

Chalfont St Peter

CH/2018/0802/FA

Ward: Austenwood

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Proposal: Redevelopment of site to provide three detached dwellings with associated hardstanding and vehicular access.

Recommendation: Conditional Permission

28-32 Oval Way, Chalfont St Peter, Buckinghamshire, SL9 8QB

Chalfont St Peter

PL/18/2033/FA

Ward: Austenwood

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Proposal: Redevelopment of site to provide two detached dwellings with integral garages, a pair of semi-detached dwellings with garages and hardstanding, landscaping and vehicular accesses.

Recommendation: Conditional Permission

28-32 Oval Way, Chalfont St Peter, Buckinghamshire, SL9 8QB

Chalfont St Giles

CH/2018/0887/OA

Ward: Chalfont St Giles

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Proposal: Outline planning application for erection of a 2.5 storey building comprising a public house at ground floor level, with 6 x 1-bed flats above and associated parking (matters to be considered at this stage: access, appearance, layout and scale; matters reserved - landscaping)

Recommendation: Conditional Permission

The Miltons Head Public House, 20 Deanway, Chalfont St Giles, Buckinghamshire, HP8 4JL

Little Missenden

PL/18/2437/FA

Ward: Holmer Green

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Proposal: Erection of two dwellings, with vehicular access, parking and amenity space, and the re-ordering and enlargement of the church car park with amendments to access position.

Recommendation: Refuse Permission

Christ Church, Featherbed Lane, Holmer Green, Buckinghamshire, HP15 6XQ

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 6th September 2018

CH/2018/0802/FA

Case Officer: Emma Showan
Date Received: **04.05.2018** Decide by Date: **03.09.2018**
Parish: **Chalfont St Peter** Ward: **Austenwood**
App Type: Full Application
Proposal: **Redevelopment of site to provide three detached dwellings with associated hardstanding and vehicular access.**
Location: **28-32 Oval Way
Chalfont St Peter
Buckinghamshire
SL9 8QB**
Applicant: **Aquinna Homes plc**

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Heathrow Safeguard (over 45m)
Mineral Consultation Area
Northolt Safeguard zone
On/within 250m rubbish tip
Tree Preservation Order
Townscape Character
Established Residential Area of Special Character

CALL IN

Councillor Wertheim has requested that this application be determined by the Planning Committee if the Officer recommendation is for approval.

SITE LOCATION

This application relates to a site located at 28-32 Oval Way in the built-up area of Chalfont St Peter. The site currently comprises a vacant parcel of land on which there previously was sited a care facility for children. Furthermore, the site is located within an Established Residential Area of Special Character with Oval Way being characterised by large detached properties set within wide plots. The properties along the road vary in terms of their appearances but are all set back from the public highway and many have hedging to the front. The site also lies adjacent to the Gerrards Cross Centenary Conservation Area.

THE APPLICATION

This application proposes the redevelopment of the site to provide three detached dwellings.

Plot 1 would consist of a detached three storey dwelling with an integral garage. It would contain 5 bedrooms the majority of which would have associated ensuites and dressing rooms. It would have a maximum width of 15.4 metres, depth of 22.5 metres and pitched roof height of 9 metres, with an eaves height of 5.4 metres.

Plot 2 would consist of a detached three storey dwelling with an integral garage. It too would contain 5 bedrooms. It would have a maximum width of 15.8 metres, depth of 21.4 metres and pitched roof height of 9 metres, with an eaves height of 5.4 metres.

Plot 3 would consist of a detached three storey dwelling with 5 bedrooms. It would have a maximum width of 11.7 metres, depth of 20.7 metres and pitched roof height of 9 metres, with an eaves height of 5.5 metres. It would be served by a detached double garage to the front which would have a maximum width of 6.8 metres, depth of 6.8 metres and pitched roof height of 5.6 metres, with an eaves height of 2.2 metres.

The properties would access onto Oval Way.

Officer Note: This scheme follows the refusal of planning application CH/2018/0594/FA which proposed the erection of five dwellings; one detached three storey dwelling and two pairs of semi-detached dwellings. The building on Plot 1 previously had a width of 13.1 metres, depth of 16 metres and height of 9.5 metres. The building on Plots 2 & 3 previously had a width of 12.7 metres, depth of 19 metres and height of 9.2 metres. The building on Plots 4 & 5 previously had a width of 12.7 metres, depth of 17 metres and roof height of 9.2 metres.

RELEVANT PLANNING HISTORY

CH/2018/0594/FA - Erection of five new dwellings. Refused permission for the following reason:

- 'The application site is located within an Established Residential Area of Special Character wherein residential development can be acceptable in principle, subject to the proposed development not being detrimental to the special character of the area from which it derives its distinctiveness and the development maintaining and/or improving local character. The proposed plots would be substantially narrower than others in the locality. In addition, four semi-detached dwellings are proposed and these would be out of character with the other, two storey detached residential buildings in the locality. In addition, by reason of the overall appearance and layout of the proposed detached and semi-detached properties, particularly in relation to the car ports at Plots 3 and 4 which would be sited to the rear of these properties, the proposal would appear at odds with the existing character and appearance of the immediate street scene and wider locality. It is also noted that the car parking arrangement for Plots 4 and 5 would mean that there is restricted access to the car port, restricting its use. The development would erode the special qualities of the area, and fail to integrate with, and respect and reflect the existing built form in the locality. Given the above, the development would also harm the setting of the nearby Gerrards Cross Centenary Conservation Area, failing to preserve important views looking into and out of the conservation area. As such, the proposal is contrary to Policies CS4 and CS20 of the Core Strategy for Chiltern District (Adopted November 2011), Policies GC1, CA2 and H4 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and the National Planning Policy Framework.'

CH/2017/2013/FA - Erection of five new dwellings. Refused permission for the following reasons:

- 'The proposed plots would be substantially narrower than others in the locality and the three buildings proposed would be much taller than their nearest neighbours. In addition, four semi-detached dwellings are proposed and these would be out of character with the other, two storey detached residential buildings in the locality. Furthermore, by reason of the overall appearance and layout of the proposed detached and semi-detached properties, particularly in relation to the car ports at Plots 3 and 4 which would be sited to the rear

of these properties, the proposal would appear at odds with the existing character and appearance of the immediate street scene and wider locality.

- The shared access serving Plots 3, 4 and 5 measures a width of 3m which is not sufficient to serve three dwellings. The Highway Authority would require an access drive serving three dwellings to be a minimum of 3.2m. Furthermore, it is evident that Plots 3 and 4 have insufficient manoeuvring space and therefore vehicles would have to reverse for long distances before potentially reversing out onto Oval Way.

- It is proposed to remove many of the trees within the site, including an oak and blue cedar situated in the former rear garden of Stow Lodge. Furthermore, the dwelling on Plot 5 is close to the trees on the boundary with Orchard Close and within the root protection area of the Norway maple and adjacent lime. Meanwhile, the proposed garage would be within the root protection area of the copper beech. This would compromise the trees' future growth and development.'

CH/2015/2224/FA - Erection of two detached buildings comprising 10 age exclusive apartments including parking, revised accesses and landscaped grounds. Refused permission for the following reasons:

- 'The proposed plot would be substantially wider than others in the locality, and by reason of their overall size, scale, massing, appearance and layout, the proposed buildings would amount to a development of significant scale which would appear overly dominant, prominent and visually intrusive in the street scene and incongruous when viewed in the context of the modest scale of dwellings in the vicinity of the site. The development would also harm the setting of the nearby Gerrards Cross Centenary Conservation Area.

- By reason of its size, design and proximity to the shared boundary with No. 24 Oval Way, building B would appear prominent and visually intrusive when viewed from the rear aspect of this property. In addition, the number and type of windows in the southern elevation of building B would result in a degree of overlooking when viewed from this neighbouring property.'

- Appeal dismissed.

CH/2014/1540/FA - Redevelopment of site to provide one building containing 10 residential apartments with underground parking, one detached refuse store, alterations/creation of two vehicular accesses and closure of two existing accesses. Refused permission for the following reasons:

- 'The proposed development would result in the loss of a Use Class C2 residential care home which is classed as a community facility. No replacement community facility is proposed as part of this application and insufficient information regarding the need for this site for use as a care home or other community service/facility use has been put forward and no exceptional circumstances have been put forward to justify the loss of the community use.

- The proposed plot would be substantially wider than others in the locality, and by reason of their overall size, scale, massing, appearance and layout, the proposed buildings would amount to a development of significant scale which would appear overly dominant, prominent and visually intrusive in the street scene and incongruous when viewed in the context of the modest scale of dwellings in the vicinity of the site. The development would also harm the setting of the nearby Gerrards Cross Centenary Conservation Area.

- By reason of its size, design and proximity to the shared boundary with No. 24 Oval Way, the development would appear prominent and visually intrusive when viewed from the rear aspect of this property. In addition, the number and type of windows would result in a degree of overlooking when viewed from this neighbouring property.

- No legal agreement has been completed to secure possible affordable housing contributions.'

- Appeal dismissed.

PARISH COUNCIL

Strongly object. Out of keeping with the area in terms of bulk, height and separation between plots. Overdevelopment of the site. Buildings used for comparison are blocks of flats etc with underground parking. Roof heights are excessive with three storey as opposed to two and increased area of flat roof. Also significantly increased internal floor area from previous schemes. Separation between houses very small when

compared to adjacent properties. Intrudes on Gerrards Cross Conservation Area which was stated as being an area continuous with this site in the Planning Inspectors report to previous appeals. Overlooking of each other and No 24 especially from rear terrace and balconies.

REPRESENTATIONS

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

- Inconsistent and misleading information in the submitted documents
- Smaller spacing between buildings than before
- Three buildings are bigger than before
- Tall and bulky appearance
- Significant height - taller than the ridge height of what was, until its demolition, the tallest building in the ERASC and taller than neighbouring properties
- Increase in the footprint
- Loss of daylight and sunlight
- Overbearing and sense of enclosure
- Loss of privacy and overlooking
- Crowded and oppressive
- Detrimental impact on conservation area
- No full three storey houses along Oval Way
- Numerous overlooking windows
- Plot is 1 metre shorter on plans than in reality
- Trees are marked wrongly on the plans
- Too close together
- Mundane bulky buildings
- Previous objections still stand

Officer Note: Some of these comments have been received prior to the amended plans being submitted. The deadline for representations on the amended plans is 4th September 2018 so any additional comments received after this report has been published will be summarised verbally at the Planning Committee meeting.

CONSULTATIONS

Buckinghamshire County Highways Officer: 'I note that this site has been subject to several previous planning applications. The most recent planning application ref no. CH/2018/0594/FA, the Highway Authority had no objection subject to conditions. This application differs from the previous application in that it now proposes three dwellings instead of five.

In terms of trip generation, I would expect each residential dwelling containing five bedrooms to generate approximately 6-8 daily vehicular movements, two-way. Therefore the overall development has the potential to generate in the region of 24 daily vehicular movements, two-way.

The proposals include three accesses onto the highway. In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions from the proposed accesses commensurate with a speed limit of 30mph. I am satisfied that adequate visibility splays can be achieved within the publicly maintained highway or land owned by the applicant.

In terms of parking provision, four spaces are proposed for each dwelling. I trust the Local Planning Authority will comment on the adequacy of level of parking provision proposed. However, I can confirm that there is sufficient 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.'

Buckinghamshire Fire and Rescue Access: 'Based on the information supplied, B5 (Access & Facilities for the Fire Service) appears compliant.'

District Tree and Landscape Officer: 'The current application uses the same site as the applications CH/2012/0964/FA, CH/2014/1540/FA & CH/2014/2224/FA and the previous applications by the same applicant CH/2017/2013/FA & CH/2018/0594/FA. It includes both Stow Lodge, 28 Oval Way and Bancroft, 32 Oval Way.

