

# REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

## Main List of Applications 12th July 2018

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### CH/2018/0243/FA

Case Officer: Lucy Wenzel  
Date Received: 12.02.2018  
Parish: Great Missenden  
App Type: Full Application  
Proposal: Demolition of existing single garage and erection of a pair of 3-bed semi-detached dwellings, together with associated access, parking, landscaping, bin and cycle storage  
Location: Land at  
The Green Man Public House  
2 High Street  
Prestwood  
Buckinghamshire  
HP16 9EB  
Applicant: Punch Partnerships (PML) Limited

Decide by Date: 06.07.2018  
Ward: Prestwood And Heath End

### SITE CONSTRAINTS

Article 4 Direction  
Adjacent to A and B Road  
Adjacent to Unclassified Road  
Within Chilterns Area of Outstanding Natural Beauty  
A and B Roads  
Within 500m of Site of Importance for Nature Conservation NC1  
Townscape Character  
Established Residential Area of Special Character

### COMMITTEE CALL IN

Councillor Gladwin has called this application to Planning Committee should the recommendation be for approval.

### SITE LOCATION

The application site is located on the western side of Broombar Lane, to the north of The Green Man Public House on the northern side of the High Street in Prestwood. The site currently consists of part of the beer garden of the pub and a single garage.

The site is within the Chilterns Area of Outstanding Natural Beauty (AONB).

## **THE APPLICATION**

This application seeks planning permission to demolish the existing garage and erect a pair of semi-detached houses. New access will be taken from an existing access point off Broombar Lane.

The proposed building measures a maximum depth of 11.1 metres, width of 11 metres, ridge height of 8 metres and eaves height of 5.3 metres.

The proposed materials are red multi-stock facing brickwork with plain clay vertical hanging tile above. The roof will be constructed from plain clay tile.

Each dwelling has a kitchen/dining room, living room and W/C on the ground floor; and 3 bedrooms, family bathroom and en-suite on the first floor. Each dwelling also has two designated car parking spaces to the front.

## **RELEVANT PLANNING HISTORY**

CH/2017/0838/FA - Demolition of existing single garage and erection of a pair of semi-detached houses served by access from Broombar Lane - conditional permission.

This application was subsequently overturned at Committee with members refusing the application on the grounds of the overdevelopment of the site which would result in a cramped and visually intrusive form of development. Therefore, the development would adversely affect the character and appearance of the street scene.

The application was appealed by the applicant but was dismissed by the Inspector on the grounds that the proposal would be harmful to the character and appearance of the area.

## **PARISH COUNCIL**

No objection.

## **REPRESENTATIONS**

Six letters of objection have been received from neighbouring occupiers. The comments are summarised below:

- The road is within the Chilterns AONB and therefore any development should be in sympathy with the existing.
- The development would be intrusive into the countryside.
- There is no additional room for visitor parking on site and there is insufficient turning room.
- There are a number of mature, established trees whose removal would have a negative impact on the neighbourhood in general.
- The proposed development is not in alignment with the rest of the street.
- The development will see the removal of some of the pub garden.
- Was previously refused and the application has not significantly changed.

## **CONSULTATIONS**

### **Chiltern and South Bucks Fire Fighting Access**

I can confirm that the proposals as shown meet the requirements of the Building Regulations for Fire Brigade access.

### **Chiltern and South Bucks District Tree Officer**

The application includes an Arboricultural Implications Assessment and Method Statement as well as a Topographical Survey.

Under the previous applications, which had poor plans, I had assumed that the boundary of the site coincided with the existing boundary of the car park. However it is now clear that the current proposal would involve the loss of part of the existing car park as well as parts of the existing beer garden.

The proposed dwellings are in similar position to the previous applications and the proposals for the rear of the site are similar. A spruce about 12m in height and some smaller trees including a goat willow about 8m in height and a purple-leaved plum about 6m in height would be lost at the rear of the proposed houses but none of these is considered to be important. A Robinia (false acacia) about 18m in height is shown on the plan to be retained close to The Green Man at the edge of the car park and should not be affected by the proposal.

However the proposals for the area in front of the dwellings is now different with the trees shown retained. The group of sycamores with some ash about 18m in height immediately in front of the building is now shown to be retained but this would create a poor relationship with the building. One sycamore would have branches extending into the building requiring some trimming and it seems likely that this tree would be lost. The other trees would dominate the building and would be likely to cause concerns to future occupiers about light, debris and safety.

