only to provide improved visibility onto the High Street. Amendments to Forge Cottage on Missenden Mews to relocate front door, relocate car parking space and provision of new private amenity space within the site, Land at the rear of The Old Red Lion, High Street, **Great Missenden**

**CH/2017/2315/FA** - Part two storey, part single storey rear extension and front roof dormer window, Breyll Path, 18 Green Lane, **Amersham**

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## 6.2 APPEAL DECISIONS

**CH/2017/1893/FA** - Part first floor side extension and part single storey rear extension, 7 Over Hampden, **Prestwood**

Officer Recommendation: Refuse Permission

**Appeal Decision: Appeal Allowed (17.05.2018)**

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## 6.3 APPEAL WITHDRAWN

**2015/00071/AB** - Appeal against Enforcement Notice alleging without planning permission, the change of use of the land and building from agriculture and/or forestry to use for residential purposes (Class C3) and associated operational development consisting of the alteration and extension the building to facilitate the unauthorised use, The Cottage, Woodlands Farm, Shire Lane, **Cholesbury**

**Appeal Withdrawn (10.05.2018)**

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## 6.4 PERMISSION/PRIOR APPROVAL NOT REQUIRED

**CH/2018/0322/PNR** - Prior notification under Class M of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 - Change of use from shop (use Class A1) to residential (Use Class C3) as part of the adjacent property (24 Broad Street), 22 Broad Street, **Chesham**

**CH/2018/0335/PNO** - Prior Notification under Class O of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Change of Use from office (Use Class B1(a)) to six residential units (Use Class C3), Elizabeth Court (formerly Lancer House), East Street, **Chesham**

**CH/2018/0394/PNC** - Prior notification under Class R of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 - Change of use for Agricultural to a flexible use within Class B1 (Business), Hay Barn (Unit 4G) at Woodlands Farm, The Vale, **Hawridge**

**CH/2018/0377/TP** - Removal of a branch from a yew tree protected by a Tree Preservation Order, 25 Runrig Hill, **Chesham Bois**

**CH/2018/0458/PNE** - Notification of proposed single storey rear extension; depth extending from the original rear wall of 6 metres, a maximum height of 3.5 metres and a maximum eaves height of 2.32 metres, 3 The Bramblings, **Little Chalfont**

**CH/2018/0627/PNE** - Notification of proposed single storey rear extension; depth extending from the original rear wall of 3.8 metres, a maximum height of 3.375metres and a maximum eaves height of 2.25 metres, 11 Little Hivings, **Chesham**

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## 6.5 WITHDRAWN APPLICATIONS

**CH/2016/1876/FA** - Change of use of ground floor and first floor from retail (Use Class A1) to restaurant (Use Class A3) with associated new shop front and extract ducting/flue/housing (retrospective), Little Istanbul, Nightingales Corner, **Little Chalfont**

**CH/2017/1405/SA** - Application for a Certificate of Lawfulness for a proposed operation relating to construction of a new garage block and leisure suite (outbuildings) alterations to parking layout and reposition of entrance gates, Manor Farm, School Lane, **Seer Green**

**CH/2017/1408/SA** - Application for a Certificate of Lawfulness for a proposed operation

relating to a single storey side extension, two entrance porches, four dormer windows, 17 roof lights and fenestration alterations, Manor Farm, School Lane, **Seer Green**

**CH/2017/1475/OA** - Outline application for the demolition of existing buildings (house and barn) and erection of a two storey dwelling with single storey detached double garage with repositioning of gates (matters to be considered at this stage: access, layout and scale), Manor Farm, School Lane, **Seer Green**

**CH/2017/1734/FA** - Conversion and change of use of agricultural buildings and dwellinghouse to part community facilities and part office accommodation, Collingshanger Farm, 100 Wycombe Road, **Prestwood**

**CH/2017/1743/HB** - Internal and external alterations to facilitate conversion of agricultural buildings and dwelling house to part community facilities and part office accommodation, Collingshanger Farm, 100 Wycombe Road, **Prestwood**

**CH/2017/2015/RC** - Proposed alterations to provide additional car parking including adaptation of existing highway vehicular entrance, formation of new vehicular exit and associated works, Chiltern District Council, King George V House, King George V Road, **Amersham**

**CH/2018/0178/FA** - Two storey and single storey side and front extension, Corylus, Burtons Way, **Little Chalfont**

**CH/2018/0327/OA** - Outline application for the erection of a two storey building comprising a gym at ground floor level, with 6 one bed flats at first floor and roof level, parking for 8 cars and widening of existing vehicular access (matters to be considered at this stage: access, appearance, layout and scale - matters reserved: landscaping), Former Miltons Head Pub Site, 20 Deanway, **Chalfont St Giles**

**CH/2018/0364/FA** - Single storey front extension, dormer window at front and rear and rooflight to side, Windrush Cottage, 3 Howard Crescent, **Seer Green**

**CH/2018/0396/SA** - Certificate of lawfulness for a proposed dormer structure with rooflights to form office space, Jumeirah, 14 Bois Avenue, **Chesham Bois**

**CH/2018/0602/PNE** - Notification of proposed single storey rear extension; depth extending from the original rear wall of 8 metres, a maximum height of 2.95 metres and a maximum eaves height of 2.95 metres, Salla Kee, Long Walk, **Little Chalfont**

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## 6.6 INFORMATION REGARDING PLANNING APPLICATIONS TO BE DETERMINED

Appended for your consideration are lists of applications submitted under the Town and Country Planning Act, 1990, and the Planning [Listed Buildings and Conservation Areas] Act, 1990, together with a recommendation from the Head of Planning Services. The forms, plans, supporting documents and letters of representation relating to each application are available for inspection on Public Access on the Councils Website.

Background papers for each of these planning applications, unless otherwise stated, are the application form and related letters, statements and drawings, notices, papers, consultations, and any written representations and comments received.

Reports may be updated at the meeting if appropriate, for example, where responses from consultees or further letters of representation are received.

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**AGENDA ITEM No. 7**

## **7 REPORTS ON MAIN LIST OF APPLICATIONS**

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**8 EXCLUSION OF THE PUBLIC**

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That under Section 100(A)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting of the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act

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