The application includes a revised Tree Survey and Impact Assessment report dated May 2018. It also includes a Tree Constraints Plan and a Tree Protection Plan. However I note that the submitted Tree Constraints Plan is a different revision from that referred to in the Tree Survey and Impact Assessment report. The survey itself is based on a 2013 survey and although some tree diameters have been updated, the tree heights do not seem to have been amended.

There are two Tree Preservation Orders on the site. Tree Preservation Order No 33 of 1989 protects four trees on the boundary of Stow Lodge with Orchard Close. This was made at a time when there was a planning application for an additional house on a plot comprising of parts of the gardens of both Stow Lodge and Orchard Close. Tree Preservation Order No 6 of 2012 protects two copper beeches: T1 is in the former rear garden of Bancroft and T2 is on the road boundary of Stow Lodge.

Last summer the buildings were demolished and the immediate vicinity was cleared. On 6 November 2017 maple T4 of Tree Preservation Order No 33 of 1989 was felled without authorisation. This was in the position of T24 on the recent tree survey and is shown for removal on the Planning Site Layout plan. Three trees, two maples and a lime were planted on 8 December 2017 just within the site close to the position of the maple removed. These trees were transplanted to different positions on 4 January 2018, which would be more compatible with the proposed housing scheme. They are shown as T20, T24 and T35 on the submitted tree survey. However the replacement maple T24 is actually planted about 3 metres from the boundary rather than the position shown on the plan.

The current application proposes the replacement of Bancroft with a detached house and the replacement of Stow Lodge with two detached houses.

The road boundary of the site currently consists of a cypress hedge about 2.5m in height on the Bancroft boundary and hoarding on the Stow Lodge boundary. There had previously been a mixed hedge of mainly privet that had been somewhat neglected and much of this remains behind the hoarding. The Planning Site Layout plan does not clearly show the proposals for the front boundary but seems to suggest that there would be new hedging.

The house proposed on Plot 1 is larger than that proposed under the two previous applications and would be closer to the copper beech tree T3 protected by Tree Preservation Order No 6 of 2012. Although this position would not involve significant root damage, the tree would dominate the rear of the dwelling leading to possible concerns from future residents. The access to Plot 3 would be within the root protection area of the other copper beech protected by the TPO T43 but this is a similar position to the existing access. One of the parking spaces for Plot 2 would also be just within the root protection area but should not involve significant root damage.

The proposal would require the loss of a number of the trees within the site leaving mainly trees close to the boundaries. Most of these trees proposed for removal on the plans are fairly small trees or trees in poor condition and are therefore of little importance to the character of the area. These include maples, plums,

cherry, birch, cypress and yew. However the Planning Site Layout plan does include the loss of a large Eucalyptus T5 classified as Category B that is well clear of the proposed detached house on Plot 1, but this tree is shown retained on the Tree Protection Plan. Nonetheless two of the trees proposed for removal under the earlier application CH/2017/2013/FA and that I had previously stated were suitable for retention, are now shown to be retained. These are an oak (T12) and a blue Atlas cedar (T19) situated in the former rear garden of Stow Lodge, that are both good healthy young trees about 10m in height.

The Planning Site Layout plan shows the loss of several trees in Plot 3. One of these is the TPO Norway maple that has already been removed without authorisation. A small Lawson cypress was removed at the same time yet this is shown on the plan for retention close to the garage. However the adjacent tree (T29 on the Tree Survey) is shown for removal. This is a young field maple about 10m in height that is somewhat misshapen because of suppression on one side.

Three trees are shown for removal for the proposed garage and parking spaces. On the Tree Survey these are T30, T31 and T42. T30 is a small holly about 8m in height of little importance but T31 is a large old Monterey cypress about 18m in height. This is classified as Category B in the current tree survey but was classified as Category U in the 2012 tree:fabrik tree survey because of a large crack at the union of the two main stems. Consequently there is a significant risk that the tree could split in extreme weather. T42 is an attractive young lime about 10m in height although it does have a low fork which weakens its structure. A similar tree, T37, is shown for retention just beside the parking area. This may be possible with the use of no-dig construction.

The dwelling on Plot 3 would now be just outside the root protection areas of the three remaining TPO trees on the boundary with Orchard Close. Nonetheless these trees would still be close to the dwelling on Plot 3 leading to concerns from future occupants about light, safety and debris that would lead to pressure for significant further tree work. The proposed garage would be at the edge of the root protection area of the copper beech T27 but the garage and parking spaces would also be within the root protection areas of cypress T36, lime T37 and western red cedar T40. This impact could be reduced by specialised foundations and no-dig construction.

In conclusion there is a slightly greater clearance between the trees protected by Tree Preservation Order No 33 of 1989 and the adjacent dwelling than the previous proposal but the relationship is still far from ideal. However the dwelling on Plot 1 is now closer to a copper beech tree protected by Tree Preservation Order No 6 of 2012 than before, leading to further concerns. Consequently I would prefer smaller houses that had a lesser impact on the trees. Nonetheless I would not object to the application provided there is adequate protection for the retained trees, which should include appropriate precautions within the root protection areas of the retained trees such as no-dig construction.'

Ecology Officer: No comments received at time of writing report, however comments received in regards to application CH/2018/0594/FA stated no objection, subject to the provision of a Landscape and Ecological Management Plan.

South Bucks District Council: None received at time of drafting report.

Thames Water Officer: No comments received at time of writing report, however comments received in regards to application CH/2018/0594/FA stated that: 'Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.'

POLICIES

National Planning Policy Framework (NPPF).

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS5, CS8, CS10, CS11, CS20, CS24, 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, GC4, H3, H4, H11, H12, H18, TW3, CA2, CSF2, TR2, TR3, TR11, TR15, and TR16.

Chalfont St Peter Neighbourhood Plan, 2014. Policies: LC1, H1, H2, H3, H5 and H6.

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

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

EVALUATION

Principle of development

1. The application site is located within the built-up area of Chalfont St. Peter 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 requires each of the following criteria to be complied with:
 - 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.
3. Finally, although the site does not fall within a Conservation Area, it falls adjacent to the Gerrards Cross Centenary Conservation Area. Local Plan Policy CA2 states that any proposed development which does not preserve or enhance the important views within, looking out of, or into a Conservation Area will be refused. This is particularly notable given that both previous planning applications CH/2015/2224/FA and CH/2014/1540/FA referred to the detrimental impact of the proposed developments on the setting of the adjacent Conservation Area as one of the reasons for refusal.
4. All other relevant Development Plan policies should also be complied with.
5. Finally, it is noted that this application follows planning applications CH/2018/0594/FA and CH/2017/2013/FA for the erection of 5 dwellings (one detached and four semi-detached properties) on the same site. These applications were refused permission based on the fact that the proposals would appear at

odds with the existing character and appearance of the immediate street scene and wider locality. As such, this application seeks to overcome the previous reasons for refusal by proposing the erection of three detached dwellings, and not three buildings comprising five residential units.

Design/character and appearance

6. The application site currently comprises a vacant plot of land part way down Oval Way. The site previously comprised a children's care facility that was no longer viable. As such, the principle of redeveloping the site to comprise residential dwellings (in this instance apartments and age exclusive apartments and later residential dwellings) was accepted as part of the previous planning applications.

7. The previous two schemes were refused permission based on their impact on the character and appearance of the area. In order to overcome this reason for refusal, the applicant has amended the proposal by way of reducing the number of units on site so the development would now consist of three, three-storey detached dwellings (with the third storey habitable accommodation being located within the roof space). This means that the proposal would be more in keeping with the locality whereby residential properties are predominantly detached and set in large plots. In addition, the three buildings have been re-designed so that they now have a more attractive appearance with much of the bulk of the previous schemes being removed. The proposed crown roofs have been reduced in scale and in height so that they are now more in keeping with the heights of neighbouring properties and the loss of third floor windows (and use of rooflights instead) means that the dwellings would appear as two storey from the front elevation, and therefore in keeping with the neighbours. The car ports have also been removed from the scheme, reducing the built form on site. Overall, it is considered that the proposed changes to the dwelling types on site and the proposed amendments to the design are much more in keeping with the character of the locality. It is noted that adequate separation distance would be maintained between the three properties and their adjacent neighbours, in line with Development Plan Policy H11, and this would further ensure that the spacious character of the area is maintained. Given the nature of the proposed amendments, it is considered that the previous reason for refusal relating to the design and type of dwellings proposed, has sufficiently been overcome and the proposal would integrate with the local pattern of development and the character of the adjacent Conservation Area.

Neighbouring amenity

8. In terms of the impact of the proposal on neighbouring amenities, no objections were previously raised in regards to the impact of the five residential units on neighbouring properties. However, the amended proposal has re-sited the proposed dwellings and they have been increased in size requiring a new assessment of their impact on neighbouring dwellings. In this respect, the dwelling on Plot 1 would be sited approximately 3 metres away from the boundary with No. 34 Oval Way and approximately 8 metres away from the flank elevation of this neighbour. The two storey aspect of the rear elevation would be broadly in line with the rear elevation at No. 34 with only the single storey element of Plot 1 projecting into the rear garden beyond the rear wall of No. 34. Nonetheless, this single storey element would be sited 12.5 metres away from the boundary with No. 34 which is considered to be an acceptable relationship. In regards to the roof terrace above this single storey rear projection, a condition requiring the erection of boundary screening would prevent intrusion in the direction of No. 34. It is noted that concern has been raised in regards to loss of daylight and sunlight to No. 34 as a result of the dwelling on Plot 1. Although these concerns are noted, it is considered that the relationship and spacing between the two properties, in addition to the siting of the proposed dwelling in relation to the windows at No. 34 is acceptable so as not to lead to undue loss of amenity to the occupiers of No. 34.

9. To the other side of the development site, the dwelling on Plot 3 would be sited approximately 9 metres from the boundary (at the narrowest point) and approximately 17.5 metres from the flank wall of No. 24. The two storey rear projection of the dwelling on Plot 3 would extend in depth by 6.5 metres beyond the

rear elevation of No. 24 and this neighbour has expressed concern that this would result in the proposal appearing overbearing from their rear living and amenity space. However, it is considered that the minimum separation distance of 17.5 metres is considered to be sufficient to prevent Dwelling 3 from appearing overbearing, particularly as it is noted that there is substantial tree coverage along the boundary, including a number of protected trees. It is noted that a first floor balcony/terrace is proposed at Plot 3 but this would be sited away from the neighbour at No. 24 and the erection of balcony screening would help to reduce intrusion towards No. 24 and views into this dwelling or onto their rear patio area. Accordingly, no objections are raised with regards to the impact of the proposal on No. 24 Oval Way.

10. In terms of the spacing between the proposed dwellings, approximately 3 metres would separate them from one another and they would each have a front and rear elevation broadly in line with one other, to prevent overlooking and intrusion. Whilst the balcony at Plot 1 would be separated from the dwelling on Plot 2 by the garage at Plot 2, there would be no built form separating the two balconies at Plots 2 and 3, with only a separation distance of 9 metres. A condition requiring that balcony screens are erected at the side elevations would help to secure against intrusion and maintain the privacy of future occupiers.

11. Finally, with regards to the amenities of future occupants, the three dwellings would provide for garden depths in excess of 40 metres, in accordance with Local Plan Policy H12 and adequate space for bin and recycling storage would also be provided on site. No objections were previously raised in this respect and no new objections are raised now.

Highways/parking implications

12. In line with Development Plan Policy TR16, three car parking spaces are required for dwellings in excess of 120 square metres. The proposal meets with this requirement, with all three properties providing two parking spaces within their associated garage and an additional two spaces on a designated area of hardstanding to the front. As such, no objections are raised with regards to the number of parking spaces to be provided.