The application proposes a parking area for house 1 (H1) largely on the site of the existing garage using no-dig construction with the retention of the ash, holly and hazel towards the road. However the proposal does not show no-dig construction for the pedestrian access to H1.

The most important tree in the immediate vicinity is a large ash about 20m in height on the corner of Broombar Lane with the existing access to Roseberry and Whitecroft, just outside the application. This tree is shown to be retained and should not be affected by the proposed development. However there is some decay at the base of the tree.

I have some concerns about the relationship of the group of sycamore and ash at the front of the site with the proposed building but these trees are not of particularly high quality. Nonetheless they are fairly prominent in the street scene and they do contribute to the character of the area. I would not object to the application provided there is adequate protection for the retained trees including the measures proposed in the tree report. However no-dig construction for the pedestrian access to H1 would also be necessary.

Amended plans were sought to reduce the potential impact on existing trees sited to the front of the plot and additional comments were as such received from the Tree Officer.

Revised plans have now been submitted including the Proposed Site Layout Rev P4 and a revised Tree Protection Plan Eco 3. These show the proposed semi-detached houses moved back on the site by just over a metre so that the front elevation is now more in line with the adjacent property Rosebury. This would improve the relationship of the proposed building with the group of sycamores and ash (G8) in front of the proposed building, and reduce the likely pressure for future tree work. However the trees would still be fairly close and dominant, and may still cause concern to future residents.

The slight change in position would have little effect on the Robinia T1. I note that the Tree Protection Plan still does not show no-dig construction for the pedestrian path to the dwelling H1.

In summary, the revised plans are a slight improvement from a tree point of view but the building is still closer than ideal to the trees.

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

I note that the Highway Authority has provided previous comments for this site, most recently for application no. CH/2017/0838/FA, which in a response dated 6th June 2017, the Highway Authority had no objection subject to conditions. Having reviewed the submitted documents, I would not consider this application to materially differ from a highways perspective. Therefore I will reiterate my comments below.

"High Street is an unclassified road subject to a speed limit of 30mph. The application seeks planning permission for the demolition of the existing single garage and the erection of a pair of semi-detached houses in its place.

When considering trip generation, I would expect each dwelling to generate between 4-6 daily vehicular movements, two-way. Therefore the overall development would have the potential to generate between 8-12 daily vehicular movements, two-way. I am satisfied that these additional vehicle movements can be accommodated within the local highway network.

Both dwellings are to be served by an existing access off Broombar Lane which currently serves two dwellings. I note that the application site boundary does not include the private access drive. Whilst not a planning reason for refusal, the applicant will need to demonstrate that a legal right of access is achievable.

As this access is to be subject to an intensification in use, it is imperative to ensure that the access is safe and suitable to accommodate additional traffic movements. In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions commensurate with a 30mph speed limit. I am satisfied that these visibility splays can be achieved within the public maintained highway or within land owned by the applicant.

The access point serving the existing two dwellings measures in the region of 5m for the initial section of the site, before narrowing down to 3.2m at a pinch point with the existing tree at the site entrance. Normally, the Highway Authority would require an access width measuring 4.8m when considering access points serving over 3 dwellings. However, given the short distance from the proposed access point to the public highway, I do not believe that I could reasonably insist upon this access width being provided in this instance. However, the access will need to be upgraded to an adequate construction in order to prevent vehicles from dragging loose materials onto the public highway in this location.

Whilst I trust you will determine the adequacy of the parking provision, I can confirm that the four proposed parking spaces will not have an adverse impact on highway safety and convenience, are of adequate dimensions and would allow for adequate space within the site for vehicles to turn and egress in a forward gear."

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

### **POLICIES**

National Planning Policy Framework (NPPF)

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011. Saved Policies: GC1, GC3, H3, H11, H12, LSQ1, CSF2, TR2, TR11 and TR16.

Sustainable Construction and Renewable Energy Supplementary Planning Document - Adopted 25 February 2015.

## EVALUATION

### Principle of development

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 Local 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 within the AONB, where development should conserve or enhance the scenic beauty of the rural landscape.

2. In addition, Policy CS2 of the Core Strategy states that the Council will facilitate limited development in the built up areas of villages excluded from the Green Belt, including Prestwood.

3. The previous application was refused at Planning Committee and dismissed at appeal. There were no objections to the principle of the proposal, as the community facility would not be lost. The Local Planning Authority's refusal stated that:

"The proposed development would result in two houses being shoehorned into the plot, resulting in minimal space around the building, extensive hardstanding and pressure to remove trees around the site. By virtue of its layout and scale, the proposal would represent an overdevelopment of the site, resulting in a cramped and visually intrusive form of development which would adversely affect the character and appearance of the street scene and would relate poorly to the spacious character of the neighbouring Established Residential Area of Special Character along Broombar Lane to the north. This is contrary to Policies GC1 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and Policy CS20 of the Core Strategy for Chiltern District - adopted November 2011."