13. Buckinghamshire County Highways Authority has assessed the proposed plans and has raised no objections in regards to the impact of the development on highway safety and capacity.

Ecology

14. The County Ecology Advisor has not provided comments at time of drafting the report. However, it is noted that the Ecology Advisor provided comments for the previous applications, including application CH/2018/0594/FA, which was determined earlier this year. As part of these comments, the Ecology Advisor raised no objection, provided that recommendations included within the submitted ecology reports (submitted as part of CH/2018/0594/FA) are included within a landscape and ecological management plan and the plans contain landscape details which will ensure that a net gain for biodiversity is achieved and all wildlife is protected during the development.

Trees

15. The proposal would require the loss of a number of trees within the site leaving mainly trees close to the boundaries. The District Tree Officer has assessed the proposal and noted that most of the trees proposed for removal are fairly small trees or trees in poor condition which are of little importance to the character of the area. However, it is noted that the dwelling on Plot 3 would be sited close to three TPO trees on the boundary and subsequently there could be concerns from future occupants of this property about light, safety and debris that would lead to pressure for significant further tree work. The dwelling on Plot 1 would also be sited closer than previous schemes to a copper beech tree which also has a TPO. The Tree Officer concludes by saying that although the preference would be for smaller houses with a lesser impact on the trees, no

objection is raised provided appropriate precautions are undertaken within the root protection areas of the retained trees.

Affordable housing

16. 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 NPPF where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development, including housing developments of 10 units or less. The scheme is for less than 10 units therefore affordable housing is not required.

Conclusion

17. Based on the above assessment of the changes proposed from the previous planning application, it is considered that a development of three detached houses on site would be more in keeping with the pattern of development in the locality and in the adjacent Conservation Area.

Working with the applicant

In accordance with Chapter 4 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

18. 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 to be used for the external construction of the dwellings hereby permitted and any hard landscaping within the site shall be submitted 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 dwellings 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 amenities of neighbouring properties.

4 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 and the approved garages 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.

5 Prior to the occupation of the development the modified access to Oval Way road shall be designed in accordance with the approved plans. The access shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Private Vehicular Access Within Highway Limits" 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

6 Before any construction work commences, full details of the means of enclosure to be retained or erected as part of the development including those between the individual gardens of the approved dwellings and on the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundaries shall then be erected and maintained in accordance with the plans approved by the Local Planning Authority.

Reason: To safeguard, as far as possible, the visual amenities of the locality and the amenities of the adjoining properties and approved dwellings.

7 No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The landscaping scheme should incorporate biodiversity features including the provision of a number of artificial bird features incorporated into the fabric of the buildings and on suitable trees on site.

Reason: In order to conserve and enhance the character of the locality and limit overlooking and the impact of the proposal on neighbouring amenities.

8 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.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows 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 dwellings hereby approved.

Reason: To safeguard the amenities of the adjoining properties and the approved dwellings.

10 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A - E of Part 1 of Schedule 2 to the said Order shall be erected within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: In order to protect the amenities 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 Prior to the initial occupation of any of the dwellings hereby permitted screens shall be erected along the full length of the flank elevations of the balconies. The screens shall be of a solid opaque design, measuring a minimum of 1.8 metres in height above the finished floor level of the balcony. The screens shall then remain in place and no alterations shall take place to it thereafter.

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

12 Before any other site works commence on the development hereby permitted, tree protection fencing shall be erected around the trees and hedges to be retained in accordance with both British Standard 5837:2012 and the Tree Protection Plan Drawing No 9885-KC-3U-YTREE-TPP01Rev0 dated May 2018 by Keen Consultants. The fencing shall then be retained in the positions shown on the Tree Protection Plan until the development is completed. Within the enclosed areas there shall be no construction works, no storage of materials, no fires and no excavation or changes to ground levels.

Reason: To ensure that trees protected by Tree Preservation Orders Nos 33 of 1989 and 6 of 2012, including their roots, do not suffer significant damage during building operations and 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.

13 No development shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority, which shall detail all work within the root protection areas of the tree and hedges shown to be retained on the Tree Protection Plan Drawing No 9885-KC-3U-YTREE-TPP01Rev0 dated May 2018 by Keen Consultants. This statement shall include details of protection measures for the trees and hedges during the development, and information about any excavation work, any changes in existing ground levels and any changes in surface treatments within the root protection areas of the trees, including plans and cross-sections where necessary. In particular it shall show details of specialised foundations and no-dig construction where appropriate. The work shall then be carried out in accordance with this method statement.

Reason: To ensure that trees protected by Tree Preservation Orders Nos 33 of 1989 and 6 of 2012, including their roots, do not suffer significant damage during building operations and 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.

14 No tree or hedge shown to be retained on the Tree Protection Plan Drawing No 9885-KC-3U-YTREE-TPP01Rev0 dated May 2018 by Keen Consultants 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.

15 AP01 Approved Plans

PL/18/2033/FA

Case Officer: Emma Showan
Date Received: 29.05.2018 Decide by Date: 03.09.2018
Parish: Chalfont St Peter Ward: Austenwood
App Type: Full Application
Proposal: Redevelopment of site to provide two detached dwellings with integral garages, a pair of semi-detached dwellings with garages and hardstanding, landscaping and vehicular accesses.
Location: 28-32 Oval Way
Chalfont St Peter
Buckinghamshire
SL9 8QB
Applicant: Aquinna Homes Plc

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Heathrow Safeguard (over 45m)
Mineral Consultation Area
North South Line
Northolt Safeguard zone
On/within 250m rubbish tip
Tree Preservation Order
Townscape Character
Established Residential Area of Special Character

CALL IN

Councillor Wertheim has requested that this application be determined by the Planning Committee if the Officer recommendation is for approval.

SITE LOCATION

This application relates to a site located at 28-32 Oval Way in the built-up area of Chalfont St Peter. The site currently comprises a vacant parcel of land on which there previously was sited a care facility for children. Furthermore, the site is located within an Established Residential Area of Special Character with Oval Way being characterised by large detached properties set within wide plots. The properties along the road vary in terms of their appearances but are all set back from the public highway and many have hedging to the front. The site also lies adjacent to the Gerrards Cross Centenary Conservation Area.

THE APPLICATION

This application proposes the redevelopment of the site to provide two detached dwellings and a pair of semi-detached dwellings with associated hardstanding and vehicular access.

Plot 1 would consist of a detached three storey dwelling with an integral garage. It would contain 5 bedrooms the majority of which would have associated ensuites and dressing rooms. It would have a maximum width of 15.4 metres, depth of 22.5 metres and pitched roof height of 9 metres, with an eaves height of 5.4 metres.

Plots 2 and 3 would consist of two semi-detached three storey dwellings. Plot 2 would have an integral garage and both properties would contain 5 bedrooms. The combined maximum width would be 15.5 metres, with a depth of 21.6 metres and pitched roof height of 9 metres, with an eaves height of 5.4 metres.

Plot 4 would consist of a detached three storey dwelling with 5 bedrooms. It would have a maximum width of 11.7 metres, depth of 20.7 metres and pitched roof height of 9 metres, with an eaves height of 5.5 metres. It would be served by a detached double garage to the front which would have a maximum width of 6.8 metres, depth of 6.8 metres and pitched roof height of 5.6 metres, with an eaves height of 2.2 metres.

The properties would access onto Oval Way.

A separate detached double garage is proposed to serve Plot 4 and a detached single garage is proposed to serve Plot 3.

Officer Note: This scheme follows the refusal of planning application CH/2018/0594/FA which proposed the erection of five dwellings; one detached three storey dwelling and two pairs of semi-detached dwellings. The building on Plot 1 previously had a width of 13.1 metres, depth of 16 metres and height of 9.5 metres. The building on Plots 2 & 3 previously had a width of 12.7 metres, depth of 19 metres and height of 9.2 metres. The building on Plots 4 & 5 previously had a width of 12.7 metres, depth of 17 metres and roof height of 9.2 metres.

It is also noted that this application follows application CH/2018/0802/FA for three detached dwellings which is also currently under consideration. Both this application and application CH/2018/0802/FA propose a scheme which is visually similar although this application plans to divide the dwelling on Plot 2 into two units to create a pair of semi-detached properties. However, from the street scene, the two semi-detached units will appear as one dwelling, with the entrance to Plot 3 being taken from the side elevation.

RELEVANT PLANNING HISTORY

CH/2018/0802/FA - Erection of three new dwellings: currently under consideration.

CH/2018/0594/FA - Erection of five new dwellings. Refused permission for the following reason:

- 'The proposed plots would be substantially narrower than others in the locality and the three buildings proposed would be much taller than their nearest neighbours. In addition, four semi-detached dwellings are proposed and these would be out of character with the other, two storey detached residential buildings in the locality. Furthermore, by reason of the overall appearance and layout of the proposed detached and semi-detached properties, particularly in relation to the car ports at Plots 3 and 4 which would be sited to the rear of these properties, the proposal would appear at odds with the existing character and appearance of the immediate street scene and wider locality.'

CH/2017/2013/FA - Erection of five new dwellings. Refused permission for the following reasons:

- 'The proposed plots would be substantially narrower than others in the locality and the three buildings proposed would be much taller than their nearest neighbours. In addition, four semi-detached dwellings are proposed and these would be out of character with the other, two storey detached residential buildings in the locality. Furthermore, by reason of the overall appearance and layout of the proposed detached and semi-detached properties, particularly in relation to the car ports at Plots 3 and 4 which would be sited to the rear of these properties, the proposal would appear at odds with the existing character and appearance of the immediate street scene and wider locality.'

- The shared access serving Plots 3, 4 and 5 measures a width of 3m which is not sufficient to serve three dwellings. The Highway Authority would require an access drive serving three dwellings to be a

minimum of 3.2m. Furthermore, it is evident that Plots 3 and 4 have insufficient manoeuvring space and therefore vehicles would have to reverse for long distances before potentially reversing out onto Oval Way.

- It is proposed to remove many of the trees within the site, including an oak and blue cedar situated in the former rear garden of Stow Lodge. Furthermore, the dwelling on Plot 5 is close to the trees on the boundary with Orchard Close and within the root protection area of the Norway maple and adjacent lime. Meanwhile, the proposed garage would be within the root protection area of the copper beech. This would compromise the trees' future growth and development.'

CH/2015/2224/FA - Erection of two detached buildings comprising 10 age exclusive apartments including parking, revised accesses and landscaped grounds. Refused permission for the following reasons:

- 'The proposed plot would be substantially wider than others in the locality, and by reason of their overall size, scale, massing, appearance and layout, the proposed buildings would amount to a development of significant scale which would appear overly dominant, prominent and visually intrusive in the street scene and incongruous when viewed in the context of the modest scale of dwellings in the vicinity of the site. The development would also harm the setting of the nearby Gerrards Cross Centenary Conservation Area.

- By reason of its size, design and proximity to the shared boundary with No. 24 Oval Way, building B would appear prominent and visually intrusive when viewed from the rear aspect of this property. In addition, the number and type of windows in the southern elevation of building B would result in a degree of overlooking when viewed from this neighbouring property.'

- Appeal dismissed.

CH/2014/1540/FA - Redevelopment of site to provide one building containing 10 residential apartments with underground parking, one detached refuse store, alterations/creation of two vehicular accesses and closure of two existing accesses. Refused permission for the following reasons:

- 'The proposed development would result in the loss of a Use Class C2 residential care home which is classed as a community facility. No replacement community facility is proposed as part of this application and insufficient information regarding the need for this site for use as a care home or other community service/facility use has been put forward and no exceptional circumstances have been put forward to justify the loss of the community use.

- The proposed plot would be substantially wider than others in the locality, and by reason of their overall size, scale, massing, appearance and layout, the proposed buildings would amount to a development of significant scale which would appear overly dominant, prominent and visually intrusive in the street scene and incongruous when viewed in the context of the modest scale of dwellings in the vicinity of the site. The development would also harm the setting of the nearby Gerrards Cross Centenary Conservation Area.

- By reason of its size, design and proximity to the shared boundary with No. 24 Oval Way, the development would appear prominent and visually intrusive when viewed from the rear aspect of this property. In addition, the number and type of windows would result in a degree of overlooking when viewed from this neighbouring property.

- No legal agreement has been completed to secure possible affordable housing contributions.'

- Appeal dismissed.

PARISH COUNCIL

Strongly object. Out of keeping with the area and overdevelopment of the site. Even bulkier than previous application with properties that are bigger, wider and deeper. Out of keeping in an established area of residential character adjacent to Conservation Area. Fails to overcome previous objections of semi detached housing being out of keeping and narrow plots. Over development, being taller than adjacent properties but drawings difficult to read. Density too great for this site. Over bearing on No. 24, with overlooking windows to the side. Parking impractical and unlikely to work with cars blocking each other and no space to turn. Road is narrow at this point, near schools. Unsafe. TPOs in place, root zone and branches likely to be damaged by

building. A tree with TPO has already been removed illegally. CSPPC still believe that previous use for part of the site was a Care Home and change of use required.

REPRESENTATIONS

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

- Inconsistent and misleading information in the submitted documents
- Smaller spacing between buildings than before
- Three buildings are bigger than before
- Car ports are obtrusive
- Tall and bulky appearance
- Significant height - taller than the ridge height of what was, until its demolition, the tallest building in the ERASC and taller than neighbouring properties
- Increase in the footprint
- Loss of daylight and sunlight
- Overbearing and sense of enclosure
- Loss of privacy and overlooking
- Crowded and oppressive
- Detrimental impact on conservation area
- No full three storey houses along Oval Way
- Numerous overlooking windows
- Plot is 1 metre shorter on plans than in reality
- Trees are marked wrongly on the plans
- Too close together
- Mundane bulky buildings
- Previous objections still stand
- Would set a precedent for further semi-detached houses

CONSULTATIONS

Buckinghamshire County Highways Officer: 'I note that the Highway Authority has provided previous comments for this site, most recently for application no. CH/2018/0802/FA, which in a response dated 14th June 2018, the Highway Authority had no objection to the proposals subject to condition.

The proposal seeks planning consent for two detached dwellings with integral garages, a pair of semi-detached dwellings with garages and hardstanding, landscaping and vehicular accesses. I consider that the application does not propose a material difference in highway terms and I consider that the principle of development remains the same. As such, the Highway Authority has no objection to the proposal subject to the following condition and informatives being included in any planning permission you may grant.'

District Tree and Landscape Officer: 'Amended plans have been submitted so that now the two semi-detached dwellings have been moved to the central part of the site roughly in the position of the former Plot 2. No revised tree plans or other tree information has been submitted.

The change in the positions of the semi-detached dwellings means that fewer parking spaces are now required close to the trees on the southern boundary of the site with Orchard Close. Consequently it should now be possible to retain T40 a young western red cedar that was previously shown for removal. The additional parking spaces for the semi-detached houses would be quite close to the TPO copper beech T43 but should not result in significant root damage if no-dig construction is used.

In addition Plots 1 and 4 appear to have been changed to coincide with the revised proposals for Plots 1 and 3 of CH/2018/0802/FA so the building on Plot 1 is now slightly further away from the northern boundary of the site and the building on Plot 3 has been moved slightly forward.

However these changes would have little effect on any trees so much of my previous comments are still relevant and my conclusion remains as before:

In conclusion there is a slightly greater clearance between the trees protected by Tree Preservation Order No 33 of 1989 and the adjacent dwelling than CH/2018/0594/FA but the relationship is still far from ideal. However the dwelling on Plot 1 is now closer to a copper beech tree protected by Tree Preservation Order No 6 of 2012 than CH/2018/0594/FA, leading to further concerns. Consequently I would prefer smaller buildings that had a lesser impact on the trees. Nonetheless I would not object to the application provided there is adequate protection for the retained trees, which should include appropriate precautions within the root protection areas of the retained trees such as no-dig construction.'

Ecology Officer: No comments received at time of writing report, however comments received in regards to application CH/2018/0594/FA stated no objection, subject to the provision of a Landscape and Ecological Management Plan.

South Bucks District Council: None received at time of drafting report.

Thames Water Officer: No comments received at time of writing report, however comments received in regards to application CH/2018/0594/FA stated that: 'Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.'

Aerodrome Comments: 'With reference to the above application we would like to draw attention to the fact that the site is within the Denham Aerodrome Traffic Zone.

Denham is a long established Civil Aviation Authority Licensed Aerodrome providing facilities for business aviation and flying training for both fixed and rotary wing aircraft and may be available for use at any time.

It is inevitable that any occupants in this location will both hear and see aircraft operations and it is important that all concerned are aware of the juxtaposition of the sites.'

POLICIES

National Planning Policy Framework (NPPF).

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS5, CS8, CS10, CS11, CS20, CS24, 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, GC4, H3, H4, H11, H12, H18, TW3, CA2, CSF2, TR2, TR3, TR11, TR15, and TR16.

Chalfont St Peter Neighbourhood Plan, 2014. Policies: LC1, H1, H2, H3, H5 and H6.

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

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

EVALUATION

Principle of development

1. The application site is located within the built-up area of Chalfont St. Peter 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 requires each of the following criteria to be complied with:
 - 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.
3. Finally, although the site does not fall within a Conservation Area, it falls adjacent to the Gerrards Cross Centenary Conservation Area. Local Plan Policy CA2 states that any proposed development which does not preserve or enhance the important views within, looking out of, or into a Conservation Area will be refused. This is particularly notable given that both previous planning applications CH/2015/2224/FA and CH/2014/1540/FA referred to the detrimental impact of the proposed developments on the setting of the adjacent Conservation Area as one of the reasons for refusal.
4. All other relevant Development Plan policies should also be complied with.
5. Finally, it is noted that this application follows planning applications CH/2018/0594/FA and CH/2017/2013/FA for the erection of 5 dwellings (one detached and four semi-detached properties) on the same site. These applications were refused permission based on the fact that the proposals would appear at odds with the existing character and appearance of the immediate street scene and wider locality. As such, this application seeks to overcome the previous reasons for refusal by proposing the erection of three detached dwellings, and not three buildings comprising five residential units.
6. In addition, this application follows the submission of CH/2018/0802/FA which is currently under consideration. Both this application and application CH/2018/0802/FA propose a scheme which is visually similar although this application plans to divide the dwelling on Plot 2 into two units to create a pair of semi-detached properties. However, from the street scene, the two semi-detached units will appear as one dwelling, with the entrance to Plot 3 being taken from the side elevation. As the main differences between this scheme and that proposed under CH/2018/0802/FA relate to the number of units on site and not on the siting/appearance of the scheme, this report should be read in conjunction with that for CH/2018/0802/FA.

Design/character & appearance

7. The application site currently comprises a vacant plot of land part way down Oval Way. The site previously comprised a children's care facility that was no longer viable. As such, the principle of redeveloping the site to comprise residential dwellings (in this instance apartments and age exclusive apartments and later residential dwellings) was accepted as part of the previous planning applications.

8. In order to overcome the previous reasons for refusal, the applicant has amended the proposal by way of reducing the number of units on site so the development would now consist of four, three-storey dwellings (with the third storey habitable accommodation being located within the roof space). Two of the dwellings would be detached, while the middle property would accommodate two residential units - i.e. it would be semi-detached. Although the locality is predominantly characterised by detached dwellings set within large plots, the proposal has been designed so that the four units are accommodated in three buildings and the semi-detached building has been designed so that one unit has a front door in the side elevation, which gives the impression that the dwelling is detached from the street scene. Given that the bulk of the previous schemes has been reduced and the proposed number of units has been decreased from the five units previously refused, it is considered that the proposal would be more in keeping with the local street scene. The proposed crown roofs have been reduced in scale and in height so that they are now more in keeping with the heights of neighbouring properties and the loss of third floor windows (and use of rooflights instead) means that the dwellings would appear as two storey from the front elevation, and therefore in keeping with the neighbours. It is also noted that adequate separation distance would be maintained between the properties and their adjacent neighbours, in line with Development Plan Policy H11, and this would further ensure that the character of the area is maintained. Although it is accepted that the proposal would introduce a pair of semi-detached dwellings in an area which is predominantly characterised by detached properties, given that the semi-detached dwellings proposed here would appear as one dwelling in the street scene and given that this scheme would visually reflect the appearance of the proposal for three units on site (not yet determined), it is not considered that this scheme for four units would be detrimental to the street scene or the character of the area. It is noted that there have been concerns raised in regards to a precedent being set for additional semi-detached dwellings being erected in the locality, however, if future applications are made, these will be assessed on their own merits and, in this instance, it is considered that the scheme is visually acceptable and it would not result in a cramped or incongruous form of development. No objections are therefore raised in regards to the impact of the development on the character and appearance of the locality and the adjacent Conservation Area.

9. Unlike the scheme for three units, this application proposes additional garage parking to the front of the site. A double garage is proposed for Plot 4 and a single garage is proposed for Plot 3. The garages are to be sited to the front of the dwellings, but set back from the highway. Given that other properties in the locality have forward sited garages, it is not considered that the inclusion of garage parking within this scheme would be detrimental to the appearance of the street scene.

Residential amenity

10. In terms of the impact of the proposal on neighbouring amenities, no objections were previously raised in regards to the impact of the five residential units on neighbouring properties. However, the amended proposal has re-sited the proposed dwellings and they have been increased in size requiring a new assessment of their impact on neighbouring dwellings. In this respect, the dwelling on Plot 1 would be sited approximately 3 metres away from the boundary with No. 34 Oval Way and approximately 8 metres away from the flank elevation of this neighbour. The two storey aspect of the rear elevation would be broadly in line with the rear elevation at No. 34 with only the single storey element of Plot 1 projecting into the rear garden beyond the rear wall of No. 34. Nonetheless, this single storey element would be sited 12.5 metres away from the boundary with No. 34 which is considered to be an acceptable relationship. In regards to the roof terrace above this single storey rear projection, a condition requiring the erection of boundary screening would

prevent intrusion in the direction of No. 34. It is noted that concern has been raised in regards to loss of daylight and sunlight to No. 34 as a result of the dwelling on Plot 1. Although these concerns are noted, it is considered that the relationship and spacing between the two properties, in addition to the siting of the proposed dwelling in relation to the windows at No. 34 is acceptable so as not to lead to undue loss of amenity to the occupiers of No. 34.

11. To the other side of the development site, the dwelling on Plot 4 would be sited approximately 9 metres from the boundary (at the narrowest point) and approximately 17.5 metres from the flank wall of No. 24. The two storey rear projection of the dwelling on Plot 4 would extend in depth by 6.5 metres beyond the rear elevation of No. 24 and this neighbour has expressed concern that this would result in the proposal appearing overbearing from their rear living and amenity space. However, it is considered that the minimum separation distance of 17.5 metres is considered to be sufficient to prevent Dwelling 4 from appearing overly overbearing, particularly as it is noted that there is substantial tree coverage along the boundary, including a number of protected trees. It is noted that a first floor balcony/terrace is proposed at Plot 4 but this would be sited away from the neighbour at No. 24 and the erection of balcony screening would help to reduce intrusion towards No. 24 and views into this dwelling or onto their rear patio area. Accordingly, no objections are raised with regards to the impact of the proposal on No. 24 Oval Way.