However, the Appeal Inspector did not agree with elements of this refusal. He stated that, "I am satisfied that the proposed pair of semi-detached houses would not look out of place as they have been designed to imitate a single detached dwelling, with only one door to the front elevation. Furthermore, in view of the more compressed nature of the western side of the road, I am also satisfied that the extent of gap between the development and Roseberry would not be harmful to the character of the area." As such the concerns relating to the shoehorned nature of the development and the minimal space around the building were not upheld by the Inspector and these cannot be reintroduced under the current proposal. A pair of semi-detached dwellings is therefore acceptable on the site, subject to addressing the Inspector's detailed concerns.

4. The Appeal Inspector's concerns related to several specific issues. He stated:

"I am not satisfied on the basis of the evidence before me that the larger Sycamore and Ash specimens to the site frontage would be capable of being retained and/or protected given the layout of the parking area and their close proximity to it. Although I recognise that these are not high quality specimens, they are nonetheless very prominent trees and make a significant contribution to the verdant character of the area.

Furthermore, given that both front gardens to the new dwellings would be predominantly laid to hardstanding for off-road parking and turning facilities, the amount of space available for soft landscaping would be small and not of a sufficient size to accommodate extensive new planting; particularly new trees that are capable of maturing and forming significant focal points in the streetscene to replace those substantial specimens that would be lost. As a consequence, I have concluded that the cumulative impact of the site's prominent position, insufficient soft landscaping space and more open front garden would result in the development being dominated by off-road parking and out of keeping with the soft-landscape character of Broombar Lane.

The above harm to the character of the area would be compounded by the stark appearance of the proposed 1.8 metre high close-boarded fence to the southern boundary. This would result in a visually intrusive form of development that would be out of keeping with the locally distinctive character of the Public House and Nos 4 to 10 High Street and their public facing brick/flint boundary treatments."

So the Inspector's concerns related specifically to the potential loss of large trees, the inadequate space available for soft landscaping, particularly new trees capable of replacing those lost (this point will obviously be addressed if the existing trees are to be retained), and the stark appearance of the close-boarded fence.

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

5. In relation to the first of the Appeal Inspector's concerns, the original submitted layout was set closer to the group of sycamore with some ash located immediately to the front of the proposed principal building line. On the plans, these were shown to be retained and therefore the extending branches off of the trees would create a poor relationship with the proposed dwellings, would dominate the building and would be likely to cause concerns to future residents about light, debris and safety. The Appeal Inspector stated:

"I am not satisfied on the basis of the evidence before me that the larger Sycamore and Ash specimens to the site frontage would be capable of being retained and/or protected given the layout of the parking area and their close proximity to it. Although I recognise that these are not high quality specimens, they are nonetheless very prominent trees and make a significant contribution to the verdant character of the area."

In light of these comments a revised layout was requested and subsequently submitted which has relocated the proposed dwellings further to the west of the plot. This has provided increased separation from the retained trees sited to the front of the plot and reduces potential concerns that these trees would adversely affect the proposed development. The District Tree Officer has commented that the repositioning of the dwellings within the plot has improved the relationship with the group of sycamore and ash. In response to the Appeal Inspector's comments that there could be a potential loss of these trees, given that the revised layout locates the dwellings further to the west, the increased separation reduces this potential and as such the concerns raised by the Appeal Inspector are considered to be overcome.

6. In relation to the Appeal Inspector's second concern, having consideration for the revised submitted plans; there is now more space for soft landscaping at the front of the site as a result of the repositioning of the dwellings further to the west. The improved distance between the group of existing large trees and the principal elevations of the proposed dwellings achieves a larger area for soft landscaping to be accommodated and provides increased spacing to be able to maintain and enable maturity of new trees should they be planted. As such this concern identified by the Appeal Inspector is also considered to be overcome.

7. The third point made by the Inspector was in relation to the 1.8 metre high close-boarded fencing to be erected along the southern boundary. This boundary line which is in direct view from the High Street and upon entrance into Prestwood from Great Missenden is now proposed to be demarcated by a 1.8 metre brick wall and a 0.9 metre timber post and rail fence. The brick wall will face onto the gravel car park of the Public House, whilst the post and rail fence will border an area of lawn associated with the Public House. The "stark contrast" as stated by the Inspector that the 1.8 m fence would create is considered to be reduced. Although the proposed brick wall will be of identical height to the previous proposed fencing it is considered to break up the length of fencing and mimics the flank elevation of the dwellings. It will reflect the public facing brick/flint boundary treatments of the Public House and Nos 4 to 10 High Street, as identified by the Appeal Inspector.