12. In terms of the spacing between the proposed dwellings, approximately 3 metres would separate them from one another and they would each have a front and rear elevation broadly in line with one other, to prevent overlooking and intrusion. A condition requiring that balcony screens are erected at the side elevations of the proposed balconies would help to secure against intrusion and maintain the privacy of future occupiers.

13. Finally, with regards to the amenities of future occupants, the four dwellings would provide for garden depths in excess of 40 metres, in accordance with Local Plan Policy H12 and adequate space for bin and recycling storage would also be provided on site. No objections were previously raised in this respect and no new objections are raised now.

Parking/highways implications

14. In line with Development Plan Policy TR16, three car parking spaces are required for dwellings in excess of 120 square metres. The proposal meets with this requirement, with all four properties providing three spaces either within garaging or on hardstanding. As such, no objections are raised with regards to the number of parking spaces to be provided.

15. Buckinghamshire County Highways Authority has assessed the proposed plans and has raised no objections in regards to the impact of the development on highway safety and capacity.

Ecology

16. The County Ecology Advisor has not provided comments at time of drafting the report. However, it is noted that the Ecology Advisor provided comments for the previous applications, including application CH/2018/0594/FA, which was determined earlier this year. As part of these comments, the Ecology Advisor raised no objection, provided that recommendations included within the submitted ecology reports (submitted as part of CH/2018/0594/FA) are included within a landscape and ecological management plan and the plans contain landscape details which will ensure that a net gain for biodiversity is achieved and all wildlife is protected during the development.

Trees

17. The proposal would require the loss of a number of trees within the site leaving mainly trees close to the boundaries. The District Tree Officer has assessed the proposal and noted that most of the trees proposed

for removal are fairly small trees or trees in poor condition which are of little importance to the character of the area. However, it is noted that the dwelling on Plot 4 would be sited close to three TPO trees on the boundary and subsequently there could be concerns from future occupants of this property about light, safety and debris that would lead to pressure for significant further tree work. The dwelling on Plot 1 would also be sited closer than previous schemes to a copper beech tree which also has a TPO. The Tree Officer concludes by saying that although the preference would be for smaller houses with a lesser impact on the trees, no objection is raised provided appropriate precautions are undertaken within the root protection areas of the retained trees.

Affordable housing

18. 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 NPPF where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development, including housing developments of 10 units or less. The scheme is for less than 10 units therefore affordable housing is not required.

Conclusion

19. Based on the above assessment of the changes proposed from the previous planning applications, it is considered that a development of four houses on site would be more in keeping with the pattern of development in the locality and in the adjacent conservation area. Although a pair of semi-detached dwellings is proposed, the building would appear to be detached from the street scene with the entrance to Plot 3 being taken from the side elevation and it is subsequently considered that the proposal would be acceptable and would overcome the previous concerns in regards to the development failing to maintain the appearance and character of the locality.

Working with the applicant

In accordance with Chapter 4 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

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 to be used for the external construction of the dwellings hereby permitted and any hard landscaping within the site shall be submitted 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 dwellings 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 amenities of neighbouring properties.

4 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 and the approved garages 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.

5 Prior to the occupation of the development the modified access to Oval Way road shall be designed in accordance with the approved plans. The access shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Private Vehicular Access Within Highway Limits" 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

6 Before any construction work commences, full details of the means of enclosure to be retained or erected as part of the development including those between the individual gardens of the approved dwellings and on the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundaries shall then be erected and maintained in accordance with the plans approved by the Local Planning Authority.

Reason: To safeguard, as far as possible, the visual amenities of the locality and the amenities of the adjoining properties and approved dwellings.

7 No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The landscaping scheme should incorporate biodiversity features including the provision of a number of artificial bird features incorporated into the fabric of the buildings and on suitable trees on site.

Reason: In order to conserve and enhance the character of the locality and limit overlooking and the impact of the proposal on neighbouring amenities.

8 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.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows 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 dwellings hereby approved.

Reason: To safeguard the amenities of the adjoining properties and the approved dwellings.

10 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A - E of Part 1 of Schedule 2 to the said Order shall be erected within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: In order to protect the amenities 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 Prior to the initial occupation of any of the dwellings hereby permitted screens shall be erected along the full length of the flank elevations of the balconies. The screens shall be of a solid opaque design, measuring a minimum of 1.8 metres in height above the finished floor level of the balcony. The screens shall then remain in place and no alterations shall take place to it thereafter.

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

12 Before any other site works commence on the development hereby permitted, tree protection fencing shall be erected around the trees and hedges to be retained in accordance with both British Standard 5837:2012 and the Tree Protection Plan Drawing No 9885-KC-3U-YTREE-TPP01Rev0 dated May 2018 by Keen Consultants. The fencing shall then be retained in the positions shown on the Tree Protection Plan until the development is completed. Within the enclosed areas there shall be no construction works, no storage of materials, no fires and no excavation or changes to ground levels.

Reason: To ensure that trees protected by Tree Preservation Orders Nos 33 of 1989 and 6 of 2012, including their roots, do not suffer significant damage during building operations and 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.

13 No development shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority, which shall detail all work within the root protection areas of the tree and hedges shown to be retained on the Tree Protection Plan Drawing No 9885-KC-3U-YTREE-TPP01Rev0 dated May 2018 by Keen Consultants. This statement shall include details of protection measures for the trees and hedges during the development, and information about any excavation work, any changes in existing ground levels and any changes in surface treatments within the root protection areas of the trees, including plans and cross-sections where necessary. In particular it shall show details of specialised foundations and no-dig construction where appropriate. The work shall then be carried out in accordance with this method statement.

Reason: To ensure that trees protected by Tree Preservation Orders Nos 33 of 1989 and 6 of 2012, including their roots, do not suffer significant damage during building operations and 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.

14 No tree or hedge shown to be retained on the Tree Protection Plan Drawing No 9885-KC-3U-YTREETPP01Rev0 dated May 2018 by Keen Consultants 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.

15 AP01 Approved Plans

CH/2018/0887/OA

Case Officer: Andy White
Date Received: 18.05.2018
Parish: Chalfont St Giles
App Type: Outline Application
Proposal: Outline planning application for erection of a 2.5 storey building comprising a public house at ground floor level, with 6 x 1-bed flats above and associated parking (matters to be considered at this stage: access, appearance, layout and scale; matters reserved - landscaping)
Location: The Miltons Head Public House
20 Deanway
Chalfont St Giles
Buckinghamshire
HP8 4JL
Applicant: Mr F Lumba
Decide by Date: 13.07.2018
Ward: Chalfont St Giles

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Adjacent to Unclassified Road
Adjacent Public Footpaths and Public Rights Of Way
Mineral Consultation Area
Townscape Character

CALL IN

The application has been called to Committee by Councillor Bray should the officer recommendation be minded to approve the application, due to local objection.

SITE LOCATION

The site is located within Chalfont St. Giles on the north side of Deanway, with Milton Hill to the east side of the site. To the south are fields which are within the Green Belt and the Conservation Area. The boundary of the Village Centre Conservation Area is to the south of the site, on the opposite side of Deanway, and then extends to the east.

THE APPLICATION

The application seeks outline planning application for erection of a 2.5 storey building comprising a public house at ground floor level, with 6 x 1-bed flats above and associated parking (matters to be considered at this stage: access, appearance, layout and scale; matters reserved - landscaping).

The site has an existing lawful use as a public house although, following a fire, the previous building was demolished for safety concerns. The replacement building would be 15.8m width, 14.3m depth, with eaves height of 6.2m and ridge height of 9.3m. The design is reflective of the previous building as can be seen from photographs on Google maps from 2017, albeit that the number of 1st floor windows is greater, the two storey width is greater and there would be accommodation within the roof space and a consequent increased ridge height of the building compared to the demolished structure.

RELEVANT PLANNING HISTORY

A small amount of history but most pertinent to the current proposal is application CH/2018/0327/OA which proceeded the demolition of the previous building on safety grounds relating to:

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). Application Withdrawn

PARISH TOWN COUNCIL

No objection raised but comment as follows "The Parish Council appreciate that the owner of the Miltons Head site has listened to the concerns expressed by residents regarding the previous outline application CH/2018/0327/OA, however this outline application still has several areas that need addressing before a full application is submitted.

There are still concerns about inadequate parking, disability access, disabled facilities, loss of amenity to neighbours, staff toilets and access for delivery vehicles."

REPRESENTATIONS

44 submissions were received in response to the consultations letters and site notice.

The comments cover the following matters:

- Development is contrary to Development Plan
- Development is detrimental to Conservation Area
- The development has inadequate access
- The development would harm amenities of adjacent properties
- The development would result in loss of privacy
- The development would result in the loss of a view [Officer Note: There is no right to a view through planning legislation]
- The development would result in overshadowing and would appear overbearing
- The development is of poor design
- The development would result in odour pollution
- The development would cause traffic and parking issues

The objections may be summarised

Access and Parking

Unsafe access and parking presenting a danger to pedestrians, flat occupants and PH customers.

Inadequate parking provision considering flat numbers, with associated impact on local street parking.

Inadequate provision for disabled (parking/accessibility).

The lack of parking at Bond House has had a negative impact on Deanway as one bedroom accommodation does not always mean one occupant, resulting in the overspill of cars parking nearby. We have witnessed Bond House tenants parking on Deanway in preference to using their allocated parking space thus leaving their own space free for guests or second occupants. Therefore the ratio of one parking space per bedroom doesn't work.

The increase in vehicles trying to park or service the building will add to an already difficult situation. One that the County Council have acknowledged with their traffic calming scheme (the implementation of parking bays) to be introduced on Deanway.

Amenity

Loss of amenity, particularly daylight into windows of neighbouring property, and loss of privacy through

overlooking from large dormer windows.

We feel that any first and second floor windows on the east or west elevations are intrusive and will deprive us and our neighbours of privacy which we have previously enjoyed.

Rear elevation shows potential for neighbouring properties to be overlooked from the large roof-level dormer windows.

Requirements for operating a public house have not been considered, accessibility for disabled, [Officer Note: covered by separate legislation and not planning matter]; kitchen fume extraction, deliveries (no off-street area and close to zebra crossing), commercial waste bin storage and collection, reduction of noise from patrons entering/leaving the building.

The previous landlord of The Milton's Head recognised the negative impact on residents and passers-by when customers were seated on the area to the front of the pub and removed the seating therefore discouraging its use of the area adjacent to the pavement and zebra crossing. It would appear this proposal would be relying on this space to be used in place of a pub garden.

Conservation Area

Impact on view of Conservation Area and the overall street scene, owing to overdevelopment, bulk, height, and design not in keeping with surrounding buildings.

The sheer bulk and design of the building, as previously stated in our objection to application no: CH/2018/0327/OA along with the increase in occupants, visitors and deliveries will impact negatively on the conservation area.

Policy CA2 requires that any proposed development which does not preserve or enhance the important views looking out of a Conservation Area will be refused

Design

The proposed building will not preserve or enhance the street scene of Deanway due to the sheer bulk of a three-storey 4,600 sq ft building. A two-storey property with a low profile roof would be more in keeping (as before). The use of second floor dormer windows is not at all in keeping with or similar to neighbouring properties (No. 18 and No. 22).

If this planning application is approved we are concerned that this would set a precedent and other period properties could be demolished and be replaced with prominent and intrusive buildings. If Bond House is to be used as the model for this proposal then the character of Deanway is doomed.

We are not averse to a sympathetic scheme that preserves and enhances the immediate local area.

A smaller scale two storey building (no second floor accommodation) with a ridge height of under 8m and 4m less overall width than proposed would be more acceptable and in keeping. The construction of a three storey 9.3m high building with 6 flats above is simply too bulky, over ambitious and over bearing. The old pub was a sizeable 2,000 sq ft overall. Would the council have given permission for a residential property of a similar size and plot to be redeveloped by such a scale by adding a second floor and over doubling in size? We can all imagine the same objections coming back from the council about over development and excessive bulk. Indeed, the council objected to an extension of a nearby property on these grounds, suggesting that such an extension would detract from the character and appearance of the street scene on Deanway contrary to policies GC1, H11, H13(ii) of the Adopted CD Local Plan. It would be outrageous and duplicitous to even consider granting planning permission for such a vast development bearing in mind local plan policies and previous decisions. The council have a duty of care to protect Chalfont St Giles from a prominent, out of character and visually intrusive proposal.

Plans do not show the building would be of a high-quality design; this is a matter of opinion, not fact.

The proposed design improves on the previous submission. It is still a flat-fronted, 9.3m high structure. It does not "pick up on the vernacular architecture", nor "designed to respect the character and scale of neighbouring development". The vernacular is for 2 storey structures of maximum 8m height, comprising roof height of under 2m, with fewer, smaller windows and no dormer windows.

Property depth of 14.7m compares with approx. 10m depth of 22 Deanway.

Ridge height of 9.3m compares with approx. 7.8m height of 22 Deanway.

The best replacement would be a building similar in bulk, mass and form to the Miltons Head.

Other

Allowing this application to be approved would be immoral, the circumstances of the fire are very suspicious. [Officer Note: Not a relevant planning consideration. The application seeks to replace a building that was demolished following a fire with the agreement of the Council on safety grounds]

CONSULTATIONS

County Highways Authority

"The site has the potential to generate in the region of an additional 24 daily vehicular movements (two-way). Satisfied that these additional vehicle movements can be accommodated within the local highway network in this location.

Satisfied that sufficient visibility splays 2.4m x 43m can be achieved within land owned by the applicant or the publicly maintained highway.

It is understood that the public house on the site did not have a designated parking area. As part of this proposal, eight parking spaces are proposed. Six of these spaces would serve the six flats and the remaining two spaces would be used to serve the public house. Whilst I trust the Local Planning Authority will comment on the adequacy of parking provision provided, it is confirmed that there is sufficient space within the site for vehicles to turn and egress in a forward gear.

No objection subject to relevant conditions and informatives."

County Ecology

Raised an initial objection but having considered the ecology report/letter provided by AAe Environmental Consultants (18 July 2018) there were considered to be no major ecological constraints to the development and advised that the objection was removed subject to a condition that the works proceed under the Method Statement for Reptiles (and additional controls) as set out in the AAe letter/report.

Environmental Health - Noise and Odour

"No objection subject to conditions that address the following:

Noise

Proposed development immediately adjoining (including below or above) residential premises will have to provide full details of a scheme to insulate the premises from the transmission of airborne and impact sound. This is to limit the effect of impact and airborne noise from the commercial premises, i.e. commercial kitchen below residential flat. Noise from the extraction system and use of the kitchen is likely to cause disturbance if there is no suitable sound insulation.

Ventilation and Odour Control

Details must be provided with the application of the range of food to be provided and method of cooking intended. Whilst the DEFRA Guidance (The Department for the Environment, Food and Rural affairs (DEFRA)); Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems; is currently under review and out on draft consultation however consideration should still be given to this guidance to demonstrate good practice is being followed.

Risk Assessment for Odour

Odour control must be designed to prevent odour nuisance in a given situation. The score methodology in the Guidance is suggested as a means of determining odour control requirements using a simple risk assessment approach to determine the level of odour control required to prevent nuisance to neighbouring properties.

Bin and Waste Storage siting and design to be agreed

External Lighting to be positioned to avoid nuisance to residential and other receptors."

POLICIES

National Planning Policy Framework. 24 July 2018

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS20, CS24 and CS29

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, CA2, CSF1, TR2, TR3, TR11, TR16.

Chilterns Buildings Design Guide

Residential Extensions and Householder Development Supplementary Planning Document (SPD) - Adopted 10 September 2013.

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

EVALUATION

Principle of development

1. The application site is located within the built up area of Chalfont St. Giles, wherein proposals for replacement buildings are acceptable, subject to complying with relevant Development Plan Policies. Furthermore, the proposal is adjacent to the village centre Conservation Area where in accordance with Policy CA2 proposals should preserve or enhance the views out of and into the Conservation Area. The proposal incorporates a replacement public house and as such the proposal would be considered to comply with Policy CSF1

Design/character & appearance

2. The proposed design of the building is considered to be in keeping with the character of the area where there is an eclectic mix of residential and other uses with designs reflecting the history of the area. The proposed use of dormer windows is in character with some properties in the area and the use of Georgian style windows is considered to reflect the previous building. The subtle lettering above the main door shown on the front elevation is considered to respect the area, however a hanging pub sign between the two central windows would also be appropriate and has been raised with the applicant and is subject to an informative.

3. A number of residents have criticised the design and reflect upon the harm to the area that would result from allowing the proposal. This view is not supported by reference to the different style of buildings. The roof height would not be dissimilar to that of the neighbouring property to the west. The height above the existing ground level would be greater than that of the neighbouring dwellings at Nos 16 to 18 - however these dwellings are set further up the slope than the proposed dwelling and more than 10m to the east. As such, it is considered that the overall scale would not appear dominant compared to the neighbouring houses.

4. The proposed building would not be considered to adversely impact upon Milton Cottage, the listed building located 80m to the south-east.

Residential amenity

5. The public house use in proximity to the neighbouring uses is long established and therefore the juxtaposition of the uses is not objected to. The Environmental Health officer has proposed a number of conditions that would seek to control noise and odour nuisance.

6. Having regard to the proposed residential uses on the upper floors there has been no objection from Environmental Health to such a mixed use. The public house use would be separated from the residential use and would be subject to the conditions to protect residential amenity.

7. The proposed mixed use would have a garden space beyond the car park to the north and this is considered to be appropriate as garden space for the pub which can be used by residents. The size of the flats and the proximity to open space and village centre facilities on foot suggest that the lack of private amenity space would not be a reason for refusal, in this instance.

8. The concerns with regard to overlooking are noted but the windows in the rear elevation would face up the hillside and are not considered to offer views at close quarters to private amenity space at any neighbouring property.

Parking/Highway implications

9. Each of the six flats would contain less than 50 sq.m floor area and as such requires a single parking space in accordance with the adopted standards. The proposal indicates 8 parking spaces. The level of parking of 1 space per flat is considered to be adequate for the residential use and the 2 additional spaces for the replacement public house use represents 2 more spaces than were provided with the former building.

10. There have been a number of objections to the proposal from local residents on highway safety and parking grounds. However, the established use had no parking or turning area for delivery vehicles to the pub. The current proposal is considered to have adequate parking for residents and appropriate turning areas for delivery vehicles having regard to the replacement building. It is noted that the Highways Authority has raised no objection on traffic generation grounds having regard to capacity on the local highway network. The Highways Authority estimated that in addition to the traffic associated with the established use the residential element would generate up to 24 additional traffic movements per day. Taking account of the comments of the Highways Authority and the lawful use of the site it is not considered that an objection having regard to Highways safety could be sustained.

Impact on designated/non-designated heritage asset

11. The responses to the application have raised concerns with regard to harm to the Conservation Area and the setting of Milton Cottage. The proposal is considered to preserve the character of the Conservation Area. The appearance of the building from the Conservation Area would be in keeping with others in its vicinity and the building to be replaced. The views into the Conservation Area are also not considered to be significantly impacted in terms of the properties to the north as these are on higher land. The distance to Milton Cottage and the appearance of buildings that have a closer relationship with Milton Cottage indicate that there would not be harm to the setting of Milton Cottage.

Affordable housing

12. No requirement resulting from policy.

Conclusions

13. The scheme is considered to accord with Development Plan policies and guidance contained in the NPPF. It would result in the provision of a replacement community facility as well as the provision of six flats in this village centre location.

Working with the applicant

13. In accordance with Section 4 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.

14. 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

15. 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 C107A Outline Time Limit
- 2 C106A Outline Time Limit Reserved Matters
- 3 Before any construction work commences, named types of the facing materials and roofing materials to be used for the external construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.
- 4 The development hereby permitted shall be constructed in accordance with the ground levels and the proposed slab and finished floor levels of the building shown on Drawing Number MH/01/c
Reason: To protect, as far as is possible, the character of the locality.
- 5 The development hereby approved shall proceed in accordance with the conclusion and recommendation of the AAe Environmental Consultants dated 18 July 2018 and the Method Statement for reptiles appended to the report.
The ecological enhancement of the site should include but not be limited to the following:
 - 1 no. Ibstock enclosed bat box on the building
 - 2 no. Schwegler 2GR bird boxes on the boundaryIn the planting proposals submitted under the reserved matters for landscaping species of known value for wildlife particularly native species to be used.
Reason: To ensure that the proposal enhances ecological interest in the area in accordance with Policy CS24 of the Core Strategy for Chiltern District - Adopted November 2011
- 6 Prior to the occupation of the development hereby the modified access to Deanway shall be

designed in accordance with the approved plans. The access shall be constructed in accordance with Buckinghamshire County Council's Guidance note, "Commercial Vehicular Access within Highway Limits" 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

7 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.

8 No part of the development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the County 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: In order to minimise danger and inconvenience to highway users and users of the highway in general.

9 Before the development hereby approved commences, details of measures for noise insulation to the party ceilings/floors shall be submitted to, and approved in writing by the District Planning Authority and such scheme as may be approved shall be implemented before the building is first occupied, and thereafter retained and maintained.

Reason: To protect the amenities of adjoining occupiers in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

10 Prior to the commencement of the development hereby approved, a BS8233:2014 compliant Environmental Noise Impact Assessment shall be submitted to and approved by the District Planning Authority in writing to ensure the recommended internal noise levels for the residential occupants can be achieved. A report shall be then be submitted detailing the process of the survey, measurement data taken and recommendations moving forward to achieve the requirements of BS8233:2014.

Reason: To protect the amenities of adjoining occupiers in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

11 Noise from the operation of all fixed plant and equipment associated with air moving equipment, refrigeration, compressors or equipment of a like kind within or associated with the building hereby permitted, received at one metre from the nearest noise sensitive receptor shall not exceed a level of 5 dB(A) above the existing Background Levels, or 10dB(A) especially if there is a particular tonal quality AT ANY TIME

in accordance with BS 4142-2014.

The assessment criteria should provide within BS 4142: 2014 of the evaluation of whether the proposed equipment is likely to cause complaint. If the BS4142 noise assessment concludes that complaints are likely, a noise mitigation strategy should be submitted which meets the demands of BS 4142:2014

Reason: To protect the amenity of the neighbouring residential properties from noise nuisance in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

12 All external lighting units shall be installed and positioned in such a manner as to avoid nuisance to residential or other near sensitive receptors in close proximity to the site. The main beam angles of all lights must be kept below 700 from vertical to keep off-site glare to a minimum. This location would be classed as E3 Medium district brightness (Small town centres or suburban locations). Light trespass received onto windows of nearby residential properties should be no more than a maximum of 10 lux m² pre-curfew and 2 lux m² post-curfew.

Reason: To protect the amenities of adjoining occupiers and not to cause a statutory nuisance in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

13 The Class A4 use of the Ground Floor hereby approved shall only operate between the hours of 08.00hrs and 11.00hrs Monday to Friday, 0800hrs and Midnight Saturdays and between 0900hrs and 2230hrs Sundays and Bank Holidays

Reason: In order to protect the amenities of neighbouring residential properties from noise and disturbance in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

14 Prior to the commencement of the development hereby permitted the details of the design and appearance of the refuse and recycling storage facility shown on the approved plans shall be submitted to and approved in writing by the District Planning Authority. The submitted details should indicate adequate provision for secure waste storage, designed to be easily cleanable, and protected against the ingress of pests and wind dispersion. The storage facility should thereafter be erected in accordance with the approved details before initial occupation of the development.