### **Neighbouring amenity**

8. No objections were previously raised by the Council or the Appeal Inspector in relation to the impact of the scheme on the amenities of neighbouring properties. No flank elevation windows are proposed under this scheme and the siting of the dwellings is in identical positioning to those previously proposed. Whilst comments from neighbouring residents are again noted, as no previous concerns were raised and the scheme does not affect neighbouring amenity levels in a materially different way to the previous scheme, it is considered that no harm will arise to neighbouring amenities.

### **Parking/highways implications**

9. No objections were previously raised by the Council or the Appeal Inspector in relation to parking or access. There are two car parking spaces provided for each dwelling which complies with the standards set out in Policy TR16 of the Local Plan. The Highways Authority were again consulted on the application and they concluded that the proposed spaces would not have an adverse impact on highway safety and convenience, are of adequate dimensions and there is sufficient manoeuvring space for vehicles to turn within the site and exit in a forward gear. The Highway Authority also raised no objection to the increase in vehicular movements and state that these can easily be accommodated within the local highway network.

10. Access is to be taken from the existing driveway currently serving two dwellings (Roseberry and Whitecroft). As such, a new vehicular access to a public road will not be formed, as the access to the site would come off a private drive. The proposal will result in two additional dwellings using this driveway and as there will be some intensification, increased visibility splays are required onto Broombar Lane. As with the previous scheme, the Highway Authority states that these can be achieved within the public maintained highway or within land owned by the applicant. As such, it is reasonable to impose a condition to require these visibility splays to be provided and maintained, if permission is forthcoming.

### **Affordable Housing**

11. 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 5 units or less in the AONB, which have a gross floor space of less than 1,000 square metres. This applies to the current scheme and is more up to date guidance than Policy CS8, therefore it has to take precedence. As before, no affordable housing contribution is therefore required.

### **Working with the applicant**

12. 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, Chiltern District Council has considered the details as submitted which were considered acceptable.

### **Human Rights**

13. 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 materials to be used for the external construction of the development hereby permitted, including the surface materials for the pedestrian access, shall be made available 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, LSQ1 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 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011).

3 Prior to the commencement of any works on site, detailed plans showing the existing ground levels and the proposed slab and finished floor levels of the dwellings 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 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, 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.

4 Prior to the occupation of the development minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from both sides of the existing access onto Broombar Lane shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

5 Prior to occupation of the development, space shall be laid out within the site for parking for cars, loading and manoeuvring, in accordance with the approved plans. This area shall be permanently maintained for this purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

6 Prior to the first occupation of the development, the access shall be designed and constructed in accordance with the approved plans.

Reason: To minimise danger and inconvenience to highway users; in accordance with Policy TR2 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).

7 Prior to the occupation of the dwellings hereby permitted, the boundary treatments shown on the approved plans shall be installed and shall thereafter retained in situ.

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.



Classification: OFFICIAL

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 windows or roof lights other than those shown on the approved plans, shall be inserted or constructed at any time at first floor level or above in either flank elevation of the roof or of the dwellings hereby permitted.

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 The development hereby approved shall be implemented in accordance with the tree and hedge protection measures described in the Arboricultural Implications Assessment and Method Statement Ref 181008 - AIA dated 12 February 2018 by Ecourban Ltd Arboricultural Consultancy and the revised Tree Protection Plan ECO 3 submitted on 7 June 2018. This shall include the use of tree protection fencing, ground protection measures and no-dig construction in accordance with these documents. In addition no-dig construction shall be used for the pedestrian access path to the dwelling H1.

Reason: To ensure that the existing established trees and hedgerows in and around the site that are to be retained, including their roots, do not suffer significant damage during building operations, 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 No tree or hedge shown to be retained on the revised Tree Protection Plan ECO 3 submitted on 7 June 2018 by Ecourban Ltd Arboricultural Consultancy shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree or hedge shall be planted of such size and species as shall be agreed in writing by the Local Planning Authority. Furthermore, the existing soil levels within the root protection areas of the retained trees and hedges shall not be altered.

Reason: To ensure the retention of the existing established trees and hedgerows within the site that are in sound condition and of good amenity and wildlife value, 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.

11 AP01 Approved Plans