Reason: To protect the amenities of adjoining occupiers in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011..

15 AP01 Approved Plans

INFORMATIVES

1 INFORMATIVE: The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement 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 minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information or apply online via Buckinghamshire County Council's website at www.buckscc.gov.uk/services/transport-and-roads/highwaysdevelopment-management/apply-online/section-184-licence/

Highways Development Management

6th Floor, County Hall
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
Telephone 0845 230 2882

2 INFORMATIVE: In relation to potential noise from the public house use:

A. It is recommended that the applicant is encouraged to apply for prior consent under the Control of Pollution Act 1974, Section 61 in advance of any noisy works being carried out. Please note that in the event that such an application is not forthcoming and disturbance is anticipated, the Council's Environmental Health section may proceed with serving a Section 60 COPA 74 notice.

In keeping with good practice, the applicant should be encouraged to adopt a protocol where nearby residents are informed prior to any noise activity which is/are likely to give rise to complaints. Particular emphasis should be focused on:

- Operational Hours
- Noise & Operation of site machinery
- Deliveries to the site
- Responsible disposal of waste

B. It is recommended that external windows and doors of the commercial premises are kept closed to minimise the escape of noise. Alternatively two sets of doors, with an internal lobby may be necessary.

3 INFORMATIVE: Notwithstanding the approved plans for the mixed use development the planning authority would support the provision of an externally illuminated hanging sign for the public house use, erected above ground floor level subject to the agreement of the details of its size, siting, design and appearance.

4 INFORMATIVE: Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.

By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk. (SIN35)

PL/18/2437/FA

Case Officer: Emma Showan
Date Received: **25.06.2018** Decide by Date: **23.08.2018**
Parish: **Little Missenden** Ward: **Holmer Green**
App Type: Full Application
Proposal: **Erection of two dwellings, with vehicular access, parking and amenity space, and the re-ordering and enlargement of the church car park with amendments to access position.**
Location: **Christ Church
Featherbed Lane
Holmer Green
Buckinghamshire
HP15 6XQ**
Applicant: **Penn Street With Holmer Green PCC**

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Adjacent Public Footpaths and Public Rights of Way
North South Line
Within 500m of Site of Importance for Nature Conservation NC1
Townscape Character

CALL IN

Councillor Titterington has requested that this application be determined by the Planning Committee regardless of the Officer's recommendation.

SITE LOCATION

The application site is located on a corner plot to the south side of Churchside and west side of Featherbed Lane, within the built-up area of Holmer Green. The site currently comprises the car park of Christ Church and the church's associated hall and parsonage house. The locality has a fairly rural character with both Featherbed Lane and Churchside being characterised by residential properties of varying appearances which are set back from the highway. Both roads are narrow, with no pedestrian footways and many properties have hedging at the boundaries which helps to reinforce the rural character of this part of Holmer Green. It is noted that properties are predominantly detached although they vary considerably in character, with the parsonage house being characterised by a dominant mansard roof and properties along Churchside being smaller with pitched gable roofs. Directly to the east of the site, planning permission has been granted and two new dwellings have been erected. These are two storey detached properties of a similar appearance to one another and they contain flint panels in their front elevations (references: CH/2009/1864/FA and CH/2009/0769/FA).

THE APPLICATION

This application proposes the erection of two dwellings with vehicular access, parking and amenity space and the re-ordering and enlargement of the church car park with amendments to its access.

The dwelling on Plot 1 would have a maximum width of 8.2 metres, depth of 11.4 metres and pitched roof height of 7.8 metres, with an eaves height of 4.1 metres.

The dwelling on Plot 2 would have a maximum width of 8.2 metres, depth of 12.1 metres and pitched roof height of 7.8 metres, with an eaves height of 4.1 metres.

Both properties would be served by a new access onto Churchside.

The re-ordering and enlargement of the church car park would see the car park being extended closer towards the boundary with Penfold Lane to allow for additional parking. The vehicular access will be re-located but will remain onto Featherbed Lane.

A Design & Access Statement, Transport Statement and Arboricultural Report have been submitted in support of the application.

RELEVANT PLANNING HISTORY

None on site, however the following are of relevance:

CH/2009/1864/FA - Erection of detached dwelling with new vehicular access (site located along Featherbed Lane, immediately opposite flank elevation of application site), conditional permission.

CH/2009/0769/FA - Erection of detached dwelling with new vehicular access (site located along Featherbed Lane, immediately opposite flank elevation of application site), conditional permission.

CH/2008/0726/FA - Redevelopment of site to provide two detached dwellings served by new vehicular access onto Featherbed Lane (site located along Featherbed Lane, immediately opposite flank elevation of application site), conditional permission (but not implemented).

CH/2005/1853/OA - Demolition of existing dwelling and redevelopment of site to provide two detached chalet style bungalows (site located further along Featherbed Lane). Application refused for the following reasons:

- The narrowness of the plots would result in the bungalows being uncharacteristically close to one another as well as the dwelling to the north. The layout would appear unduly cramped and at odds with the prevailing pattern of development, harming the character and appearance of the area
- The proposed development would result in an intensification of use of an existing access at a point where visibility is substandard and would lead to danger and inconvenience to the people using it

CH/2005/0679/OA - Two detached houses each with integral garage served by new vehicular access onto Featherbed Lane. Refused permission, dismissed at appeal

CH/2005/0713/OA: Three terraced houses served by altered vehicular access onto Featherbed Lane. Refused permission, dismissed at appeal.

The above two applications were co-joined at appeal and dealt with at the same site inspection. The Inspector concluded that visibility at the junction of Featherbed Lane and Penfold Lane is substandard. The development proposed under both schemes would generate more traffic than a residential use for a single dwelling and such an increase using a substandard access onto Penfold Lane would be detrimental to highway safety.

PARISH COUNCIL

The Parish Council raise objection to the proposal, their comments being repeated as follows: -

"Objections: The Design & Access Statement for the proposed development shows the location of the two proposed dwellings on Featherbed Lane. This is inaccurate as the plan clearly shows access via Churchside. Churchside is a private drive for 5 houses with insufficient width for more vehicle access and the developer has no legal right of way over this land. The residents of Churchside have not been consulted properly. The Parish Council also has concerns regarding extra traffic on Featherbed Lane, the subsequent access/egress into Penfold Lane and the vision splay."

REPRESENTATIONS

Eight letters of objection have been received which are summarised as follows:

- Concern regarding highway safety, particularly at the junction between Featherbed Lane and Penfold Lane
- Intensification of use of an existing access at a point where visibility is substandard
- Concern regarding the advice of the Highways Agency employed by the Applicant - conflicting advice with previous planning applications
- The site has already been sold by the Church so this is an attempt to win the public sympathy vote and appear as if it is the Church applying for the permission
- Concern that this application will allow for unlawful rights being granted across neighbouring properties
- Although the Church has shut, the Church centre/hall remains open and activities take place here - Design & Access Statement is misleading
- Unauthorised removal of trees on site
- Churchside is a private road and so access onto this road is out of the question
- Two cars cannot pass along Churchside
- A letter for Buckinghamshire County Council dated 21st April 1967 states that no more than 5 dwellings can be served off a private drive for all time and a 1974 application for two new dwellings along Churchside was refused for this reason
- Visibility from Churchside onto Featherbed Lane would be hugely reduced
- Inadequate parking and inadequate space for manoeuvrability of vehicles on site
- Increase in vehicles parking along Churchside
- Dwellings are out of keeping with the properties along Churchside
- Cramped development
- The Church car park is insufficient at 23 spaces and cannot cope with demand
- No mention of a traffic management plan
- Challenged ownership of the strip of land at Churchside
- Application for two new properties on Featherbed Lane (CH/2005/1853/OA) was refused for being unduly cramped and at odds with the prevailing pattern of development to the detriment of the character and appearance of the local area
- No allowance for a footpath
- Concern regarding the functioning of an existing soakaway serving the dwellings along Churchside
- Dwellings would have inadequate garden depths which are out of keeping with the other properties along Churchside
- Proposed dwellings should be flipped so that they face onto Featherbed Lane
- No details of the maintenance or resurfacing of the highway
- Lack of notification to all residents along Churchside

One letter stating no objection to the application has been received providing that the trees that remain on site are protected.

One letter has been received in support of the application stating that the planning application would result in the entrance to the car park being moved away from opposite Badgers Croft and that the new parking area

would reduce the current levels of dust. It is suggested that the erection of the proposed post and rail fence with native species hedging be included as a condition of planning approval.

CONSULTATIONS

Buckinghamshire County Highways Authority: Comments in respect of the revised plans are repeated as follows: -

'I note that the Highway Authority has provided previous comments for this application, which in a response dated 10th August 2018, the Highway Authority recommended refusal. The Highway Authority had concerns over the access width of Churchside, as well as visibility to the north of the junction between Churchside and Featherbed Lane and visibility to the east of the junction between Featherbed Lane and Penfold Lane. The Highway Authority has since received amended plans from the applicant, supported by an email from their highway engineer.

It was also noted that the application site boundary did not meet with publicly maintained highway. I can confirm that the amended plans now show the red line on the site location plan to demonstrate access onto Featherbed Lane.

With regards to the access width of Churchside, the Highway Authority had concerns that the width was too narrow for two vehicles to pass alongside each other. While I note that Mr McCaffery does point out that figure 7.1 in Manual for Streets demonstrates that two vehicles may be able to pass alongside each other on a road 4.1m in width, this does consider wing mirrors and would not allow vehicles to pass with ease. However, I note from the amended plans that the width has now been increased to 4.8m as requested and therefore overcomes the Highway Authority's previous concerns.

With regards to the visibility at the junction between Churchside and Featherbed Lane, the Highway Authority had concerns that the visibility splay to the north was substandard. Taking into consideration the narrow carriageway width and likely low vehicle speeds, the Highway Authority would deem the visibility splays achievable to be in line with the actual vehicle speeds of the road in this location.

Notwithstanding the above, the Highway Authority still has concerns regarding the visibility that is achievable to the east of the junction between Featherbed Lane and Penfold Lane. Despite improvements in visibility to the west that the applicants highway engineer makes reference to, where visibility is shown to be 43m; the amended plans still do not address the serious shortfall in visibility to the east where the visibility splay crosses land owned by a third party and does not form part of the publicly maintained highway. As mentioned in my previous comments, a fence has been erected which impedes visibility significantly. Therefore, the gain in visibility to the west which the Highway Authority does not dispute, simply cannot overcome or indeed outweigh the substandard visibility to the east of the junction.'

District Tree and Landscape Officer: 'The application includes an arboricultural report, including a Tree Protection Plan and an Arboricultural Method Statement.

There was extensive tree felling on the site over a weekend in September last year. This involved the removal of about five large Scots pines and a birch within the area of the proposed car park enlargement; two Scots pines and a Lawson cypress for the proposed change to the car park access; and a Leyland cypress hedge about 5m in height along with some roadside trees including birches along the boundary of the existing car park with Churchside.

The remaining trees on the site are along the boundaries of the proposed car park area. These include a line of Lawson cypresses on the Penfold Lane boundary, two Scots pines and two Lawson cypresses on the Featherbed Lane boundary, and an oak on the corner between the two. All of these trees are shown to be

retained within the proposal but the two Lawson cypresses on the Featherbed Lane boundary are in poor condition and could be removed to allow more space for the development of the pines.

The tree report proposes no-dig construction for the proposed car park, which would be appropriate.

Although I regret the extensive tree felling last year, the current proposal would not require any further tree loss so I would not object to the application provided there is adequate protection for the retained trees.'

Fire Brigade Access: The proposals as shown on the site plan are compliant with Requirement B5 of the Building Regulations for fire brigade access.

POLICIES

National Planning Policy Framework (NPPF), 2018.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies GC1, GC3, GC4, H3, H9, H11, H12, H18, CSF2, TR2, TR3, TR11 and TR16.

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

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

EVALUATION

Principle of development

1. The site is located within the built-up area of Holmer Green where, in accordance with Local Plan 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.
2. In addition, the spatial strategy for Chiltern District, in accordance with Policies CS1 and CS2 of the Core Strategy, is to focus development on land within existing settlements outside of the Green Belt and Area of Outstanding Natural Beauty.
3. Finally, the site is located on land which is associated with Christ Church. Local Plan Policy CSF2 states that within built-up areas excluded from the Green Belt, the Council will not allow any development which results in the loss of the community service or facility on the site unless a replacement building and/or land can be provided in an equally convenient location or it can be demonstrated to the satisfaction of the Council that the facility is no longer required for its existing use, or for any other community use. In this instance, although the proposed development would take place on land associated with the Church, the proposal would not involve the loss of any Church buildings/facilities and although some car parking spaces would be lost, it is proposed to extend the car park and to accommodate new spaces within the site. As such, no objection would be raised with regards to this aspect of the proposal and, in principle, the erection of residential dwellings on this part of the site could be acceptable, subject to complying with all the relevant Development Plan policies.

Design/character and appearance

4. The application site occupies a corner plot with a frontage onto Churchside and a side flank relationship with Featherbed Lane. The site is currently comprised of hardstanding used to accommodate car parking for Christ Church.

5. Churchside is a private road comprising five residential properties which are sited along the north side of the highway with one property at the turning head. The properties are detached, chalet bungalow in style and faced with yellow brick. The properties are sited in wide plots with dwelling Nos. 2, 4 and 6 having particularly deep plots also. In contrast, Featherbed Lane, which runs adjacent to the east side of the site, has a less uniform character with the detached properties varying in their appearance and facing materials. Along this road, there are larger properties, with full second storeys, although the arrangement of properties is more mixed and there is a less regimented pattern of development. Nonetheless, it is noted that directly adjacent to the proposed development site, along Featherbed Lane, planning permission was granted in 2009 for the erection of two detached, two storey dwellings. These properties are of a uniform appearance and comprise red facing bricks and flint panels. They are also sited much closer together in comparison to the other properties in the vicinity. Aside from this matching pair of dwellings, the other properties all have a more individual character.

6. It is proposed to erect two detached dwellings on the site which formerly comprised car parking for Christ Church. The siting is such that although the properties would face onto Churchside they would be located close to the junction with Featherbed Lane such that they are sited away from the properties along Churchside and indeed both dwellings would be sited forward of the front elevation of No. 2 Featherbed Lane also. It is considered that this siting would make the proposed development particularly prominent on the corner plot and it would introduce considerable bulk and built form where there is presently none. It is noted that both Churchside and the western side of Featherbed Lane are predominantly characterised by bungalows and chalet style bungalows as opposed to the properties along the eastern side of Featherbed Lane which comprise two-stories. Accordingly, the proposal would be introducing two, two storey properties which would exceed the height of the neighbouring property at No. 2 Featherbed Lane and they would appear considerably more dominant in comparison with the bungalows and chalet bungalows of Churchside. By introducing two storey buildings onto the immediate street scene of Churchside, the proposal would appear quite prominent and imposing in relation to the existing character of Churchside and the bungalow to the north, at No. 2 Featherbed Lane.

7. It is accepted that to the east of the site there are two, two storey-detached properties which are red brick and faced with flint panels and these dwellings would be similar to those that are proposed as part of this application. However, these dwellings are set back from Featherbed Lane unlike the proposed dwellings which would introduce a prominent flank elevation close to the boundary with Featherbed Lane. In addition, unlike the properties to the east of the development site, the application site would have a closer relationship in its siting to the properties of Churchside where properties are of a smaller scale. Furthermore, by virtue of the siting so close to the junction, the proposal would introduce two buildings which would appear particularly prominent in views along both Churchside and Featherbed Lane. Both dwellings would be sited entirely forward of No. 2 Featherbed Lane and given that the site is currently open, to accommodate car parking for the Church, the development would be very noticeable and prominent in views along Featherbed Lane as there would be no built form to shield it from either direction as one passes down the highway. Given that this part of Holmer Green has a relatively rural character which is emphasised by the lack of footpaths and less formal development pattern, it is considered that the visual prominence of the proposal with its siting forward of the Featherbed Lane build line and close to the junction with Churchside would detract from the character of the locality, to the detriment of the street scene, and contrary to Development Plan Policies GC1 and H3 of the Chiltern District Local Plan and Policy CS20 of the Core Strategy for the Chiltern District.

8. In terms of the alterations to the car park, given that much of the site is already laid to hardstanding, it is considered that this aspect of the proposal would be acceptable in terms of its impact on the wider street scene.

Residential amenity

9. The proposed dwellings would be sited sufficiently far enough away from the properties on Churchside so as not to have a detrimental impact on these properties' amenities. The dwellings would be located across the road to No. 2 Featherbed Lane and would have front elevations that face onto the front garden of this property. Given the separation between the proposed dwellings and No. 2 Featherbed Lane of some 22m, it is considered that the proposal would not appear overbearing to this property. In terms of intrusion, as the new dwellings would be sited forward of No. 2 Featherbed Lane and its rear amenity area, it too is considered that the proposal would not introduce overlooking into this neighbouring property or its rear garden. The proposal would also have a flank to front relationship with Drivers and Badgers Croft, but given this relationship and the distance between the proposed properties, it is considered that the proposal would have an acceptable relationship to these neighbours also.

10. The proposed dwellings would have a close relationship with Parsonage House but would be orientated so that whereas their front elevations face onto Churchside, it is the rear elevation of Parsonage House that faces onto Churchside. This means that the proposed dwellings are sited such that they would extend in depth beyond the front elevation of Parsonage House by approximately 4.2 metres at the closest elevation. Nonetheless, taking into account the separation distance between Dwelling 2 and Parsonage House which is 3 metres and the fact that no habitable room first floor windows are proposed in either Dwelling 1 or 2 (the two proposed first floor windows in each dwelling would serve non-habitable rooms and a condition requiring that they are opaquely glazed could be included should planning permission be granted), it is considered that the relationship between the proposed dwellings and Parsonage House would be acceptable.

11. In terms of private amenity space for the two dwellings, 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 garden lengths will be approximately 11 metres at the deepest part which is below the recommendation stated in Policy H12. However, given the close proximity of the proposal to The Common, a large area of public open space, it is considered that outdoor space provision is acceptable and no objection is raised in regards to the proposed garden sizes.

12. Adequate bin storage can also be accommodated within the curtilage of each proposed dwelling and the site benefits from existing waste collection routes.

13. A number of representations have made reference to the fact that Churchside is a private road and so the new dwellings would not have rights of access. Whilst this may be the case, this is a civil matter to be discussed by the parties involved and will not inform the planning consideration.

14. In respect of the proposed extension to/re-ordering of the Church car park, it is not considered that this would have a detrimental impact on any neighbouring amenities.

Parking/highway implications

15. The two dwellings would both exceed 120 square metres and so, in accordance with the provisions of Development Plan Policy TR16, three car parking spaces per dwelling are required. The site plan indicates that there will be hardstanding to the front of both dwellings with capacity to accommodate the required three spaces per dwelling. The County Highways Officer has confirmed that these spaces are of adequate dimensions and that the spaces would allow for vehicles to park, manoeuvre and leave the site in a forward

gear and so no objections are raised regarding the parking provision to be provided on site for the two residential dwellings.

16. The application also proposes alterations to the existing church car park. At present, the church car park can accommodate 20 car parking spaces and it is proposed that this will be increased to 23 spaces, to include 2 spaces to be designated for disabled parking. The Highways Officer has confirmed that the amended parking layout is acceptable and, as such, given that the proposal would see an increase of 3 spaces, no objections are raised regarding this aspect of the proposal and its impact on parking.

17. The proposal also seeks to provide a new access onto Churchside to serve the two proposed dwellings and a new access onto Featherbed Lane to serve the Church car park. The County Highways Engineer has raised concern regarding the junction between Featherbed Lane and Penfold Lane where visibility is substandard. Subsequently, based on their assessment, the Highways Engineer has recommended the application for refusal on the basis that the proposed development would result in an intensification of use of the existing junction between Featherbed Lane and Penfold Lane where visibility is substandard and so there would result in danger and inconvenience to highway users. Given that the wider visibility splays cannot be achieved as the land in which the visibility splay crosses is owned by a third party, and so cannot be guaranteed, it is considered that the highways objections could not be suitably overcome by way of conditions or amendments to this proposal.

18. It is noted that planning applications CH/2009/1864/FA and CH/2009/0769/FA, both for the erection of a new detached dwelling and associated vehicular access along Featherbed Lane, received conditional permission and for these applications the Highway Authority had no objections and did not condition visibility at the junction between Featherbed Lane and Penfold Lane. However, this was due to junction improvements that were partly implemented as part of a previous planning application, CH/2008/0726/FA, for a similar development of two dwellings on land to the rear of Featherbed Cottage. This application can only be assessed on the basis of the current highway situation, where there is a lack of adequate visibility to the east of junction between Featherbed Lane and Penfold Lane and given that the visibility splay are on private owned land and so cannot be guaranteed, it is not considered that this situation could be improved and so the proposal would be contrary to Policy TR2 of the Chiltern District Local Plan.

Trees

19. It is noted that there has been extensive tree felling on site, however this resulted in the loss of trees that were not protected by Tree Preservation Orders. An Arboricultural Report has been submitted as part of this application and this has been considered by the District Tree and Landscape Officer. It is concluded that as the current proposal would not require any further tree loss, the application would be acceptable in terms of its impact on the landscape providing adequate protection was secured for the remaining trees on site.

Sustainability and access

20. 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 sustainable location in the built-up area of Holmer Green which benefits from bus routes, local amenities and existing waste collection routes. As such, no objections are raised in respect of Core Strategy Policy CS4.

Affordable housing

21. 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.

Working with the applicant

In accordance with Chapter 4 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

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 The proposed development seeks to erect two, two-storey dwellings on a corner plot with a front elevation onto Churchside and flank elevation onto Featherbed Lane. The siting would be such that the proposed dwellings would be located away from the other residential properties fronting Churchside, and they would be sited forward of the front elevation of No. 2 Featherbed Lane also. This relationship would result in the proposed dwellings appearing visually prominent within the street scene. In addition, it is noted that both Churchside and the western side of Featherbed Lane are predominantly characterised by bungalows and chalet style bungalows which are smaller in scale than the proposed two storey dwellings. These factors will raise the prominence of the proposal in the streetscene by introducing considerable bulk and built form on an open corner where there is presently none. By introducing two storey buildings onto the immediate street scene of Churchside, the proposal would appear visually prominent and imposing in relation to the existing character of Churchside and the bungalow to the north, No. 2 Featherbed Lane. Accordingly, the proposal would be detrimental to the character and appearance of the locality, conflicting with Policies GC1 and H11 of The Chiltern 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.

2 The proposed development would result in an intensification of use of the existing junction between Featherbed Lane and Penfold Lane where visibility is substandard and would lead to danger and inconvenience to people using it and to highway users in general. The development is therefore contrary to saved policy TR2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011, the National Planning Policy Framework and the aims of Buckinghamshire's Local Transport Plan 4 and the Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).

The End